

**TOWN OF NEW HERBRON, MISSISSIPPI  
PRESERVATION AND DEVELOPMENT CODE**

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ZONING ORDINANCE

ORDINANCE NO.

An ordinance establishing comprehensive zoning regulations, historic preservation provisions, and subdivision regulations for the Town of New Herbron, Mississippi and providing for the administration, enforcement, and amendment thereof, and for the repeal of all ordinances in conflict herewith:

WHEREAS; the Statutes of the State of Mississippi empower the Town to enact a zoning ordinance, subdivision controls, and historic preservation regulations and to provide for administration, enforcement, and amendment, all based on a comprehensive development plan, and

WHEREAS; the Mayor and Board of Aldermen deem it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the Town to adopt a comprehensive development plan and to enact implementation measures such as this ordinance, and

WHEREAS; the Mayor and Board of Aldermen have divided the Town into districts and have prepared regulations pertaining to such districts designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and

WHEREAS; the Mayor and Board of Aldermen have given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Village, and

WHEREAS; the Mayor and Board of Aldermen have given due public notice of hearings relating to zoning districts, regulations, and restrictions, and have held such public hearings in accordance with the law :

THEREFORE; be it ordained by the Mayor and Board of Aldermen of the Town of New Herbron, Mississippi that

This Ordinance shall be known and referred to as the ZONING, Subdivision and Preservation Ordinance for New Herbron, Mississippi and may be cited as such.

SECTION 1 Title and Purpose

1.1 Title

This ordinance shall be known as the "Town of New Hebron Preservation and Development." The map herein referred to which is identified by the title "Zoning Map of New Hebron, Mississippi," dated , and all explanatory matters thereon are hereby adopted and made a part of this ordinance.

1.2 Purposes

This ordinance shall serve the purpose of planning and regulating property use, historic preservation, and property subdivision and design each of which is further defined as follows:

1.2.1 Property Use - The zoning regulations and districts, as herein set forth, have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, floods along natural water courses, panic and other dangers, to provide adequate light and air to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the Town

1.2.2 Preservation - The city hereby recognizes that the Town of New Hebron is known for its concentrated collection of vernacular houses, as well as groupings of historic public, commercial, and residential buildings. New Hebron's unique qualities have proven increasingly attractive to residents, business interests, and tourists. As a matter of public policy the city aims to preserve, enhance, and perpetuate those aspects of the city having historical, cultural, architectural, and archaeological merit. Such historic activities will promote and protect the health, safety, prosperity, education, and general welfare of the people living in and visiting New Hebron. More specifically, this zoning and historic preservation ordinance is designed to achieve the following goals:

- 1.2.2.1 Protect, enhance and perpetuate resources which represent distinctive and significant elements of the city's historical, cultural, social, economic, political, archaeological, and architectural identity;
- 1.2.2.2 Insure the harmonious, orderly, and efficient growth and development of the city;
- 1.2.2.3 Strengthen civic pride and cultural stability through neighborhood conservation;
- 1.2.2.4 Stabilize the economy of the city through the continued use, preservation, and revitalization of its resources;
- 1.2.2.5 Protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- 1.2.2.6 Promote the use of resources for the education, pleasure, and welfare of the people of the Town of New Hebron.
- 1.2.2.7 Provide a review process for the preservation and appropriate development of the city's resources

1.2.3 Subdivision of Property - In order to provide for the continuation of the traditional development pattern of the community, coordination of street layout with other existing or planned streets or with other features, and for minimum standards of physical improvements in new subdivisions; for adequate open spaces for traffic, utilities, fire fighting apparatus, recreation, light and air, and for distribution of population and traffic all of which are to improve the health, safety, and general welfare of the community.

## SECTION 2 DEFINITIONS

### 2.1 General

Certain words and phrases used in this Ordinance are defined for the purpose thereof as follows: Words used in the present tense include the future; the singular number includes the plural, and the plural includes the singular; the word "person" includes a firm, partnership, association, corporation, estate or trust, or any other group or combination acting as a unit as well as an individual; the word "shall" is mandatory and not directory.

### 2.2 Definitions

- 2.2.1 Accessory or Structure: A use or structure subordinate the principal use of a building or use on the same lot and serving a purpose customarily incidental to the use of the principal building or use.
- 2.2.2 Advertising Structure: A sign directing attention to a business, product, profession, service, or activity which is not necessarily sold or conducted on the premises.
- 2.2.3 Agriculture: The cultivating of the soil and raising and harvesting of the products of the soil, including nurserying, horticulture, forestry, and the raising of livestock and poultry.
- 2.2.4 Alley: Any public or private way set aside for public travel, less than twenty—eight (28) feet in width.
- 2.2.5 Alterations, Structural: Any change in the supporting members of a building, such as walls, floors, columns, beam, or girders.
- 2.2.6 Alteration: Any change in the exterior appearance or materials of a landmark or a structure within a historic district or on a landmark site.
- 2.2.7 Applicant: The owner of record of a resource; the lessee thereof with the approval of the owner of record in notarized form; or a person holding a "bona fide" contract to purchase a resource.
- 2.2.8 Appurtenance: An accessory to a building, structure, object, or site, including, but not limited to, landscaping features, walls, fences, light fixtures, steps, paving, sidewalks, shutters, awnings, solar panels, satellite dishes, and signs.
- 2.2.9 Building: Any structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including; tents, lunch wagons, dining cars, trailers, billboards, signs, and similar structures, whether stationary or movable.
- 2.2.9.1 Principal Building: A building on which is conducted the principal use of the lot on whiTh it is situated. In any residence district any dwelling shall be deemed to be the principal building on the lot on which it is situated.
- 2.2.9.2 Accessory Building: A subordinate building, the use of which is incidental to that of a principal building on the same lot.
- 2.2.10 Building, Height of: The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the ridge for gable, hip or gambrel roofs.
- 2.2.11 Building Permit: A permit issued by the Administrative Official authorizing the construction or alteration of a specific building on a specific lot or parcel.
- 2.2.12 Boarding House, Rooming House, Lodging House or Dormitory: A Building or part thereof, other than a hotel or restaurant, where meals and/or lodging are provided for compensation for three or more persons and where no cooking or dining facilities are provided in individual rooms.
- 2.2.13 Certificate of appropriateness: An official signed and dated governmental document issued by either a local Planning and Preservation Commission or a governing authority to permit specific work in a historic district or at a landmark site or landmark which has been reviewed and approved.
- 2.2.14 Certified Local Government (CLG): A federal program authorized by the National Historic Preservation Act 16 U.S.C. 470 et seq., that provides for the participation of local governments in a federal/state/local government preservation partnership. The federal law directs the State Historic Preservation Officer of Mississippi and the Secretary of the Interior to certify local governments to participate in this partnership. Specific Mississippi requirements for the program are published in "State of Mississippi, Procedures for the Certified Local Government Program."
- 2.2.15 Construction: Work which is neither alteration nor demolition. Essentially, it is the erection of a new structure which did not previously exist, even if such a structure is partially joined to an existing structure.
- 2.2.16 Demolition: The intentional removal of a structure within a local historic district or on a landmark site or which has been designated as a landmark.
- 2.2.17 Demolition by neglect: Substantial deterioration of a historic structure that results from improper maintenance or a lack of maintenance.
- 2.2.18 Design review guidelines: As adopted by the local Planning and Preservation Commission, shall be in a written form designed to inform local property owners about historical architectural styles prevalent in a community and to

