

TABLE OF CONTENTS

ORDINANCE
No. 408

ARTICLE I: PURPOSE, AUTHORITY, JURISDICTION 1

ARTICLE II: DEFINITIONS 2

ARTICLE III: ZONING MAP 6

ARTICLE IV: DISTRICT REGULATIONS 7

ARTICLE V: GENERAL PROVISIONS 11

ARTICLE VI: NON-CONFORMITIES 16

ARTICLE VII: ADMINISTRATION AND ENFORCEMENT 18

ARTICLE VIII: LEGAL PROVISION 23

ZONING ORDINANCE
Town of Mt. Olive, Mississippi

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE TOWN OF MT. OLIVE, MISSISSIPPI, TO REGULATE THE SIZE OF YARDS AND OPEN SPACES, DENSITY AND DISTRIBUTION OF POPULATION, AND THE USES OF BUILDINGS, STRUCTURES, AND LANDS; AND PRESCRIBING PROCEDURES FOR THE ADMINISTRATION, ENFORCEMENT, AND APPEAL OF REGULATIONS CONTAINED HEREIN.

ARTICLE I
PURPOSE, AUTHORITY, JURISDICTION

SECTION 100. Enactment

WHEREAS, the Mayor and Board of Aldermen deem it necessary for the purpose of promoting the health, safety, morals, and general welfare of the Town of Mt. Olive to enact such an Ordinance, and

WHEREAS, all requirements of Title 17, Chapter 1 of the State of Mississippi Code of 1972, empowered the Town to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment;

Now it shall be ordained by the Mayor and Board of Aldermen of the Town of Mt. Olive, Mississippi:

SECTION 101. Title

This Ordinance shall be known, referred to and cited as the Zoning Ordinance of Mt. Olive, Mississippi.

SECTION 102. Purpose

This Ordinance has been prepared in accordance with a Comprehensive Plan and is enacted to promote the general welfare of the citizens of Mt. Olive. Specifically, this Ordinance is designed to:

- 102.01 Lessen congestion in the streets
- 102.02 Secure safety from fire, panic, and other dangers
- 102.03 Provide adequate light and air
- 102.04 Prevent overcrowding of land and mixing of land uses
- 102.05 Facilitate the provision of transportation, public utilities, and community facilities.

The regulations contained herein have been made with reasonable consideration, among other things, to the character of the zoning district and its suitability for particular uses and with the intention of conserving the values of buildings and encouraging the appropriate use of land throughout the Town.

SECTION 103. Authority

The provisions set forth in this Ordinance have been prepared in accordance with the authority in Title 17, Chapter 1 of the Mississippi Code of 1972.

SECTION 104. Jurisdiction

The jurisdiction of these regulations shall include all land in the Corporate Limits. These regulations shall also apply to any land added to the Corporate area after such land shall have been legally annexed.

ARTICLE II
DEFINITIONS

SECTION 200. Interpretation

In interpreting and applying the provisions of this Ordinance, the said provisions shall be held to the minimum requirements for promotion of public safety, health, and general welfare.

SECTION 201. Validity

If, for any reason, one or more articles, sections, or sub-sections of this Ordinance are held invalid or unconstitutional, such judgement shall not affect, invalidate or prejudice the remaining provisions of this Ordinance.

SECTION 202. Meaning of Words and Terms

For the purpose of this Ordinance certain words and terms shall be defined as follows:

Words used in the singular shall include the plural, words used in the present tense will include the future, the word "person" includes a firm or corporation as well as an individual, the word "lot" includes the word plot or parcel, the term "shall" is always mandatory and the word "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

- 202.01 **Accessory Building or Use** Any building or use which is subordinate or incidental to the main building or use of a lot.
- 202.02 **Administrative Officer** A person or persons designated by the Mayor and the Board of Aldermen, Mt. Olive, Mississippi, to administer this Ordinance.
- 202.03 **Agricultural Livestock** Any animal normally considered to be a farm animal. This includes, but is not limited to: cows, horses, mules, pigs, hogs, goats, ducks, geese, chickens, and catfish.
- 202.04 **Alley** Any public right of way which offers a secondary means of access for properties.
- 202.05 **Apartment** A room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there are three or more such rooms or suites.
- 202.06 **Apartment House** See Dwelling, Multiple.
- 202.07 **Boarding House** A building other than a hotel where, for compensation and by arrangement, meals or lodging and meals are provided for three or more persons.
- 202.08 **Building** Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind.
- 202.09 **Building, Height Of** The verticle distance from the grade to the highest point of the coping of the flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
- 202.10 **Conforming Use** Any lawful use of a building or lot which complies with the provisions of this Ordinance.
- 202.11 **District** A section or sections of the Town of Mt. Olive for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.
- 202.12 **Dwelling**. Any building or portion thereof which is designed for or used exclusively for residential purposes.
- 202.13 **Dwelling, Single-Family** A building designed for or occupied by one family excluding mobile homes.

- 202.14 Dwelling, Two-Family A building designed for or occupied exclusively by two families.
- 202.15 Dwelling, Multi-Family A building designed for or occupied exclusively by more than two families.
- 202.16 Family A group of one or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel as herein defined.
- 202.17 Filling Station or Service Station Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication or automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray painting.
- 202.18 Flood Hazard Boundary Map An official map or plot of a community issued or approved by the Federal Insurance Administrator on which the boundaries of the flood-prone areas having special hazards have been drawn.
- 202.19 Flood, 100 Year The highest level of flooding that, on the average, is likely to occur once every hundred (100) years (ie., that has a one (1) percent chance of occurring each year).
- 202.20 Flood-proofing Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.
- 202.21 Frontage All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
- 202.22 Garage, Private An accessory building designated or used for the storage of not more than four motor driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle of not more than two-ton capacity.
- 202.23 Garage, Public A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.
- 202.24 Garage, Storing or Parking A building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and within which motor fuels and oils may be sold, but no motor-driven vehicles are equipped, repaired, hired or sold.
- 202.25 Home Occupation Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on wholly within a main building by a member of a family residing on the premises in connection with which there is no advertising other than an identification sign of not more than one square foot in area and no other display or storage of materials or exterior identification of the home occupation or variation from the residential character of the main building or accessory building, and in connection with which no person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odor, heat or glare. A home occupation shall not include the conducting of a tea room or restaurant, rest home, clinic, doctor or dentist office, tourist home, cabinet, metal or auto repair shop.