- recommend preferred treatments and discourage treatments that would compromise the architectural integrity of structures in a historic district or on a landmark site or individually designated as landmarks.
- 2.2.19 Dwelling: Any building designed or used as the residence of one or more persons, but not including a tent, cabin, trailer or trailer coach, pickup camper, mobile home, tree house, or a room in a hotel or motel.
- 2.2.20 Dwelling, Mobile Home: A detached residential dwelling unit designed for transportation before or after complete assembly or fabrication on streets or highways on its own wheels or on a flatbed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like and manufactured prior to June 14, 1976.
- 2.2.21 Dwelling, Multi-family: A building or portion thereof designed for or used by two or more families or housekeeping units.
- 2.2.22 Dwelling, Single-family: A building designed for or used for residential purposes by one family or housekeeping unit.
- 2.2.23 Dwelling Unit: One room or rooms connected together, constituting a separate, independent housekeeping establishment containing independent cooking and sleeping facilities.
- 2.2.24 Easement: A right distinct from the ownership of the land permitting the crossing of private property with facilities such as sewer lines, water lines, streets, power, and telephone lines.
- 2.2.25 Exterior Features: Exterior features or resources shall include, but not be limited to, the color, kind, and texture of the building material and the type and style of all windows, doors, and appurtenances.
- 2.2.26 Family: A person living alone, or two or more persons living together as a single housekeeping unit, in a dwelling, unit, as distinguished from a group occupying a boarding House, lodging house, dormitory, motel, or hotel.
- 2.2.27 Governing Body: The Mayor and Board of Aldermen of the Town .
- 2.2.28 Gross Floor Area: The sum of the gross horizontal areas of the several floors of a structure, including interior balconies; all horizontal measurements to be made between the exterior faces of walls, including the walls of roofed porches having more than two walls.
- 2.2.29 High Volume Traffic Generation: All uses in the 2.00 classification other than low-volume traffic generation
- 2.2.30 Historic district: A group of two (2) or more tax parcels and their structures, and may be an entire neighborhood of structures linked by historical association or historical development. It is not necessary that all structures within a historic district share the same primary architectural style or be from the same primary historical period. A historic district may also include both commercial and residential structures, and may include structures covered by two (2) or more zoning classifications. A historic district may include both contributing and non-contributing structures. A historic district is designated by the commission and approved by the city through an ordinance.
- 2.2.31 Historic landmark: A structure of exceptional individual significance, and its historically associated land, which typically could not be included within a local historic district or other appropriate setting, A historic landmark is designated by the commission and approved by the city through an ordinance.
- 2.2.32 Planning and Preservation Commission: The New Hebron Planning and Preservation Commission, is a local Planning and Preservation Commission established to advise the local government on matters relating to historic preservation, including the designation of historic districts, landmarks and landmark sites, and which may be empowered to review applications for permits for alteration, construction, demolition, relocation or subdivision for structures in historic districts or on landmark sites or designated as landmarks.
- 2.2.33 Home Office: An office activity conducted in a dwelling unit, provided that: No person other than members of the family residing on the premises shall be engaged in such office activity; the use of the dwelling unit for the home office shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home office activity; there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home office activity other than one sign, not exceeding two square-feet in area non-illuminated, and mounted flat against the wall of the principal building; no home office activity shall be conducted in any accessory building; no traffic shall be generated by such home office in greater volumes that would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home office activity shall be located off the street and other than in a required front yard; no equipment or process shall be used in such home office activity which creates, noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- 2.2.34 Hotel: A building occupied primarily as the temporary abiding place of individuals who are lodged with or without meals, and in which there are more than twelve (12) sleeping rooms or apartments.
- 2.2.35 Improvement: Additions to or new construction on landmarks or landmark sites, including, but not limited to, buildings, structures, objects, landscape features, and manufactured units, like mobile homes, carports, and storage buildings.
- 2.2.36 Junk Yard: A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed,

- disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shop and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.
- 2.2.37 **Landmark site:** A location where a primary architectural or historical resource formerly stood or a significant historic event took place or an important archeological resource remains. For the purposes of this ordinance, a landmark site encompasses prehistoric or historic sites on unimproved or improved land. A historic landmark is designated by the commission and approved by the city through an ordinance
- 2.2.38 **Landscape:** Any improvement or vegetation including, but not limited to: Shrubbery, trees, plantings, outbuildings, walls, courtyards, fences, swimming pools, planters, gates, street furniture, exterior lighting, and site improvements, including but not limited to, subsurface alterations, site regrading, fill deposition, and paving.
- 2.2.39 **Lot:** A piece, parcel, plot or tract of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this ordinance, and having frontage on a public street.
- 2.2.39.1 **Lot of Record:** A lot or parcel of land which is part of a subdivision recorded in the Chancery Clerks office or a parcel described by metes and bounds, the description of which has been so legally recorded at the time of the adoption of this ordinance.
- 2.2.39.2 **Lot, Corner:** A lot at the juncture of and fronting on two or more intersecting streets.
- 2.2.39.3 **Lot Area:** The computed area contained within the lot lines.
- 2.2.39.4 **Lot Depth:** The mean horizontal distance between the front and the rear lot lines.
- 2.2.40 **Lot Lines:** The boundary dividing a given lot from the street, an alley, or adjacent lots.
- 2.2.40.1 **Lot line, front:** The property line separating the lot from a street right-of-way.
- 2.2.40.2 **Lot Line, Rear:** The lot line opposite and most distant from the front lot line,
- 2.2.40.3 **Lot Line, Side:** Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.
- 2.2.41 **Lot Width:** The width of the lot measured at the required building setback line.
- 2.2.42 **Low-volume Traffic Generation:** Uses such as furniture stores, carpet stores, major appliance stores, etc. that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale, and that therefore generate less customer traffic per square foot of floor space than store selling smaller items.
- 2.2.43 **Manufactured Home:** Manufactured Home. A structure defined by, and constructed in accordance with, the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, and manufactured after June 14, 1976.
- 2.2.44 **Mobile Home:** See Dwelling, Mobile Home.
- 2.2.45 **Manufactured Home Park:** A parcel of land under single ownership which has been planned and improved for placement of mobile homes for non-transient use.
- 2.2.46 **Motel or Tourist Court:** A building, or group of buildings, comprising individual sleeping or living units of transient guests, not containing individual cooking or kitchen facilities.
- 2.2.47 **National Historic Landmark:** A district, site, building, structure, and/or object that has been formally designated as a National Historic Landmark by the Secretary of the Interior and possesses exceptional value or quality in illustrating or interpreting the heritage of the United States in history, architecture, archaeology, engineering, and culture and that possesses a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association. National Historic Landmarks are automatically listed in the National Register.
- 2.2.48 **National Register of Historic Places:** A federal list of cultural resources worthy of preservation, authorized under the National Historic Preservation Act of 1966 as part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect the nation's historic and archaeological resources. The National Register Program is administered by the Commission, by the State Historic Preservation Office, and by the National Park Service under the Department of the Interior. Significant federal benefits may accrue to owners of properties listed or determined eligible for listing in the National Register.
- 2.2.49 **Nonconforming Use, Structure, or Lot:** A lot, building, structure or use of building or structure or premises, legally existing at the time of adoption of this Ordinance or any amendment hereto which does not conform to the regulations prescribed by this ordinance.
- 2.2.50 **Object:** A material thing of functional, cultural, historical, or scientific value that may be, by nature or design, movable, yet related to a specific setting or environment.
- 2.2.51 **Ordinary Repair or Maintenance:** Work done to prevent deterioration of a resource or any part thereof by returning the resource as nearly as practical to its condition prior to such deterioration, decay, or damage.
- 2.2.52 **Owner of Record:** The owner of a parcel of land, improved or unimproved, reflected on the city tax roll and in county deed records.

- 2.2.53 Outdoor Advertising Device: A visible, immobile structure including displays, lights, devices, figures, messages, plaques, posters, billboards, or other things designed intended, or used to advertise or inform.
- 2.2.54 Parking Space: The area required for parking one automobile, which in this ordinance is held to be nine (9) feet wide and twenty (20) feet long, either within a structure or in the open exclusive of driveways or access drives.
- 2.2.55 Period of greatest historic significance for a landmark: The time period during which the landmark had been essentially completed but not yet altered. It is also the period during which the style of architecture of the landmark was commonplace or typical. If a landmark also achieved historical importance in part because of designed landscape features, the period of greatest historic significance includes the time period during which such landscape features were maintained.
- 2.2.56 Recreational Vehicle Park: An area of land upon which two or more occupied travel trailer coaches or mobile homes are placed to be occupied.
- 2.2.57 Relocation: The moving of a structure to a new location on its tax parcel or the relocation of such a structure to a new tax parcel.
- 2.2.58 Resource: Parcels located within historic districts, individual landmarks, and landmark sites, regardless of whether such sites are presently improved or unimproved. Resources can be both separate buildings, districts, structures, sites, and objects and related groups thereof.
- 2.2.59 Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings: A federal document stating standards and guidelines for the appropriate rehabilitation and preservation of historic buildings.
- 2.2.60 Setback Line: The distance required by this ordinance to be maintained between a given a given lot line and any structure front, rear, or side as specified in this Ordinance.
- 2.2.61 Sign: For the purpose of this ordinance signs are defined as Outdoor Advertising Devices.
- 2.2.62 Site: The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing buildings, or objects.
- 2.2.63 Special Exception: A special exception is a use that would not be appropriate generally or without zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not detract from public health, safety, comfort, convenience, or general welfare. Such uses may be permitted in such zoning district as special exceptions if specific provision for such special exception is made in such zoning district.
- 2.2.64 State Historic Preservation Office: The Historic Preservation Division of the Mississippi Department of Archives and History.
- 2.2.65 State Historic Preservation officer: The director of the Mississippi Department of Archives and History.
- 2.2.66 Story: The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
- 2.2.67 Structure: Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. A man-made object and typically will be visible because of portions which exist above grade. Structures built during the historic period, 1700 forward, may in some instances not be visible above grade if they are cellars, cisterns, icehouses or similar objects which by their nature are intended to be built into the ground. A structure includes both interior components and visible exterior surfaces, as well as attached elements such as signs and related features such as walks, walls, fences and other nearby secondary structures or landmark features.
- 2.2.68 Street: Any public or private way set aside for public travel twenty- eight (28) feet or more in width. The word Street shall include the words; road, highway, and thoroughfares.
- 2.2.69 Subdistricts: Discrete areas within a larger historic district within which separate design guidelines are appropriate and that may be created to recognize different zoning classifications or historic development patterns which have caused adjacent historic areas to develop at different times.
- 2.2.70 Subdivision: Any change in the boundaries of a single tax parcel, whether the change results in expansion or reduction or a boundary relocation.
- 2.2.71 Substantial deterioration: Structural degradation of such a nature that water penetration into a historic structure can no longer be prevented, or structural degradation that causes stress or strain on structural members when supports collapse or warp, evidence of which includes defective roofing materials, broken window coverings and visible interior decay.
- 2.2.72 Survey of resources: The documentation, by historical research or a photographic record, of structures of historical interest within a specified area or jurisdiction or of existing structures within a proposed historic district.
- 2.2.73 Tourist Court: See Hotel.
- 2.2.74 Town: The Town of New Hebron as represented by the Mayor and Board of Aldermen.
- 2.2.75 Travel Trailer: A vehicular, portable structure designed to be used as temporary dwelling for travel, recreational and vacation uses. For the purposes of this ordinance, travel trailer includes pickup coach, motor home and camping trailers.

- 2.2.76 Town: The Town of New Hebron, Mississippi, or, when appropriate to the context, its duly authorized representative, board, or commission.
- 2.2.77 Unauthorized demolition: The deliberate demolition of a historic structure without prior review and approval by a local Planning and Preservation Commission or a governing authority to which such a commission has made a recommendation.
- 2.2.78 Unreasonable economic hardship: The definition under constitutional standards used to determine whether a "taking" exists.
- 2.2.79 Yard: An open space at grade between the edges of a building and the adjoining lot lines.
- 2.2.79.1 Yard, Front: An open space extending the full width of the lot between the edge of a building and the front lot line.
- 2.2.79.2 Yard, Rear: An open space extending the full width of the lot between the edge of a building and the rear lot line.
- 2.2.79.3 Yard, Side: An open space extending from the front yard to the rear yard between the edge of a building and the nearest side lot line.

SECTION 3 ESTABLISHMENT OF ZONING DISTRICTS

3.1 Establishment of Zoning Districts

In order to classify, regulate, and restrict the use and location of buildings designed for specified uses, to regulate and determine the area of yards, courts, and other open spaces surrounding buildings, and to regulate and limit the density of population, the Town is hereby divided into the following zoning districts. The use and area regulations are uniform in each zoning district and said districts shall be known as:

- A Agricultural District
- R-20 Residential District
- TownCenter Commercial District
- H-1 Historic Overlay District
- Manufacture Housing Overlay

3.2 Zoning Map

- 3.2.1 The boundaries of these zoning districts are hereby established as shown on a map entitled "Official Zoning Map of New Herbron, Mississippi". Said Zoning Map and references and other matters shown thereon shall be and are hereby made a part of this Ordinance.
- 3.2.2 The Official Zoning Map shall be identified by the signature of the Mayor, attested by the Town Clerk, and bear the seal of the Town under the following words: "This is to certify that this is the Official Zoning Map for the Town of New Herbron, Mississippi, referred to in Section 3.2 of the Official Zoning Ordinance, adopted by the Mayor and Board of Aldermen, (Date)."
- 3.2.3 If, in accordance with the provision of this ordinance and Mississippi State Statutes, changes are made in the zoning district boundaries or other matters, portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map after the amendment has been approved by the Governing Body together with an entry on the Official Zoning Map. Said entry shall indicate the location of the nature and description of the change, together with a record of the official action.
- 3.2.4 No changes 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 by any person shall be considered a violation of this Ordinance.
- 3.2.5 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, buildings, and other structures in the Town.

3.3 Replacement of Official Zoning Map

- 3.3.1 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 actions, the Governing Body 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 correction shall have the effect of amending the original zoning ordinance 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 bear 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 the Official Zoning Ordinance for New Herbron, Mississippi."

3.4 Rules for Interpretation of Zoning District Boundaries

- 3.4.1 Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:
  - 3.4.1.1 Except where referenced and noted on the Official Zoning Map by a designated line and/or dimensions, the District boundary lines are intended to follow property lines, lot lines, or center lines of streets, alleys, streams, or railroads as they existed at the time of the passage of this Ordinance, or the extension of such lines. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
  - 3.4.1.2 The Administrative Official shall interpret the boundary lines which are on the Zoning Map. When the Administrative Official's interpretation is disputed, the boundary lines shall be determined by the Mayor and Board

- of Aldermen on recommendation by the Planning Commission.
- 3.4.1.3 Any territory hereafter annexed to the Town shall be in the R-1 Single-Family Residential District unless the Governing Body rezones it to another Zoning classification at the time of annexation.

## SECTION 4 GENERAL PROVISIONS

### 4.1 Application of Regulations

The regulations established by this Ordinance within each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- 4.1.1 No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the zoning district in which it is located.
- 4.1.2 No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

### 4.2 Lot of Record

Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance, does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as 5 building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board.

### 4.3 Front Yard Exception

The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred (100) feet on developed lots, located on each side of such lot and within the same block and zoning district and fronting on the same street of such lot, is less than the minimum required front yard depth. In such case, the depth of the front yard on such lot may be less than the required front yard, but not less than the average of the existing front yard depth on the developed lots. In residential districts; however, the front yards shall in no case be less than twenty (20) feet in depth.

### 4.4 Nonconforming Lots, Structures and Uses of Land and Structures

- 4.4.1 Intent - Within the districts established by this ordinance or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- 4.4.2 Non-conforming lots of record - All existing lots of record, which at the time of adoption or amendment of this Ordinance, became nonconforming lots in regard to lot area or width, and which are under single ownership and not of continuous frontage with other lots under the same ownership, may be used for any permitted use in the district in which they are located. The owner of such a lot shall apply to the Planning Commission for a variance to the district regulations, and every effort shall be made by him to comply with the district regulations. Such variance to the district regulations shall not allow any use of the property other than permitted uses within the district. If two or more lots or combinations of lots or portions of lots with continuous frontage and under single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot area or lot width, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width or lot area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.
- 4.4.3 Nonconforming Structures - Except as hereinafter specified, any lawful structure existing at the time of the effective date of this Ordinance, or on the effective date of any amendment hereto by which the structure becomes nonconforming, may be continued although such structure does not conform to the provisions of this Ordinance.

- 4.4.3.1 Enlargement. Except when required to do so by law or ordinance, no non-conforming structure or structures shall not be enlarged, extended, reconstructed, or structurally altered in a way which increases its non-conformity, but any such structure may be altered to decrease its non-conformity.
- 4.4.3.2 Relocation. Should a non-conforming structure be moved for any reason for any distance whatever, it shall there-after conform to the regulations for the district in which it is located after it is moved.
- 4.4.3.3 Non-Conforming Uses of Land and Structures - Except as herein-after specified, any lawful use existing at the time of the effective date of this Ordinance, or on the effective date of any amendment hereto by which the use becomes non-conforming, may be continued although such use does not conform to the provisions of this Ordinance.
  - 4.4.3.3.1 Termination. Any one of the following acts or conditions shall terminate immediately the right to operate a non-conforming use:
    - 4.4.3.3.1.1 Changing to a conforming use.
    - 4.4.3.3.1.2 Abandonment or Discontinuance of use for a period of 90 days.
    - 4.4.3.3.1.3 Damage or Destruction of the structure or structures in which the use is operated by any cause whatsoever when the cost of repairing such damage or destruction exceeds 50 per cent of the replacement cost of such structure or structures as of the Date of such damage or destruction of the structure or structures in which the use is operated.
- 4.4.4 Repair and Maintenance - On any non-conforming structure or portion of a structure containing a non-conforming use, 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 exceeding 10 percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased,
- 4.4.5 Change to other Non-Conforming Use - If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Board of Adjustment, 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 change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
- 4.5 Miscellaneous
  - 4.5.1 Fences, Walls, Hedges: Notwithstanding other provisions of this Ordinance, fences, wall, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over four feet in height.
  - 4.5.2 Accessory Dwellings: No accessory building shall be erected in any required front or side yard, and no separate accessory building shall be erected within five feet of any other building.
  - 4.5.3 Erection of More than One Principal Structure on a Lot: In any district, more than one structure housing a permitted principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.
  - 4.5.4 Exceptions to Height Regulations: The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, silos, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
  - 4.5.5 Structures to Have Access: Every building hereafter erected or moved shall be on a lot adjacent to a public street or road and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
  - 4.5.6 Parking, Storage, or Use of Major Recreational Equipment: For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like. No major recreational equipment shall be parked or stored on any lot in a residential district except in a car port or enclosed building or behind the nearest portion of a building to a street, provided however that such equipment may be parked anywhere on residential premises for not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved

for such use.