- 202.26 Hotel A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public as opposed to a boarding house, a lodging house, or an apartment which is herein separately defined.
- 202.27 Institution A building occupied by a non-profit corporation or a non-profit establishment for public use.
- 202.28 Junk Yard, Open Storage. An open area where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, parked, disassembled or handled; including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.
- 202.29 Kennel Any building, lot, or premises on, or in which four (4) or more dogs, cats, or similar pets (at least eight weeks of age) are kept. Any building, lot or premises where dogs, cats, or similar pets are housed or accepted for boarding, for which remuneration is received.
- 202.30 Lot A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory buildings, the open spaces and parking spaces required by the Zoning Ordinance, and having its principal frontage upon a street or upon an officially approved plot.
- 202.31 Lot, Corner A lot abutting upon two or more streets at their intersection.
- 202.32 Lot, Double Frontage. A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.
- 202.33 Lot of Record A lot which is part of a subdivision, the map of which has been recorded in the records of the Chancery Clerk of the County, or a parcel of land, the deed of which was recorded in the records of the Chancery Clerk of the County prior to the adoption of this Ordinance.
- 203.34 Major Thoroughfare Plan. The long-range Major Thoroughfare Plan as adopted by the Planning Commission.
- 203.35 Main Building The building which occupies the primary use of the lot.
- 203.36 Mobile Home A dwelling unit that has the following characteristics:
 - 203.36-01 Designed for long-term occupancy containing sleeping accommodations, flush toilet, tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
 - 203.36-02 Designed to be transported after fabrication on its own wheels, flat bed, other trailer or detachable wheels.
 - 202.36-03 Arrives at site where it is to be occupied as a dwelling unit complete with major appliances and furniture and ready for occupancy except for minor and incidental unpacking and assembly operation, location on foundation supports, connection to utilities, and the like.
- 202.37 Mobile Home Park Any parcel of land improved for the placing of mobile homes consisting of two or more acres upon which two or more mobile homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation. A mobile home space means the area within a mobile home park designed for the accommodation of one mobile home. All mobile home parks shall meet the provisions in Section 503.

- 202.38 **Nonconformity** A lawful condition of a structure or land, at the time of adoption of this Ordinance, which does not conform to the regulations of the district in which it is situated. This may include, but is not limited to, failure to conform to use, height, area, coverage, or off-street parking requirements.
- 202.39 **Nonconforming Use** A structure or land, at the time of adoption of this Ordinance, which was lawfully occupied by a use that does not conform to the regulations of the district in which it is located.
- 202.40 **Office Building** A building designed for or used as offices for professional, commercial, industrial, religious, public, or semi-public, persons, or organizations, providing no produce is sold on the premises.
- 202.41 **Open Storage** See Junk Yard.
- 202.42 **Planning Commission** The official planning and zoning body of the Town of Mt. Olive, Mississippi. The Mayor and Board of Aldermen may serve as this functioning body.
- 202.43 **Premises** Land together with structure or structures occupying it.
- 202.44 **Public Facility** A facility owned and used by the Town, County, State, and/or Federal Governments.
- 202.45 **Story** That portion of a building between the surface of a floor and the ceiling immediately above.
- 202.46 **Street** A public right of way which affords a primary means of access to lots.
- 202.47 **Street Line** Public right of way line of a street.
- 202.48 **Structure** Any type of construction which requires a permanent location.
- 202.49 **Structural Alteration** Any change in the supporting members of a building, such as bearing walls, or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.
- 202.50 **Substantial Improvement** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored.
- 202.51 **Variance** A modification from the literal provisions of this Ordinance in cases where a literal enforcement of its provisions would result in unnecessary hardship due to circumstances unique to the individual property or use for which the variance is granted.
- 202.52 **Yard** Open space on a building lot unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In determining yard widths and depths, the minimum horizontal distance between the building and the respective property line, easement, or right of way line shall be used.
- 202.53 **Yard, Front** That area of a yard which extends along the entire length of the front line, within the two side lines and the minimum horizontal distance between the street right of way line and building.
- 202.54 **Yard, Side** That area of a yard which extends along the entire side lot lines between the front and rear lot lines and the minimum horizontal distance between the side lot line and the building.
- 202.55 **Yard, Rear** That area of a yard which extends along the entire length of the rear lot line within the two side lot lines, and the minimum horizontal distance between the rear lot line and the building.

ARTICLE III ZONING MAP

SECTION 300. Location

The town is hereby divided into districts as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Clerk, and bearing the seal of the Town under the following words: "This is to certify that this is the Official Zoning Map referred to in Article III of the Ordinance Number of the Town of Mt. Olive, Mississippi", together with the date of the adoption of this Ordinance.

If, in accordance with the provisions of this ordinance and the Mississippi State Statutes, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map, after the amendment has been approved by the Mayor and Board of Aldermen, with an entry (signed by the Mayor and attested by the Town Clerk) made in the column headings: LOCATION, CHANGE FROM, TO, APPROVED, ATTESTED, and DATE. No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 704.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Office of the Town Clerk shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the Town.

SECTION 301. Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Mayor and Board of Aldermen may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Clerk, and bearing the seal of the Town under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of Adoption of map being replaced) as part of Ordinance No. _____ of the Town of Mt. Olive, Mississippi".

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 302. Interpretation

Where uncertainty exists with respect to the boundaries of the zoning districts as shown on the Zoning Map, the following rules shall apply:

- 302.01 The Zoning district boundaries shall be streets or alleys unless otherwise shown. Where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by street or alley lines, the centerline of the street or alley shall be construed to be the boundary of the district.

- 302.02 Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the zoning district boundaries shall be construed to be the lot lines, where the districts designated on the Zoning Map are bounded approximately by the lot lines.
- 302.03 Where zoning district boundaries appear to follow a physical feature on the ground, such as a river or stream, then the zoning boundary shall be the center line of the feature.
- 302.04 In unsubdivided property, the zoning district boundary lines on the Zoning Map accompanying and made a part of the Ordinance shall be determined by the use of the scale appearing on the Zoning Map.