- 4.5.7 Parking and Storage of Certain Vehicles. Automotive vehicles or trailers of any kind or type without current license plates or current inspection or that are in an inoperable condition, shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
- 4.5.8 Corner Lot Yards. The minimum side yard setback line on any street not having lots fronting upon it shall be fifteen (15) feet from the right-of-way or casement line. Where there is more than one lot on the same block the side yard of a corner lot shall conform to the front yard setback requirements of such street.
- 4.6 Rules Governing Uses
  - a. In each district no other use other than the types specified as "permitted" or "permitted on appeal" shall be allowed. Uses specified as "permitted" shall be permitted upon application to the Administrative Official. Uses specified as "permitted on appeal" are special exceptions, and no permit shall be issued for such uses except upon application and approval of the Planning Commission and subject to the requirements of this ordinance and such conditions as said Board may require to preserve and protect the character of the district.
  - b. Sites plans shall be required for all zoning amendments.

4.7 Uses Permitted - Table of Permitted Uses

The Table of Permissible Uses should be read in close conjunction with the definitions of terms set forth in Article 2, Definitions and the other interpretive provisions set forth in this article. As used in this table, “P” shall stand for Permitted Use, “A” shall stand for Use Permitted on Appeal, and “S” shall stand for Supplemental Regulations as found in Article VI Apply. Uses not categorized shall not be permitted within the Town of New Hebron.

TABLE OF PERMITTED USES					
USE	ZONE				
	A	R-20	TC	M	MHO*
1.0 Residential					
1.1 Single-family, Detached, One Dwelling per Lot					
1.110 Site built	P	P			
1.112 Modular structures					
1.113 Manufactured Home					PAS
1.114 Mobile home					
1.115 Manufactured Home Parks					
1.2 Single-family, Detached, More than One Dwelling per Lot with required lot area and set backs					
1.21 Site Built	P	PA			
1.3 Two Family Residences					
1.31 Two Family Conversion					
1.32 Primary Residence with accessory apartment	PA	PA			

TABLE OF PERMITTED USES					
USE	ZONE				
	A	R-20	TC	M	MHO*
1.33 Duplex, New Construction					
1.6 Miscellaneous residential situations					
1.62 Home Offices	PS	PS			
1.63 Bed and Breakfast Homes	PAS	PAS	PAS		
2.0 Sales and Rental of Goods, Merchandise and Equipment					
2.1 Inside Storage or Display					
2.11 High volume traffic					
2.111 Convenience stores			P		
2.112 All other uses			PA		
2.12 Low volume traffic generation			P		
2.13 Wholesale			PA		
2.2 Outside Storage or Display					
2.21 High volume traffic generation			PA		
2.22 Low Volume Traffic Generation			PA		
2.23 Wholesale			PA		
3.0 Office, Clerical, Research, and Services not related to goods					
3.1 Inside Operations					

TABLE OF PERMITTED USES					
USE	ZONE				
	A	R-20	TC	M	MHO*
3.11 Professional offices serving clients on premises			P		
3.12 Offices without client traffic			P		
3.13 Clinics of health care professionals with not more than 10,000 square feet gfa			P		
3.2 Inside or Outside Operations					
3.21 Professional Offices serving clients on premises			P		
3.22 Offices without client traffic			P		
3.23 Banks with drive-in Windows			P		
4. MANUFACTURING OF ANY FORM					
				PA	
5.0 EDUCATION, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, AND FRATERNAL USES					
5.1 Schools and Day Care					
5.11 Elementary and Secondary (including associated grounds, athletic, and other facilities)	P	P			
5.12 Trade or Vocational Schools	P				
5.13 Colleges, Universities, Community Colleges (including associated grounds, athletic, and other facilities)	P				
5.2 Churches, Synagogues, Mosques and Temples (Including associated residential structures for religious Personnel and associated buildings, but not including elementary or secondary schools)	P	P	P		

TABLE OF PERMITTED USES					
USE	ZONE				
	A	R-20	TC	M	MHO*
5.3 Libraries, Museums, art galleries, and similar uses (including associated non-profit educational and instructional activity)	P	P			
5.31 In a converted residence with less than 3500 square feet of gfa	PA	PA	P		
5.32 Within any other permissible structure	PA	PA	P		
5.4 Social, fraternal clubs and lodges, union halls, and similar uses			PA		
<b>6.0 RECREATION AND AMUSEMENT</b>					
6.1 Inside Operations					
6.11 Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic and exercise facilities, and similar uses					
6.12 Movie theaters					
6.13 Coliseums, Stadiums, and all other similar facilities seating more than 1000 people					
<b>6.2 INSIDE OR OUTSIDE OPERATIONS</b>					
6.21 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., independent of a residential development	PA				
6.22 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., in conjunction with a residential development	PA				
6.23 Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water slides, and similar uses	PA				

TABLE OF PERMITTED USES					
USE	ZONE				
	A	R-20	TC	M	MHO*
6.24 Horseback riding stables independent of a residential development	P				
7.0 INSTITUTIONAL RESIDENCE OR CARE FACILITIES					
7.1 Hospitals, Clinics, Mental Health and other medical treatment facilities in excess of 10,000 square feet of gross floor area					
7.2 Nursing care institutions, intermediate care institutions, handicapped or Infirm institution, child care institutions					
7.3 Penal and correctional facilities					
8.0 RESTAURANTS, BARS, AND NIGHTCLUBS					
8.1 No live or recorded entertainment and no alcoholic beverages served			P		
8.2 Live or recorded entertainment or alcoholic beverages served			PA		
9.0 MOTOR VEHICLE SALES AND SERVICE OPERATIONS					
9.1 Motor Vehicle Sales or Rental					
9.2 Manufactured Home Sales					
9.3 Motor vehicle repair and maintenance					
9.4 Gas Sales					
9.5 Car wash					
10. STORAGE AND PARKING					
10.1 Parking lot related to an on site use			PA		

TABLE OF PERMITTED USES					
USE	ZONE				
	A	R-20	TC	M	MHO*
10.2 Storage of goods not related to on site use or sale					
10.21 Inside enclosed structure			PA		
10.22 Inside or outside enclosed structure					
11.0 SALVAGE YARDS, SCRAP MATERIALS, AND JUNK YARDS					
12.0 SERVICES AND ENTERPRISES RELATED TO ANIMALS					
12.1 Veterinarian	P				
12.2 Kennel					
13.0 EMERGENCY SERVICES					
13.1 Police Stations	P	P	P	P	P
13.2 Fire Stations	P	P	P	P	P
13.3 Ambulance and Rescue	P	P	P	P	P
13.4 Civil Defense Operations	P	P	P	P	P
14.0 AGRICULTURE, FORESTRY AND MINING					
14.1 Agriculture Operations and Farming					
14.12 Excluding Live stock	P	P		P	P
14.13 Including livestock	P	PA		P	P
14.2 Forestry Operations including pulp yards	P				

TABLE OF PERMITTED USES					
USE	ZONE				
	A	R-20	TC	M	MHO*
14.3 Mining, including on-site sales of products					
15.0 MISCELLANEOUS PUBLIC AND SEMI-PUBLIC FACILITIES					
15.1 Post Office	P		P		
15.2 Airport					
15.3 Sanitary Landfill					
15.4 Military reserve, National Guard Centers					
16. DRY CLEANERS, LAUNDROMAT					
17.0 UTILITY FACILITIES					
18.0 TOWERS, ANTENNAS AND RELATED STRUCTURES					
18.1 Towers and antennas 50 feet tall or less					
18.2 Tower and antennas more than 50 feet tall					
19.0 OPEN AIR MARKETS AND HORTICULTURAL SALES					
19.1 Farm and craft markets, flea markets, produce markets	P		P		
19.2 Horticultural sales with outdoor display	P				
20.0 FUNERAL HOME					
21.0 CEMETERY	P				
22.0 DAY CARE FACILITIES					

TABLE OF PERMITTED USES					
USE	ZONE				
	A	R-20	TC	M	MHO*
22.1 Family Day Care Home					
22.2 Day Care Center					
23.0 TEMPORARY STRUCTURES USED IN CONNECTION WITH THE CONSTRUCTION OF A PERMANENT BUILDING					
24.0 BUS STATION					
25.0 COMMERCIAL GREENHOUSE OPERATIONS					
25.1 No on site sales					
25.2 On site sales permitted					
26.0 Special Events	PA	PA	PA		
<p>* In both the Manufactured Home Overlay District and the Historic Overlay District, Uses are governed by the underling district.</p> <p>Where uses are not indicated as either P or PA, then the use is excluded from the Town of New Hebron and may not be established.</p>					

SECTION 5 SUPPLEMENTARY DISTRICT REGULATIONS

The following standards apply to land uses and proposed land uses requiring site plans and are incorporated as supplemental standards to applicable sections of this ordinance.

5.1 Manufactured Homes

5.1.1 A manufactured home , when permitted by right or granted as a special exception must meet the following requirements:

- 5.1.1.1 The minimum roof pitch shall be 6/12
- 5.1.1.2 Roofs shall be finished with composition asphalt shingles or standing seam metal material
- 5.1.1.3 Siding shall be masonry, clapboard, or simulated clapboard in design. All siding must run horizontally. In no case shall metal or metallic materials be used as primary siding. Aluminum siding may be used when covering primary siding but its design must be as stated in this item.
- 5.1.1.4 Structures shall be permanently sites and attached to ground with either slab. Block, or conventional foundation.
- 5.1.1.5 There shall be a minimum overhang of 6 inches at all eaves.
- 5.1.1.6 Structures shall be not less than 24 feet wide and no longer than 65 feet in length.
- 5.1.1.7 Front porches shall be covered with the same roof design as stated above.
- 5.1.1.8 Structures shall be oriented on a building site so that the front of the structure is considered as primarily facing any public street.

5.2 Site Plan Standards

5.2.1 Site plan standards shall be applied to proposed changes in zoning districts and in subdivisions proposed in applicable districts. Required information required for site plans is listed as follows:

- 5.2.1.1 A site plan shall be drawn to a scale of not less than two hundred (200) feet to the inch and shall include information listed below;
- 5.2.1.2 Property boundary lines and dimensions, topography and location map;
- 5.2.1.3 Natural conditions, including the general location and extent of tree cover; location and extent of water courses, marshes and flood plains on or within 100 feet of the subject property; existing natural drainage patterns and soil conditions;
- 5.2.1.4 A general grading and landscape plan including the location of major existing trees and vegetation that is to be retained;
- 5.2.1.5 The general location and maximum number of lots or sites to be developed or occupied by buildings;
- 5.2.1.6 Arrangement and size of buildings and the general use of the property;
- 5.2.1.7 Areas to be developed for parking, unloading, drives, walkways, or other circulation improvements;
- 5.2.1.8 The proposed circulation movements of delivery vehicles, passenger vehicles and pedestrians within the planned business and research park and to and from existing streets;
- 5.2.1.9 The approximate location of points of ingress and egress and access streets, where required;
- 5.2.1.10 The general location and maximum amount of area to be devoted to common open space and to be conveyed, dedicated, or reserved for parks, playgrounds, public buildings, and other common use areas;
- 5.2.1.11 General locations and types of utilities and easements including storm drainage as well as general details of all surfaced areas;
- 5.2.1.12 The approximate location and general description of type of landscaping, planting or fencing and other treatment to provide buffers to surrounding property;
- 5.2.1.13 A tabulation of the maximum floor area to be constructed and the proposed maximum floor area ratio;
- 5.2.1.14 A general traffic analysis, estimating the traffic volumes and movements to and from the completed project from the boundary streets;
- 5.2.1.15 A written statement generally describing the relationship of the proposed planned business park to the comprehensive plan and how the proposed park is to be designed, arranged and operated to minimize adverse impacts on neighboring properties;
- 5.2.1.16 A preliminary time schedule for completion of the entire project. If the proposed development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating: (a) the approximate date when construction is expected to begin; (b) the order in which the phases of the project will be built; and (c) the minimum area and the approximate location of common open space and public improvements that will be required at each stage;

- 5.2.1.17 A statement of financial responsibility describing what bond, credit, escrow or other assurance the applicant proposed in order to ensure the proper completion of the planned district within the proposed time schedule and required open space and improvements; and
- 5.2.1.18 A statement describing the proposed means of assuring the continued maintenance of common open space or other common elements and governing the use and continued protection of the planned business park.

5.3 Home Offices

Home Offices, where permitted in the Town of New Herbron, shall conform to the following standards:

- 5.3.1 No person other than members of the family residing on the premises shall be engaged in such office activity;
- 5.3.2 The use of the dwelling unit for the home office shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- 5.3.3 There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home office other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building;
- 5.3.4 No traffic shall be generated by such home office in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off street and other than in a required front yard;
- 5.3.5 No equipment or process shall be used in such home office which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;
- 5.3.6 No wholesale or retail establishment shall be permitted unless it is conducted entirely by mail or telephone and does not involve the receipt, sale, shipment, delivery or storage of merchandise on or from the premises;
- 5.3.7 There shall be no storage outside a principal building or accessory structure of equipment or materials used in the home occupation;
- 5.3.8 The home office shall be conducted entirely within the principal residential building;
- 5.3.9 There shall be no group instruction in connection with the home occupation.

5.4 Junk Yards and Salvage Yards

Junk yards and salvage yards are not permitted within the Town of New Herbron.

5.5 Mini-Warehouses

Mini-Warehouses are not permitted in the Town of New Herbron

5.6 Bed and Breakfast Homes

Bed and Breakfast Homes, where permitted in the Town of New Herbron, shall conform to the following standards:

- 5.6.1 "Bed and Breakfast": The term "Bed and Breakfast" shall mean an owner-occupied dwelling in which a room or rooms are rented on a nightly basis only, and only where the only meal served is the breakfast meal to the guests only. Same must be the primary residence of the owners). In the event the property is owned by two or more persons, then at least one must live on the property regardless of his or her percent of ownership;
- 5.6.2 "Person" means an individual;
- 5.6.3 Guest activities of the patrons and guests of any Bed and Breakfast shall be limited to the entertainment and uses of the property that would likely be extended to visiting friends or relatives of the owner and which use would not unduly disturb neighboring residents. Specifically excluded from said use is the rented or paid use of the property, or any portion thereof for banquets, parties, reunions, etc;
- 5.6.4 The minimum lot size for any Bed and Breakfast shall be at least one (1) acre. The minimum size for any dwelling or building qualifying to be a Bed and Breakfast shall be at least 3,000 square feet of heated and cooled space of the main structure. Maximum number of rooms which any Bed and Breakfast may have available for rent shall be three (3);
- 5.6.5 The maximum stay for any guest shall be limited to eight (8) consecutive days. The owner or proprietor shall

- maintain a guest register complete with the name of the guest, date and time of arrival as well as departure. Said register shall at all times be available for review and inspection;
- 5.6.6 Each Bed and Breakfast must provide off street parking with a minimum of 1.3 spaces per guest room in addition to any normal or required parking for the dwelling. Parking shall be allowed only in the side and rear yards and must be buffered from adjoining properties by some natural buffer;
  - 5.6.7 Exterior signs on the premises may be no longer than two (2) square feet, may not be illuminated, and shall be either attached to the front of the dwelling or as approved by the site plan submitted to the Town of New Hebron. Variances for the size limit shall not be allowed under any circumstances;
  - 5.6.8 Failure to abide by the terms of the conditional use permit granted by the Town shall be cause for revocation of said permit. Failure to commence business within six (6) months of the issuance of a permit to operate shall be cause for termination of same. Notice of said termination shall consist of notice in writing by U.S. certified mail to the permit holder at the street address of the Bed and Breakfast. Failure of the establishment at any time to pass inspection by the Mississippi Department of Public Health or the Town Fire Marshall shall require immediate cessation of operations by the establishment until such time s full compliance may be had.

SECTION 6 ADDITIONAL ZONING DISTRICT REGULATIONS

6.1 General Purpose of the Agricultural and Residential Districts

The agricultural and residential districts established in this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare.

6.1.1 "A" Agricultural District

6.1.1.1 Purpose of the Agricultural District

The purpose of the agricultural district is to provide for agricultural activities in a rural residential living environment for New Hebron and to prevent premature urban development in areas inadequately served by public facilities.

6.1.1.2 Permitted Uses

See Section 4.6 Table of Permitted uses.

6.1.1.3 Uses Permitted on Appeal

See Section 4.6 Table of Permitted uses.