**ARTICLE IV
DISTRICT REGULATIONS**

SECTION 400. Zoning Districts

For the purposes of this Ordinance the Town of Mt. Olive, Mississippi, is divided into the following districts:

- R-1 Low Density Residential District
- R-2 High Density Residential District
- C-1 Central Business District
- C-2 Highway Commercial District
- I Industrial District
- F Flood Plain District

SECTION 401. R-1 — Low Density Residential District

- 401.01 District Description. The District is the most restrictive residential district and is created primarily for single-family residential units on larger lots with certain associated uses.
- 401.02 Permitted Uses.
 - 401.02-01 Single-family Dwellings.
 - 401.02-02 Accessory buildings customary, incidental and subordinate to the uses of the main buildings.
 - 401.02-03 Churches — provided there is no building within 20 feet of another lot in a residential district, and there is a front yard setback of at least 40 feet.
 - 401.02-04 Home occupations — which met the provisions of Section 202.25.
 - 401.02-05 Public parks and playgrounds.
 - 401.02-06 Public buildings, facilities and utilities.
 - 401.02-07 Hospitals — provided that buildings are located not less than 100 feet from any lot in a residential district.
- 401.03 Sign Restrictions
 - 402.03-01 One bulletin board not over 15 square feet in area for churches, schools, public and semi-public institutions.
 - 402.03-02 One temporary real estate sign not exceeding 9 square feet in area which advertise the sale, rental or lease of the premises that are being advertised.

- 402.03-03 Signs of public service companies which provide aid to service or warning of danger.
- 402.03-04 One temporary unlighted sign not exceeding 50 square feet in a real estate development containing at least 5 lots.
- 402.03-05 Signs for home occupations as defined in Section 202.25.
- 401.04 Parking Regulations. Off-street parking space shall be provided in accordance with the requirements set forth in Section 504 of this Ordinance.
- 401.05 Dimensional Requirements. Minimum width, depth, lot size and coverage shall be provided in accordance with the requirements set forth in Section 505 of this Ordinance.
- SECTION 402. R-2 — High Density Residential District
 - 402.01 District Description. This district permits a higher density of single family residential areas.
 - 402.02 Permitted Uses.
 - 402.02-01 All uses and buildings permitted in the R-1 district.
 - 402.02-02 All multi-family residential dwellings.
 - 402.02-03 Rooming and boarding housing.
 - 402.02-04 Mobile homes on single lots and mobile home parks — provided all requirements in Sections 502 and 503 are met.
 - 402.03 Sign Restrictions. Any sign permitted in the R-1 district.
 - 402.04 Parking Regulations. Off-street parking space shall be provided in accordance with the requirements set forth in Section 504 of this Ordinance.
 - 402.05 Dimensional Requirements. Minimum width, depth, lot size and coverage shall be provided in accordance with the requirements set forth in Section 505 of this Ordinance.
- SECTION 403. C-1 — Central Business District
 - 403.01 District Description. This District provides for a central retail commercial area within the Town offering a wide range of services.
 - 403.02 Permitted Uses
 - 403.02-01 Retail and service outlets, such as furniture and appliance stores, department stores, grocery stores, dry cleaning shops, repair shops, variety stores, barber shops, beauty salons and similar establishments.
 - 403.02-02 Medical clinics.
 - 403.02-03 Recreation or entertainment enterprises when they are inside an enclosed building.
 - 403.02-04 Restaurants.
 - 403.02-05 Public buildings, facilities and utilities.
 - 403.02-06 Offices such as insurance, real estate and lawyers.
 - 403.02-07 Banks and financial institutions.
 - 403.02-08 Printing and publishing, provided all activities are enclosed.
 - 403.02-09 Hotels or motels.

403.02-10 Service stations and garages.

403.02-11 Other similar uses, as determined by the Mayor and Board of Aldermen.

403.03 Sign Restrictions. Overhead and/or projecting signs suspended from any building shall be placed not less than twelve (12) feet above the finished grade of the sidewalk. No sign projecting or suspended from any building shall contain more than thirty-six (36) square feet in area and designed as an integral part of the building may be permitted if approved by the Mayor and Board of Aldermen. The total area of all signs for any one establishment shall not exceed sixty-four (64) square feet.

No sign or other outdoor advertising device shall be erected or continued which constitutes a nuisance because of light, glare, noise, flashing, animation, or distraction it creates. No illuminated sign shall be of such intensity as to constitute a nuisance to the residents of adjacent residential districts.

403.04 Parking Regulations. Off-street parking space shall be provided in accordance with the requirements set forth in Section 504 of this Ordinance.

403.05 Dimensional Requirements. Minimum width, depth, lot size, and coverage shall be provided in accordance with the requirements set forth in Section 505 of this Ordinance.

SECTION 404. C-2 — Highway Commercial District

404.01 District Description. This district provides for an automobile oriented commercial area providing a wide variety of business services and retail outlets. Such Districts usually generate heavy traffic and require parking, paving and buildings setback provisions.

404.02 Permitted Uses

404.02-01 All uses and buildings permitted in District C-1.

404.02-02 Drive-in restaurants.

404.02-03 Drive-in theaters.

404.02-04 Funeral Homes and morticians.

404.02-05 Animal hospitals and kennels.

404.02-06 Nurseries and greenhouses.

404.02-07 Wholesale and warehousing businesses.

404.03 Sign Restrictions. Any sign permitted in the C-1 District.

404.04 Parking Regulations. Off-street parking space shall be provided in accordance with the requirements set forth in Section 504 of this Ordinance.

404.05 Dimensional Requirements. Minimum width, depth, lot size and coverage shall be provided in accordance with the requirements set forth in Section 505 of this Ordinance.

SECTION 405. I — Industrial District

This District is created for use in those areas of the community where it is desirable to locate industry which has a minimum of noxious effects on the surrounding area.

The following uses shall be permitted provided that they, in the judgement of the Mayor and Board of Aldermen, are not excessively noxious or offensive to neighboring uses by reason of the emission of dust, gas, smoke, noise, fumes, glare, odors, vibrations, or fire hazards.