6.1.1.4 Yard and Bulk Requirements

Minimum Lot Size	1 Acre
Minimum Lot Width at the Building Line	100
Maximum Height	45 feet
Front Yard Setback	50 feet
Side Yard Setback	15 feet
Rear Yard Setback	25 feet
Maximum Floor Area Ratio	25%
Minimum Floor Area Ratio	2.2%

6.1.2 R-20 Low Density Residential District

6.1.2.1 Purpose of the R-20 District Low Density District

The R-20 Limited Low Density Residential District is designed to accommodate site built single family detached residential uses at low densities in areas where appropriate urban services and facilities are provided or where the extension of such services will be physically or economically facilitated.

6.1.2.2 Permitted Uses

See Section 4.6 Table of Permitted uses.

6.1.2.3 Uses Permitted on Appeal

See Section 4.6 Table of Permitted uses.

6.1.2.4 Yard and Bulk Requirements

Minimum Lot Size	20,000
Minimum Lot Width at the Building Line	70 Feet
Maximum Height	45 feet
Front Yard Setback	30 Feet
Side Yard Setback	7 feet on each
Rear Yard Setback	30 feet
Maximum Floor Area Ration	40%
Minimum Floor Area Ration	12%

6.2 Manufactured Home Overlay District

6.2.1 General Purpose of the Manufactured Home Overlay District - The purpose of the Manufactured home Overlay District is to accommodate manufactured housing in accordance with state law, but under strict locational, architectural, and site planning guidelines.

6.2.2 Permitted Uses

See Section 4.6 Table of Permitted uses.

6.2.3 Uses Permitted on Appeal

See Section 4.6 Table of Permitted uses.

6.2.4 Yard and Bulk Requirements - The Manufactured Home Overlay District is applied to an underlying residential district. As such, the yard and bulk requirements of the underlying district apply.

6.2.5 Site Plan Required

A request to rezone land to Manufactured Home Overlay District shall be accompanied by a site plan conforming to the standards set out in Section 5.2 Site Plan Standards. All units shall conform to the standards set forth in section 5.1, Manufactured Homes.

6.3 TownCenter Commercial District

The commercial district established in this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. The VC Neighborhood Commercial District is Designed to accommodate neighborhood scale commercial activity.

6.3.1.1 Permitted Uses

See Section 4.6 Table of Permitted uses.

6.3.1.2 Uses Permitted on Appeal

See Section 4.6 Table of Permitted uses.

6.3.1.3 Yard and Bulk Requirements

Minimum Lot Size	None
Minimum Lot Width at the Building Line	None
Maximum Height	35 feet
Front Yard Setback	20 Feet
Side Yard Setback	None
Rear Yard Setback	20 feet
Maximum Floor Area Ratio	25%

6.3.1.4 Site Plan Required

A request to rezone land to V-C Neighborhood Commercial District shall be accompanied by a site plan conforming to the standards set out in Section 5.2 Site Plan Standards.

6.3.1.5 Building Requirements - Commercial building shall provide a masonry veneer on all parts of the building visible from public view.

6.3.1.6 Building size shall be limited to 3000 square feet.

6.4 Industrial District

The industrial districts established in this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare.

6.4.1 Permitted Uses

See Section 4.6 Table of Permitted uses.

6.4.2 Uses Permitted on Appeal

See Section 4.6 Table of Permitted uses.

6.4.3 Yard and Bulk Requirements

Minimum Lot Size	None
Minimum Lot Width at the Building Line	None
Maximum Height	35 feet
Front Yard Setback	20 Feet
Side Yard Setback	None
Rear Yard Setback	20 feet
Maximum Floor Area Ratio	80%

SECTION 7 OFF STREET PARKING

7.1 Definitions

Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined below shall have the meaning indicated when used in this section.

- 7.1.1 Circulation Area. That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
- 7.1.2 Driveway. That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
- 7.1.3 Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- 7.1.4 Vehicle Accommodation Area. That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).
- 7.1.5 Parking Area Aisles. That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.
- 7.1.6 Parking space. A portion of the vehicle accommodation area set for the parking of one vehicle.

## 7.2 Number of Parking Spaces Required

- 7.2.1 All developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.
- 7.2.2 The presumptions established by this article are that:
  - 7.2.2.1 A development must comply with the parking standards set forth herein, and
  - 7.2.2.2 Any development that does meet these standards is in compliance. However, the Table of Parking Requirements is only intended to establish a presumption and should be flexibly administered, as provided in this section.

## 7.3 Interpretation of Spaces

Uses in the Table of Parking Requirements, are indicated by a numerical reference keyed to the Table of Permissible Uses. When determination of the number of parking spaces required by this table results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

## 7.4 Parking Requirements

Parking spaces and parking lots can easily undermine historic character of communities. The Townenvironment of New Hebronrequires that all new and existing development provide parking in a manner that does not detract from any streetscape, or front or side yard. Parking shall be provided as follows:

- 7.4.1 Residential Parking - 2 spaces provided for each dwelling provided to the side or rear of the dwelling
- 7.4.2 Commercial - Parking shall be provided at a rate of 1 space per 500 feet of net retail space. Spaces shall be provided at the edge of, and parallel tp the street
- 7.4.3 All other Uses - All other uses shall provide parking at the discretion of the property owner. Use of the street edge for parking purposes is encouraged. In no case shall a front yard be paved, graveled, or other wise covered for vehicle parking purposes.

## 7.5 Flexibility in Administration Required

The permit-issuing authority may permit deviations from the presumptive requirements of this section and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the standard set forth in Section. Whenever the permit-issuing authority allows or requires a deviation from the presumptive parking requirements set forth in this section, it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

## 7.6 Parking Space Dimensions

- 7.6.1.1 Each parking space shall contain a rectangular area at least 20 feet long and 9 feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section;
- 7.6.1.2 Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than 22 feet by 9 feet.
  
- 7.7 General Design Requirements
  - 7.7.1 Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
  - 7.7.2 No driveway shall exceed twenty-five (25) feet in width.
  
- 7.8 General Rules and Exceptions
  - 7.8.1 In the "R" District, no parking of motor vehicles shall be allowed in any front yard, except in a paved driveway.
  - 7.8.2 No major recreational equipment such as boats and boat trailers, travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, and the like, shall be parked or stored on any front yard in any "R" District except in a paved driveway.
  - 7.8.3 Junk vehicles, recreation equipment, and trailers of any kind or type without current inspection stickers shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
  - 7.8.4 No truck rated more than 1 ton, trailer (Low boy, flat bed or otherwise), tractor, or other machines or heavy equipment shall be parked in any AR or R zone in either the yard or at the street other than for service and delivery purposes.

SECTION 8 SIGNS AND OUTDOOR ADVERTISING

8.1 Definitions:

- 8.1.1 SIGN: Any identification, description, illustration, or device illuminated or non-illuminated which is affixed to or represented directly or indirectly upon a building, structure, or land, and which directs attention to a product, service, place, activity, person, institution, or business. Signs erected by an authorized public agency for the purpose of directing traffic or providing information are not affected by these regulations, National and state flags, when properly displayed, are not considered a sign under these regulations.
- 8.1.2 SIGN AREA: The total area of the space to be used for advertising purposes, including the spaces between open-type letters and figures, including the background structure, or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double faced sign shall be allowed the total area of a single faced sign on each face.
- 8.1.3 ADVERTISING DEVICE: Banners affixed on poles, wires or ropes, and streamers, wind operated devices, flashing lights, and other similar devices.
- 8.1.4 BENCH SIGN: A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.
- 8.1.5 DIRECTORY SIGN: Any sign on which the names and locations of occupants or the use of the building is given. This shall include office buildings and church directories.
- 8.1.6 GROUND SIGN: Any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial and reading matter when such sign is supported by two or more uprights, posts, or braces affixed in the ground and not attached to any part of a building.
- 8.1.7 MARQUEE SIGN: Any sign affixed to a marquee over the entrance to a building and supported from the building.
- 8.1.8 PORTABLE SIGN: A sign, usually of a temporary nature, but not permanently affixed to the ground or to a building or structure.
- 8.1.9 POST SIGN: Any letter, word, model sign, device or representation used in the nature of an advertisement or announcement not attached to a building and which is supported by a single stationary pole or post.
- 8.1.10 PROJECTING SIGN: A sign which is attached to and projects more than 12 inches from the face of a wall of a building.
- 8.1.11 ROOF SIGN: Any sign erected, constructed, or maintained upon the roof of any building or any wall sign which extends more than 36 inches above the roof line or parapet wall of a building.
- 8.1.12 TEMPORARY SIGN: Ground signs advertising future use or development of property with a sign area per face not exceeding one hundred (100) square feet, not remaining more than six months on the property on which it is located and not more than one sign per parcel of land and located not closer than one(1) foot from the right-of-way.
- 8.1.13 TRAFFIC DIRECTIONAL SIGN: Any sign which aids the flow of traffic.
- 8.1.14 WALL SIGN: Any sign or poster on any surface or plane that may be affixed to the front, side or rear wall of any building. Any sign on a window which exceeds more than twenty (20) percent of the window area is considered a wall sign.

8.2 Sign Requirements for Permanent Signs by Zone

- 8.2.1 Only permanently located signs described herein will be permitted in each particular district, except for public signs and Town, State and Federal historic markers.
- 8.2.2 V-C Commercial District - This section shall apply to the district in the zoning ordinance known as "V-C".
  - 8.2.2.1 Allowable Signs- (a) Wall Signs
  - 8.2.2.2 Size - The maximum total sign area of a wall sign shall be fifty (25) square feet, or one (1) square foot for each lineal foot of building wall or lease space on which the sign is erected, whichever results in the smaller sign area
  - 8.2.2.3 Wall signs shall not project more than twelve inches from the face of the building.
- 8.3 Illumination - Signs shall be illuminated by indirect, external light source. Signs shall not have blinking, flashing or other illuminating devices which change light intensity, brightness or color. Beacon lights are not permitted. The light for or from any illuminated sign shall be so shaded, shielded or directed that the light intensity will not be objectionable to surrounding areas. Neither direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- 8.4 Exempt Signs - The following signs are exempted from the provision of this article.

- 8.4.1 Public Signs erected by, or on order of a public officer in the performance of a public duty
- 8.4.2 Historic markers
- 8.4.3 Name plates mounted on buildings or mail boxes not exceeding one square foot in size
- 8.4.4 Traffic and directional signs not exceeding four square feet in size and mounted with 24 inches of the ground
- 8.4.5 Advertising for sale or lease of real estate provided no such sign is greater than sixteen square feet in size
- 8.4.6 Political signs no exceeding four square feet in size
  
- 8.5 Prohibited Signs - The following types of signs are prohibited under this Article.
  - 1. Portable signs are prohibited except as provided for in Paragraph 3.
  - 2. Signs or devices which by color, location, or design resemble or conflict with traffic control signs or devices are prohibited.
  - 3. Signs attached to, suspended from or painted on any vehicle which is regularly parked on any street or private property to display demonstrate, advertise or attract the attention of the public.
  - 4. Signs which contain pulsating lights or strobe lights.
  
- 8.6 Inspection, Removal and Safety
  - 1. All signs may be inspected periodically by the Building Official for compliance with this Article.
  - 2. All signs and components there of shall be kept in good repair and in safe, neat, clean, and attractive condition.
  - 3. The Building Official shall give written notice for the removal of any permanent sign erected or maintained in violation of this Article. Upon failure to comply with this notice, the Building Official shall take legal action to enforce compliance with this ordinance. The Building Official may remove a sign immediately and without notice if the sign presents an immediate threat to the safety of the public. Any sign removal shall be at the expense of the property owner.
  
- 8.7 Permits - All permanent signs permitted under this Article except those signs exempt in Section 3 of this Article shall require a permit which shall be obtained prior to erection of the sign.
  
- 8.8 Nonconforming Signs - In instances where a sign is nonconforming to any of the requirements of this ordinance, such sign and any supporting structure other than a building may be allowed although such sign does not conform to the provisions hereof. No such nonconforming sign may be enlarged or altered in any way which increases its nonconformity. No sign which has been damaged 50 percent or more of its fair market value, shall be restored except in conformity with the regulations of this ordinance.
  
- 8.9 Enforcement - The Town of New Hebron Building Official is directed to enforce all of the provisions of this Article. Any person aggrieved by any interpretation or order of the Building Official may appeal to the Planning Commission. The Building Official shall take no further action on the matter pending the Planning Commission's decision, except for unsafe signs which present an immediate and serious danger to the public.

SECTION 9          Subdivision of Property

- 9.1 Scope - It shall be unlawful for any individual being the owner, agent, or person having control of any land within the incorporated area of New Hebron, Mississippi, to subdivide or layout such land in lots unless by a plat, in accordance with the regulations contained herein. No lots shall be sold nor any plat recorded until such plat has been approved as herein provided. Any area hereafter annexed to the City of New Hebron, immediately upon annexation, shall no longer be subject to the Larwrence County Subdivision regulations adopted herein by the City of New Hebron.

9.2 Land Subdivision Procedure

9.2.1 General Procedure

9.2.1.1 Whenever any subdivision of land is proposed, before any recording of deeds, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the owner or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure, which includes three steps for a major subdivision and two steps for a minor subdivision:

9.2.1.1.1 Major Subdivision

9.2.1.1.1.1 Sketch Plat

9.2.1.1.1.2 Preliminary Plat

9.2.1.1.1.3 Final Plat

9.2.1.1.2 Minor Subdivision

9.2.1.1.2.1 Sketch Plat

9.2.1.1.2.2 Final Plat

9.2.1.2 Prior to final approval of any lot in City of New Hebron which does not have central collection and treatment for sewage, an application, must be submitted to the Panola County Health Department for notation that septic tanks will be approved and any conditions or limitations for such approval.

9.2.1.2.1 No plat or replat subdividing land into lots shall be filed or recorded in the Office of the City Clerk of the City of New Hebron, Mississippi, unless and until reviewed by the Planning Commission and approved by the Governing Authority and no lot shall be sold from such plat or replat until the plat is filed for record in the Office of the City Clerk of City of New Hebron, Mississippi.

9.2.2 Sketch Plat Procedure

9.2.2.1 The purpose of the Sketch Plat is to provide the Subdivider an opportunity to consult early and informally with the Planning Commission Staff before preparation of a Preliminary and/or Final Plat and submission of a formal application to the Planning Commission. The intent of this procedure is to assist the Subdivider in preparing a plan which will meet the objectives of the Comprehensive Plan, the requirements of the Planning Commission and of other public agencies, the improvements and uses of the subdivision and any other potential problems involved in the proposed subdivision.

9.2.2.2 The Subdivider shall submit to the Planning Commission Staff a Sketch Plat showing the boundaries of the proposed subdivision, its relationship to surrounding properties, natural features and the proposed street and lot pattern. This step does not require a formal application or filing fee. Upon receipt of the Sketch Plat the Planning Commission Staff shall review the Sketch Plat, and notify the Subdivider through consultation and/or writing that the Sketch Plat as submitted, or modified, meets the objectives of these regulations, or does not meet the objectives of these regulations and the reason therefore.

9.2.2.3 If the proposed subdivision is to contain two or more lots whose dwelling structures will be exempt from obtaining a Residential Construction--Framing Permit from the New Hebron Building Inspector, a note shall be affixed on the face of the plat stating, this plat contains two or more lots whose dwelling structures may be exempt from obtaining a Residential Construction--Framing Permit from the New Hebron Building Inspector."

9.3 Preliminary Plat Application Procedure

9.3.1 Five copies of the preliminary plat, drawn to a scale of 100 feet to the inch, except where waived by the Director of the Planning Commission, conforming to the requirements of Article IV-F, shall be submitted to the Planning Commission. The plat shall be accompanied by an application form supplied by the Planning Commission and a file fee to be fixed by the Governing Authority by separate ordinance. Application must be made no later than the two weeks prior to the date of the next regularly scheduled meeting of the Planning Commission