- 405.01 Permitted Uses.
 - 405.01-01 Any industrial, manufacturing or processing operation which is not prohibited in Section 506.
 - 405.01-02 Wholesale and warehousing establishments.
 - 405.01-03 Freighting and trucking yards or terminals.
 - 405.01-04 Lumber yards.
- 405.02 Sign Restrictions. Any sign permitted in the C-1 District.
- 405.03 Parking Regulations. Off-street parking space shall be provided in accordance with the requirements set forth in Section 504 of this Ordinance.
- 405.04 Dimensional Requirements. Minimum width, depth, lot size and coverage shall be provided in accordance with the requirements set forth in Section 505 of this Ordinance.

SECTION 406 A-1 General Agriculture District

- 406.01 District Description This District provides areas for agricultural and horticultural uses. It is the purpose of this District to encourage and protect such uses from urbanization until such is warranted.
- 406.02 Permitted Uses
 - 406.02-01 Cultivation of field and truck crops
 - 406.02-02 Orchards and vineyards
 - 406.02-03 Pasturing and grazing
 - 406.02-04 Timber resource production
 - 406.02-05 Greenhouses, nurseries and arboretums
 - 406.02-06 Barns, dry-feed storage facilities, sheds, and warehouses normally considered as necessary to the allowable agricultural uses.
 - 406.02-07 Public recreation and open space.
 - 406.02-08 Single-family residential dwellings and their customary accessory uses provided they shall be located on a parcel or tract of land having not less than one (1) acre in area.
- 406.03 Sign Restrictions Any sign permitted in the C-1 District.
- 406.04 Dimensional Requirements Minimum width and depth of front, rear, and side yards; lot size; and width at setback line shall be provided in accordance with the requirements set forth in Section 505 of this Ordinance.

SECTION 407. FP — Flood Plain District

- 407.01 District Description. The FP — Flood Plain District is hereby created in order to permit certain nonintensive uses in areas which are subject to periodic flooding and to protect such areas from other types of development except where adequate assurance is given that the development will be protected from flooding. The regulations hereinafter set forth in this section shall apply to the property located in this District. District boundaries will be delineated by the Federal Insurance Administrator on the Flood Insurance Rate Map, along with water surface elevations for the one hundred (100) year flood which will be used to determine to what level

10/2/02

structures will be elevated or flood-proofed. After the Flood Plain District is delineated, it will be superimposed on the other Districts and indicated on the Official Zoning Map. Such regulations qualify or supplement, as the case may be, the regulations of the "R-1", "R-2", "C-1", "C-2", "I", District in which such property is located.

407.02

Permitted Uses.

- 407.02-01 Structures or uses in conformity with the "R-1", "R-2", "C-1", "C-2", "I", District in which they are located, provided new construction or substantial improvements or residential or nonresidential structures within the Flood Plain District shall have the lowest floor (including basement) elevated to or above the level of the one hundred (100) year flood.
- 407.02-02 Public parks and public recreation facilities.
- 407.02-03 Plant nurseries, field crops, truck gardening, and raising of livestock such as horses and cattle, but not including the business of dealing or trading in livestock or the operation of commercial feeding or fattening lots or pens. This is provided that the premises are located in a District where the use regulations permit such structures and uses, and only to the extent permitted by such use regulations.
- 407.02-04 Temporary accessory buildings and uses customarily incidental to the above permitted uses.
- 407.02-05 Advertising and business signs and roadside stand but only if premises are located in a District where the use regulations permit such structures and uses, and only to the extent permitted by such use regulations.

407.03

The following uses may be permitted only if expressly authorized by the Mayor and Board of Aldermen and subject to any limitations and restrictions authorized by the Federal Insurance Administrator:

- 407.03-01 Nonresidential structures in conformity with the "R-1", "R-2", "C-1", "C-2", "I", District in which they are located, provided that such structures, together with attendant utility and sanitary facilities, are flood-proofed up to the level of the one hundred (100) year flood.

407.04

Disclaimer of Liability.

- 407.04-01 The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that areas outside the Flood Plain District or land uses permitted within the District will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Mt. Olive, or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administration decision lawfully made thereunder.

ARTICLE V GENERAL PROVISIONS

SECTION 500. Required Compliance

500.01

No land shall be used except for a purpose permitted in the zoning district in which it is located.

- 500.02 No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the zoning district in which such building is located.
- 500.03 The minimum yards, parking spaces, and open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this Ordinance for the zoning district in which such lot is located.
- 500.04 Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as specifically provided hereinafter.
- 500.05 In residential zoning districts, fences not in excess of seven (7) feet in height may be built, provided there is no visual impairment at intersections.
- 500.06 Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than one principal building and its customary accessory buildings on any lot; except in the case of a specially designed complex of institutional, residential, commercial or industrial buildings in an appropriate zoning district, i.e., school campus, cluster housing, shopping center, industrial park, and so forth.
- 500.07 In no case shall an accessory building be located in a "front yard" or "side yard" as defined by this Ordinance.
- 500.08 No accessory building shall be constructed upon a lot until the construction of the principal building is completed and ready for use.
- 500.09 No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein, except for street widening. Yards or lots, created after the effective date of this Ordinance, shall meet at least the minimum requirements established by this Ordinance.
- 500.10 On a corner in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision at the intersecting streets.
- 500.11 Automotive vehicles of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
- 500.12 Outside storage of equipment or materials used in conjunction with commercial or industrial activities shall be prohibited on any residentially zoned property.
- 500.13 Electrical transformer stations, gas regulator stations, sewage and water treatment plants and pumping stations, and standpipes for public water supply shall be permitted in any district provided that the location of the facility in any residential district shall comply with the following requirements:
- 500.13-01 The facility shall be essential to the immediate area or for the proper functioning of the total utility system of which the above element is a part.
- 500.13-02 All buildings or structures, except enclosing fences, shall be set back at least fifty (50) feet from all property lines.
- 500.13-03 The facility shall be enclosed by a protective fence at at least 8 feet in height.

- 500.13-04 All open spaces on the premises shall be suitably landscaped and maintained.
- 500.13-05 Storage of vehicles and equipment on the premises shall be prohibited.
- 500.13-06 The surrounding area shall not be adversely affected, but shall be protected from noise, odor, glare, dust, fumes, gas, smoke, and vibration by such suitable means and condition as the Planning Commission and the Mayor and Board of Aldermen may specify.

SECTION 501. Annexation

All territory which may hereafter be annexed to the Town of Mt. Olive, Mississippi, shall be classified as an R-1, Low Density Residential District unless the Mayor and Board of Aldermen rezone it to another district or combination of districts at the time of annexation.

SECTION 502. Mobile Homes on Single Lots

No mobile homes shall be located on single lots within the Town of Mt. Olive, Mississippi, after the adoption of this Ordinance, unless the following requirements are met, or in an approved mobile home park.

- 502.01 Each mobile home on single lots must be connected to municipal water and sewerage systems if available.
- 502.02 All mobile homes shall be securely anchored to the ground by an anchoring system which is approved by the Mississippi State Insurance Commission.

SECTION 503. Mobile Home Parks

No mobile home park shall be located within the Town of Mt. Olive, Mississippi, after the adoption of this Ordinance, unless in an approved mobile home park.

- 503.01 Design Standards. All mobile home parks must meet the following design standards:
 - 503.01-01 A mobile home park shall be not less than 1 acre in total area.
 - 503.01-02 Each mobile home in a mobile home park shall occupy a designated space having at least 3,500 square feet of lot area.
 - 503.01-03 Each mobile home space shall have a width of at least 40 feet, exclusive of common driveways.
 - 503.01-04 Each mobile home space shall abut a driveway within the park. Said driveways shall be graded and surfaced with not less than 4 inches of crushed stone or other suitable material on a well-compacted subbase to a continuous width of 25 feet, exclusive of required parking spaces.
 - 503.01-05 Two off-driveway parking spaces with not less than 4 inches of crushed stone or other suitable material on a well-compacted subbase shall be provided for each mobile home space. Required parking spaces may be included within the 3,500 square feet required for each mobile home space.
 - 503.01-06 At least 150 square feet of recreational space for each mobile home space shall be reserved within each mobile home park, as common recreation space for the residents of the park. Such areas shall, along with driveways and walkways, be adequately lighted for safety.
 - 503.01-07 No mobile homes or other structures within a mobile home park shall be closer to each other than 25 feet, except that storage or other

- auxiliary structures for the exclusive use of the mobile home may be no closer to another mobile home than 17 feet.
- 503.01-08 No mobile home shall be located closer than 30 feet to the exterior boundary of the park of a bounding street right-of-way. Buildings used for laundry or recreational purposes shall be located no closer than 40 feet to the exterior boundary or the right-of-way of a bounding street.
- 503.01-09 The mobile home park and all occupied units located in it must be connected to the municipal water and sewerage systems, if available.
- 503.01-10 A densely planted buffer strip, consisting of trees, shrubs, and other plantings at least 5 feet in height, shall be provided along all rear and side property lines of the park. A 5 foot solid fence may be substituted.
- 503.01-11 All mobile homes shall be securely anchored to the ground by an anchoring system which is approved by the Mississippi State Insurance Commission.
- 503.01-12 Adequate lighting for nighttime use shall be provided within the mobile home park.
- 503.01-13 Any expansion of mobile home parks in existence on the effective date of this Ordinance shall comply with the provisions of this Ordinance.
- 503.02 Plans clearly indicating the developer's intention to comply with the provisions of this Section shall be submitted to and approved by the Planning Commission. Such plans must be drawn to a scale of not less than 1"=50' by a registered engineer, or registered land surveyor. Such plans must show the area to be used for the proposed mobile home park; the ownership and use of neighboring properties; all proposed entrances, exits, driveways, walkways, and off-street parking spaces; the location of mobile home spaces, recreational areas and service buildings; the location of sanitary conveniences including toilets, laundries, and refuse receptacles; the proposed plan of water supply, sewage disposal and electric lighting. The Planning Commission shall have the authority to impose such reasonable conditions and safeguards on the proposed development as it deems necessary for the protection of adjoining properties and the public interest.

SECTION 504. Required Off-Street Parking

In all zoning districts except C-1, sufficient off-street parking spaces shall be provided to accomplish the purpose of this Ordinance, unless other specified parking spaces shall be located on the lot on which the principal use is located. The minimum number of required spaces shall be according to the following criteria:

- 504.01 Single-Family Dwellings. Two parking spaces per unit.
- 504.02 Multi-Family Dwellings. Two parking spaces per unit.
- 504.03 Churches. One space for each 6 seats in principal place of assembly.
- 504.04 Home Occupations. Three spaces in addition to residential requirements.
- 504.05 Public Facilities
- 504.05-01 In schools, one space for each staff member and employee. In the case of secondary schools, one additional parking space for each 8 students in grades 9-12, shall be provided.

- 504.05-02 In community centers, libraries, galleries and museums, 10 parking spaces and 1 additional parking space for each 300 square feet of floor area.
- 504.06 Hospitals. One parking space for each employee and one additional parking space for each four patient beds.
- 504.07 Golf Courses. Forty parking spaces.
- 504.08 Restaurant, Cafe, Night Club or Similar Establishments. One parking space for every 2 employees and one additional space for each 100 square feet of gross floor area.
- 504.09 Office Buildings, Banks and Similar Institutions. One parking space for each 200 square feet of gross floor area.
- 504.10 Retail Business and Service Establishments. One space for each company vehicle and one space for each 200 square feet of gross floor area.
- 504.11 Motels, Hotels and Lodging Houses. One parking space for each employee and one parking space for each rental unit.
- 504.12 Wholesale Establishments. One parking space per two employees.
- 504.13 Manufacturing, Industrial or Processing. One parking space for each employee on the largest shift and one space for each company vehicle.
- 504.14 Theaters. One parking space for every two seats.
- 504.15 Funeral Homes. One parking space for every 50 square feet of gross floor area.

SECTION 505. District Dimensional Requirements

Minimum requirements within the various districts shall be observed as shown in the following units.

District	Depth of Front Yard In Feet	Depth of Side Yard In Feet	Depth of Rear Yard In Feet	Lot Size In Square Feet	Minimum Lot Width At Setback Line
R-1	25	10	20	10,000	80
R-2	25	5	20	7,500(1)	60
C-1	None	None(2)	None(2)	None	None
C-2	35	10(3)	25(3)	None	None
I	40	20(3)	30(3)	None	None
A-1	None	None	None	None	None
FP	None	None	None	None	None

- (1) 7,500 square feet for first dwelling unit and 3,500 for each additional unit.
- (2) 20 feet is required when lot is abutting a residential district.
- (3) 40 feet is required when lot is abutting a residential district.

SECTION 506. Prohibited Uses

Within the Town of Mt. Olive, Mississippi, no land, lot, place or structure may be used for any of the following specific uses:

- 506.01 Storage or manufacture of explosives.
- 506.02 Smelting, quarrying, mining or petroleum production.
- 506.03 Acid manufacture or storage.

- 506.04 Distillation of bones.
- 506.05 Slaughter houses.
- 506.06 Confinement feeding operations of agricultural livestock.
- 506.07 Glue manufacturing.
- 506.08 Storage, curing, or tanning of rawhides or skins.
- 506.09 Stockyards.
- 506.10 Any similar use that would be hazardous to the public health, safety and welfare.

**ARTICLE VI
NON-CONFORMITIES**

SECTION 600. General Regulations Affecting Non-Conformities

Within the districts established by this Ordinance or by amendments that may later be adopted, there exist lots, premises, structures, and uses of land which were lawful before this Ordinance was effective or amended, but which would be prohibited, regulated, or restricted under the provisions of this Ordinance of future amendment.

The following regulations apply to all non-conformities:

- 600.01 It is the intent of this Ordinance to permit these non-conformities to continue until they are removed (except as otherwise herein provided), but not to encourage their survival. Such non-conformities are declared by this Ordinance to be incompatible with the permitted structures and uses of land and structures in the districts involved. It is further the intent of this Ordinance that such non-conformities shall not be enlarged upon, expanded, or extended, except as provided for herein, nor to be used as ground for adding other structures or uses prohibited elsewhere in the district.
- 600.02 A non-conforming use of land, premises, or structures shall not be enlarged upon, expanded, or extended after the effective date of this Ordinance.
- 600.03 If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- 600.04 A non-conforming use or a non-conforming building or structure which is non-conforming only because of failure to provide required off-street parking spaces or loading berths shall have all the rights of a conforming use or structure.

SECTION 601. Non-Conforming Uses of Land

Where, on the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that it no longer permissible under the regulations and standards of this Ordinance as adopted, or amended, such use may be continued so long as it remains otherwise lawfully subject to the following provisions:

- 601.01 No such non-conforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance.
- 601.02 No such non-conforming use of land shall be moved in whole or in part to any other portion of the lot or tract of land occupied on the effective date of adoption or amendment of this Ordinance.

601.03 If any such non-conforming use of land ceases for any reason for a period of more than 6 consecutive months, any subsequent use of such land shall conform to the restrictions and standards set by this Ordinance for the district in which such land is located.

601.04 A non-conforming use of land shall not be changed to any other use, except to a use permitted in the district in which the land is located.

SECTION 602. Non-Conforming Structures

Where, on the effective date of adoption or amendment of this Ordinance, a lawful structure exists that could not be built under the regulations and standards of this Ordinance as adopted or amended, by reasons of restrictions on lot area, lot coverage, floor area ratio, heights, yards, spacing between buildings, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains lawfully subject to the following provisions:

602.01 No such structures may be enlarged or altered in a way which increases its non-conformity. On a non-conforming structure, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not to exceed 10 percent of the then current replacement value of the structure, provided that the volume of such building or the size of such structure as it existed at the effective date of adoption, or amendment of this Ordinance shall not be increased.

602.02 Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

602.03 Should any such structure be moved for any reason, for any distance whatever, it shall thereafter conform to the regulations and standards for the district in which it is located, after it is moved.

SECTION 603. Non-Conforming Uses of Structures

Where, on the effective date of adoption or amendment of this Ordinance, a lawful use of a structure, or a premises, exists that is no longer permissible under the regulations and standards of this Ordinance as adopted or amended, such use may be continued so long as it remains otherwise lawfully subject to the following provisions:

603.01 No existing building or structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or altered except in changing the use of such building or structure to a use permitted in the district in which it is located. On a structure devoted to a non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not to exceed 10 percent of the then current replacement value of the structure, provided that the volume of such building or the size of such structure as it existed at the effective date of adoption or amendment of this Ordinance shall not be increased.

603.02 Any non-conforming use may be extended throughout any parts of the building or structure which were manifestly arranged or designed for such use at the effective date of adoption or amendment of this Ordinance, but no such use shall be extended to occupy land outside of such building or structure.

603.03 If no structural alterations are made, any non-conforming use of a building or structure, or of any premises, may be changed to another non-conforming use provided that the Planning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such changes the Planning

Commission may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.

- 603.04 Any building or structure, or any premises, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations and standards of the district in which such building, structure or premises is located, and the non-conforming use shall be resumed.
- 603.05 When a non-conforming use of a building or structure, or of a premises, is discontinued or abandoned for 6 consecutive months, or for 18 months during any 3 year period, the building or structure, or the premises shall not thereafter be used except in conformance with the regulations and standards of the district in which it is located.
- 603.06 Where non-conforming use status applies to the use of a building, removal or destruction of the building or structure shall eliminate the non-conforming use status, and any reuse of such building or structure must be a use permitted in the district in which it is located. Destruction for this purpose is defined as damage to an extent of more than 60 percent of the replacement cost at time of destruction.

**ARTICLE VII
ADMINISTRATION AND ENFORCEMENT**

SECTION 700. Administrative Officer

The Administrative Officer shall administer and enforce the provisions of this Ordinance. The Administrative Officer shall be any person designated as such by the Mayor and Board of Aldermen.

SECTION 701. Powers and Duties

The powers and duties of the Administrative Officer shall be as follows:

- 701.01 Issue all Certificates of Compliance and make and maintain records thereof.
- 701.02 Conduct inspections of buildings, structures, and the use of land to determine compliance with the terms of this Ordinance.
- 701.03 Require that all construction or work of any type be stopped when such work is not in compliance with this Ordinance.
- 701.04 Revoke any Certificate of Compliance which was unlawfully issued or any Certificate wherein defective work has been performed, and when such work has not been corrected within 90 days of notification.
- 701.05 Maintain permanent and correct records of this Ordinance including, but not limited to, all maps, amendments, variances, appeals, and applications.
- 701.06 Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.
- 701.07 Forward to the Planning Commission all applications for amendments to this Ordinance.
- 701.08 Forward to the Mayor and Board of Aldermen, applications for appeals, variances, or other matters on which the Mayor and Board of Aldermen are required to pass under this Ordinance.
- 701.09 Initiate, direct and review, from time to time, a study of the provisions of said Ordinance, and to make such reports available to the Planning Commission not less than once a year.

SECTION 702. Certificate of Compliance Requirements

11/1/20

- 702.01 No building or other structure shall be erected, moved, added to, or structurally altered without a Certificate of Compliance issued by the Administrative Official.
- 702.02 No Certificate of Compliance for alteration, repair or construction of any building shall be issued unless the plans and specifications show that the building or structure, and its proposed use, will be in compliance with provisions of the Zoning Ordinance.
- 702.03 No existing use of a building, structure, or land may be changed to any other use without first obtaining a Certificate of Compliance from the Administrative Official.
- 702.04 A temporary Certificate of Compliance may be issued by the Administrative Officer for a period not exceeding 6 months during alteration or construction for partial occupancy of a building pending its completion, provided that such temporary permits shall require such conditions and safeguards as will protect the safety of the occupants and the public.
- 702.05 The failure to obtain the necessary Certificate of Compliance shall be punishable under Section 704 of this Ordinance.
- 702.06 Certificates of Compliance issued on the basis of plans and applications approved by the Administrative Officer authorize only the use, arrangement, and construction set forth in such approved plans and specifications. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance and shall be punishable as provided under Section 704 of this Ordinance.

SECTION 703. Certificate of Compliance

- 703.01 Applications for Certificates of Compliance shall be accompanied by a duplicate set of plans with the following information indicated in order to determine compliance with this Ordinance.
 - 703.01-01 The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;
 - 703.01-02 The location of the said lot with respect to adjacent rights-of-way;
 - 703.01-03 The shape, dimensions, and location of all buildings, existings and proposed, on the said lot;
 - 703.01-04 The nature of the proposed use of the building or land including the extent and location of the use, on the said lot;
 - 703.01-05 The location and dimensions of the off-street parking and loading space and means of ingress and egress to such space; and
 - 703.01-06 Any other information which the Administrative Officer may deem necessary for consideration in enforcing the provisions of this Ordinance.
- 703.02 If the Certificate of Compliance is denied on the basis of this Ordinance, the applicant may appeal the action of the Administrative Officer to the Mayor and Board of Aldermen.
- 703.03 No building or structure shall be erected, moved, added to, or structurally altered unless in compliance with the appropriate city regulations pertaining to Building Permits nor shall a Building Permit be issued unless such building or structure is in compliance with the Zoning Ordinance and a Certificate of Compliance has been issued.
- 703.04 The Administrative Officer shall act on all applications within 7 days after applicant has fully complied with provisions of Section 703.01 within the 7 day period. The

Administrative Official shall either issue a Certificate of Compliance or notify the applicant in writing the reasons for the refusal.

SECTION 704. Penalties

Penalties for violation of the Ordinance shall be as follows:

- 704.01 Any person, firm or corporation who violates any provisions of this Ordinance or any lawful order of the Mayor and Board of Aldermen, Planning Commission, or Administrative Officer pursuant thereto shall be fined not more than One Hundred Dollars (\$100). Each day during which such violation shall be permitted to exist shall be deemed a separate offense.
- 704.02 The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent or other persons who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and be subject to the penalties herein provided.
- 704.03 Nothing herein contained shall prevent the Town from taking such other lawful action as it deems necessary to prevent or remedy any violation.

SECTION 705. Amendments and Changes

The Mayor and Board of Aldermen may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Ordinance, amend district boundary lines, provided that in all amendments adopted under the authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to which property is devoted at the time of the adoption of such amendments.

SECTION 706. Amendment Procedure

This Ordinance shall be amended in the following manner:

- 706.01 Amendments may be proposed by any citizen, organization or governmental body.
- 706.02 An application for an amendment to this Ordinance shall be filed with the Administrative Officer in such form and accompanied by such information as required by the Administrative Officer. The Administrative Officer, upon receiving an application for amendment, shall transmit one copy of such application along with all pertinent data filed therewith, to the Planning Commission for their review and written recommendations.
- 706.03 A fee of Twenty-five Dollars (\$25.00) shall be paid to the Town of Mt. Olive, Mississippi, for each application for an amendment to cover the costs of advertising and other administrative expenses involved. The Mayor and Board of Aldermen, and the Planning Commission shall be exempt from this fee.
- 706.04 The Mayor and Board of Aldermen shall hold a public hearing on each application for an amendment at such time and place as shall be established by the Mayor and Board of Aldermen. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Mayor and Board of Aldermen shall, by rule, prescribe from time to time.
- 706.05 Notice of time and place of such hearings shall be published at least once in a newspaper of local distribution not less than 15 days before such hearing. Supplemental or additional notices may be published or distributed as the Mayor and Board of Aldermen may, by rule, prescribe from time to time. Property to be considered for a zoning change should also be posted 15 days before such hearing.
- 706.06 The Planning Commission shall make written findings of fact and shall submit same together with its recommendations to the Mayor and Board of Aldermen prior to the

public hearing. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Planning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- 706.06-01 Relation of the proposed amendment to goals and objectives of the long range physical plan of the Town of Mt. Olive, Mississippi.
 - 706.06-02 Existing uses of property within the general area of the property in question.
 - 706.06-03 The zoning classification of property within the general area of the property in question.
 - 706.06-04 The suitability of the property in question to the uses permitted under the existing zoning classification.
 - 706.06-05 The trend of development, if any, in the general area of the property in question, including changes if any, which have taken place in its zoning classification.
- 706.07 The Mayor and Board of Aldermen shall not act upon a proposed amendment to the Ordinance until it shall have received a written report and recommendation from the Planning Commission on the proposed amendment.
- 706.08 The Mayor and Board of Aldermen shall approve or deny the proposed amendment. If an application for such an amendment is not acted upon by the Mayor and Board of Aldermen within a 90 day period following its initial submission, it shall be deemed to have been approved.

SECTION 707. Appeals

Appeal from action taken by the Administrative Officer shall be taken in the following manner:

- 707.01 All appeals shall be taken within 60 days of the date of the action which is appealed.
- 707.02 Appeals from the enforcement and interpretation of this Ordinance, signed by the appellants, shall be addressed to the Mayor and Board of Aldermen and presented to the Administrative Officer. A fee of Ten Dollars (\$10.00) shall be paid to the Town of Mt. Olive, Mississippi, for each appeal to cover costs of advertising and administrative costs. The appeal shall contain or be accompanied by such legal descriptions, maps, plans, and other information so as to completely describe the decisions or interpretation being appealed and the reasons for such appeal.
- 707.03 The Administrative Officer shall transmit to the Mayor and Board of Aldermen, the appeal and all papers constituting the record upon which the action appealed was taken. The Mayor shall schedule a hearing to be held within 60 days from the filing of the appeal.
- 707.04 An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Officer certifies to the Mayor and Board of Aldermen that by reason of facts in the record a stay would, in his opinion cause imminent peril to life and property, in which case proceedings shall be stayed otherwise than by a Court Order.

SECTION 708. Variances

Applications for variances to this Ordinance shall be processed in the following manner:

- 708.01 An application for a variance from the terms of this Ordinance signed by the applicant, shall be addressed to the Mayor and Board of Aldermen and presented to the Administrative Officer.

- 708.02 A fee of Ten Dollars (\$10.00) shall be paid to the Town of Mt. Olive, Mississippi, for each application to cover the costs of advertising and administrative costs. The application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and existing conditions.
- 708.03 The Administrative Officer shall review the application and determine that sufficient data is contained to adequately describe the situation to the Mayor and Board of Aldermen. If the data is not adequate, the Administrative Officer shall return the application to the applicant for additional information. Completed applications shall be forwarded to the Mayor and Board of Aldermen.

SECTION 709. Procedure and Criteria

The Mayor and Board of Aldermen shall approve or deny variances in the following manner:

- 709.01 The Mayor shall schedule a public hearing to be held within 60 days after an application is filed. Public notice of the hearing shall be published in a newspaper of general circulation in the Town at least once a week for two successive weeks prior to the hearing. The Administrative Officer shall post notice on the property involved for a period of one week prior to the hearing.
- 709.02 The Mayor and Board of Aldermen shall approve or deny the application for a variance following the public hearing. Before any variance is granted, the Mayor and Board of Aldermen must find that all of the following criteria are met:
 - 709.02-01 Special circumstances exist which are peculiar to the applicant's land, structure or building and do not generally apply to the neighboring lands, structures or buildings in the same district or vicinity.
 - 709.02-02 Strict application of the provisions of this ordinance would deprive the applicant of reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures, or buildings in the same district.
 - 709.02-03 The special circumstances are not the result of action of the applicant taken subsequent to the adoption of this Ordinance.
 - 709.02-04 Relief, if approved, will not cause substantial detriment to the public welfare or impair the purposes and intent of this Ordinance.
- 709.03 The following rules will be considered by the Mayor and Board of Aldermen when approving or denying a variance:
 - 709.03-01 Financial disadvantages to the property owner shall not constitute conclusive proof of unnecessary hardships within the purpose of zoning.
 - 709.03-02 The Board does not possess the power to grant a variance permitting a zoned use of land or building that is not permitted as a principal use or structure, accessory use or structure in the district involved.
 - 709.03-03 In granting a variance, the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this Ordinance.

709.03-04 Unless otherwise specified at the time the variance is granted, the variance applies to the subject property and not to the individual who applied. Consequently, the variance is transferable to any further owner of the subject property, but cannot be transferred by the applicant to a different site.

709.03-05 A variance shall continue for an indefinite period of time unless otherwise specified at the time the variance is granted, except that when a variance has not been used within one year after the date it was granted, the variance shall be cancelled by the Administrative Officer and written notices shall be given to the property owner.

ARTICLE VIII LEGAL PROVISION

SECTION 800. Conflict

In case of conflict between this Ordinance or any part thereof, and the whole or part of any other existing or future Ordinance, the most restrictive in each case shall apply.

SECTION 801. Validity

The Mayor and Board of Aldermen of the Town of Mt. Olive, Mississippi, hereby declares that it would have passed this Zoning Ordinance and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, sub-sections, clauses or phrases be declared invalid or unconstitutional.

SECTION 802. Effective Date

This Ordinance shall take effect and be in force thirty (30) days from and after its passage, adopted on the 20th day of July 1995.

Mayor
Town of Mt. Olive, Mississippi

Attest:

Linda Thornton

Town Clerk
Town of Mt. Olive, Mississippi

Page 268

SHEET		SMPDD-MO-78-03		3. Recipient's Accession No.	
4. Title and Subtitle Mt. Olive, Mississippi Zoning Ordinance				5. Report Date April, 1978	
7. Author(s) Debbie R. Bodin				6.	
9. Performing Organization Name and Address Southern Mississippi Planning and Development District 1020 32nd Avenue Gulfport, Mississippi 39501				8. Performing Organization Rept. No.	
12. Sponsoring Organization Name and Address Department of Housing and Urban Development 300 Woodrow Wilson Boulevard, West Jackson, Mississippi 39216				10. Project/Task/Work Unit No. CPA-MO-04-00-1002	
				11. Contract/Grant No. CPA-MO-04-00-1002	
15. Supplementary Notes Prepared in cooperation with the Mayor and Board of Aldermen of Mt. Olive.				13. Type of Rept. & Period Covered FINAL	
				14.	
16. Abstracts This proposed ordinance was prepared in conjunction with the Mt. Olive Community Development Plan and is intended to be used in implementing this Plan. This Zoning Ordinance divides the city into districts for the regulation of land use, lot size, setbacks, signs and population density. It provides for the administration and amendment procedures of the Ordinance as well as the process needed to follow to obtain a variance.					
17. Key Words and Document Analysis. 17a. Descriptors					
17b. Identifiers/Open-Ended Terms Mt. Olive, Mississippi					
17c. COSATI Field/Group					
18. Availability Statement Available to the public from the Town of Mt. Olive, Mt. Olive, Mississippi				19. Security Class (This Report) Unclassified	
				21. No. of Pages 23	
				20. Security Class (This Page) Unclassified	
				22. Price	

FORM NTIS-35(10-70)

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Page: 268