- 9.3.2 If the Planning Commission after the recommendation of the City Engineer finds that the preliminary plat satisfies the requirements of this Ordinance, it shall approve said plat. The Subdivider or his agent must be present at the Planning Commission meeting scheduled to hear the submitted application unless otherwise advised by the Director of the Planning Commission.
- 9.3.3 If the Planning Commission finds otherwise, it shall specify the objections found to such plat and may either disapprove or approve the plat conditional upon specific changes being made to the plat prior to its submission to the Governing Authority.
- 9.3.4 Within 90 days after submission of the preliminary plat and other required materials submitted in conformity to these regulations, the Planning Commission shall specify to the subdivider its approval and state the conditions of such approval, or in the event of disapproval, shall state its disapproval and reasons therefore. However, the subdivider may waive the time limitation requirements and consent to an extension of such period.
- 9.3.5 The Planning Commission may attach additional conditions not specified in this ordinance and reject a subdivision if it has been determined that the proposed subdivision is not in keeping with the general character of the development in the area; and that in the best of the public, the site is not suitable for the proposed development purposes.
- 9.3.6 When requested, one copy of the proposed plat and findings of the Planning Commission shall be given the per son offering the proposed plat, together with a certificate of approval or disapproval of the Planning Commission. Approval of the Preliminary Plat by the Planning Commission does not constitute a final acceptance or approval of the proposed subdivision.
- 9.3.7 On the basis of approval of the Preliminary Plat, the subdivider may proceed with the installation of minimum improvements with reasonable assurance that no major changes will be required or made at a later stage of the approval process, provided Final Plat approval is obtained within two (2) years from the date of preliminary approval or the Subdivider may proceed toward filing a Final Plat, as described in Article IV-G. However, after two years from the date of preliminary approval, the Planning Commission may require re-submission of preliminary plans if no final approval has been given.
- 9.3.8 If the proposed subdivision is to contain two or more lots whose dwelling structures will be exempt from obtaining a Residential Construction--Framing Permit from the New HebronBuilding Inspector, a note shall be affixed on the face of the plat stating, ~his plat contains two or more lots whose dwelling structures may be exempt from obtaining a Residential Construction--Framing Permit from the New HebronBuilding Inspector."
- 9.4 Data for Preliminary Plat
- 9.4.1 Preliminary Plat and five (5) prints shall be at a scale of One-hundred (100) feet to one (1) inch (1" - 100') unless otherwise specified by the Planning Commission Staff. The Preliminary Plat and accompanying documents shall show the following:
- 9.4.1.1 The proposed lot lines, lot numbers and the lot layout for the subdivision.
- 9.4.1.2 Minimum building set-back lines.
- 9.4.1.3 The location of all existing and proposed streets alleys or access easements in the subdivision including dimensions of right-of-way widths, street names.
- 9.4.1.4 Easements, their location, width and purpose.
- 9.4.1.5 The proposed use of all land in the subdivision including any reserved areas and the acreage.
- 9.4.1.6 The location of existing property lines, streets, buildings, water courses, zoning classifications, and other existing features within the area to be subdivided and similar information regarding existing conditions of land immediately adjacent thereto.

- 9.4.1.7 The acreage of the land to be subdivided.
  - 9.4.1.8 Areas which are subject to periodic inundation (100-Year Flood Elevation).
  - 9.4.1.9 The proposals for sewer and water service shown as a note on plat and any accompanying documentation from appropriate agencies.
  - 9.4.1.10 The title under which the proposed subdivision is to be recorded, and the name and Mississippi registration number of the engineer, registered land surveyor, planner, and the subdivider platting
  - 9.4.1.11 Location sketch map showing relationship of subdivision site to area including township, range, section, and parts of sections.
  - 9.4.1.12 The names and adjoining boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land.
  - 9.4.1.13 Contours at vertical intervals of not more than two feet will be shown for property to be platted as school or park sites.
  - 9.4.1.14 North point, graphic scale, and date.
  - 9.4.1.15 The subdivider's proposal to the Governing Authority for accomplishing the installation of improvements in accordance with ARTICLE VI of the Ordinance.
- 9.5 Final Plat Application Procedure
- 9.5.1 Five prints at a scale of one inch equals 100 feet and three prints at a scale of one inch equals 200 feet of the final plat, accompanied by an application form supplied by the Planning Commission a filing fee to be fixed by the Governing Authority by separate ordinance, together with copies of any deed restrictions where such restrictions are lengthy to be shown on the plat, shall be submitted to the Planning Commission. Application must be made no later than two weeks prior to the next regularly scheduled meeting of the Planning Commission to be heard at that meeting.
  - 9.5.2 When the Final Plat conforms to the approved Preliminary Plat, and the requirements of this Article have been accomplished, the Final Plat shall be approved by the Chairman of the Planning Commission and the plat thereupon submitted to the Governing Authority for its review and final determination. When the Final Plat does not conform to the approved Preliminary Plat, the Planning Commission shall submit its recommendations to the Governing Authority for approval or disapproval of the Final Plat. The Subdivider or his agent must be present at the Planning Commission meeting scheduled to hear the submitted application unless otherwise advised by the Director of the Planning Commission.
  - 9.5.3 If the subdivision improvements required in Article VI have not already been installed as explained in Article IV, E-6, the subdivider may either;
    - 9.5.3.1 Proceed to install the required improvements before subdivision may be recorded and lots sold: or
    - 9.5.3.2 A performance bond must be provided to cover the costs of the required improvements and the subdivision may be recorded immediately and lots sold. Once the improvements have been installed, a maintenance bond must be provided as described in Article VI, Paragraph B-4 after which the performance bond is re-
    - 9.5.3.3 After approval of the Final Plat by the Governing Authority and required improvements are installed or appropriate arrangements have been made therefor, a cloth-backed original plat shall be recorded in the Office of the Chancery Clerk within one (1) year and if not filed, such plat shall have no validity and shall not be recorded without concurrence of the Planning Commission. A cloth-backed copy of the recorded plat shall be provided to the Planning Commission for its official records.
    - 9.5.3.4 Any land dedicated to New Hebron for park purposes in a subdivision shall be conveyed to New Hebron free and clear of all encumbrances at the same time the plat of subdivision is filed, said deeds to be without restrictions or covenants except requirement that the land be used for park purposes without reversion and with references to the

subdivision, if any, on which the land is shown.

## 9.6 Data for Final Plat

9.6.1 The Final Plat and five prints shall be at a scale of not more than 100 feet to the inch (1" - 100') from an accurate survey and on one or more sheets whose dimensions shall be 18 inches by 24 inches. If more than two sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet and the component areas shown on other sheets. The Final Plat and the accompanying documentation shall show the following:

9.6.1.1 The boundary lines of the area being subdivided with accurate distances and angles, showing all relationship of the subdivision to section, township and range.

9.6.1.2 The lines of all proposed streets their widths and the names of all streets.

9.6.1.3 The accurate outline of any portions of the property intended to be dedicated or granted for public use with a statement of dedication thereon.

9.6.1.4 The lines of all adjoining property and the line of adjoining streets and alleys with their widths and the names of all streets within the proposed subdivision.

9.6.1.5 All lot lines together with an identification of all lots which shall be numbered consecutively.

9.6.1.6 The location of all building lines and easements

9.6.1.7 All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/ 100th of a foot.

9.6.1.8 The radii, arcs or chords, points of tangency and central angles for curvilinear streets and radii for rounded corners.

9.6.1.9 The location of all survey descriptions as provided in

9.6.2 General Information - The Final Plat shall show the following:

9.6.2.1 The name of the subdivision, a graphic scale of the plat, a north arrow oriented toward the top of the page, the date and the name of the owner or owners or subdividers.

9.6.2.2 Location sketch map showing relationship of subdivision site to area including township, range, section, and parts of sections.

9.6.2.3 The certificate, Mississippi registration number and legal seal of a registered engineer or land surveyor attesting the accuracy of the survey and the correct location of all monuments shown.

9.6.2.4 Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.

9.6.2.5 Acknowledgment of the owner or owners of the plat, and restrictions including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required.

9.6.2.6 Proper certificates for owner, notary public, registered engineer or land surveyor, Planning Commission, Board of Supervisors, and Chancery Clerk, shown in that order.

## 9.7 Procedure for Recording Final Plat

After final approval is obtained from the Governing Authority and all conditions have been satisfied, two cloth-backed copies and two half-size prints shall be submitted for recording which shall contain the necessary signatures, certificates, and seals as specified in Article IV-H2 along with any agreements, and bonds if necessary, a recording fee as established by the Office of the Chancery Clerk, and the attorney's

certificate of title certifying title to the land subdivided valid as of the hour and day of recording.

9.8 Subdivision Design Standards

9.8.1 Streets

- 9.8.1.1 The arrangement of streets in all new subdivisions shall extend the grid pattern of the original Town of New Hebron to same size, spacing, and rhythm of existing blocks.
- 9.8.1.2 All proposed street names shall avoid duplication of other street names in Panola County unless the proposed street is obviously intended as an extension of another existing or proposed street, in which case the streets shall bear the same name.
- 9.8.1.3 The minimum widths of street and road right-of-way, measured from lot line to lot line, shall be as shown on the Transportation Plan for New Hebron, or if not shown on such plan, shall not be less than the following:
- 9.8.1.4 The minimum right-of-way width for streets shall be 50 feet, except that in cases where the topography or special conditions make right-of-way of less width more suitable, the Planning Commission may waive the above requirement.
- 9.8.1.5 The angle of intersection between streets should not vary by more than ten degrees from a right angle.
- 9.8.1.6 The minimum corner radii at street intersections shall be 20 feet.
- 9.8.1.7 Street "jogs" resulting from failure to align streets on either side of an intersection are prohibited, with a minimum offset of 150 feet between center lines of parallel streets being required.
- 9.8.1.8 Cul-de-sac streets are prohibited.
- 9.8.1.9 Minimum street grades of 0.5 percent will be required for adequate drainage, maximum street grades will be 7 percent for all streets. Intersections will be a minimum feasible grade with sight distance of at least 100 feet in all directions. A minimum sight distance of 200 feet will be required in all curves.
- 9.8.1.10 Alleys shall not be provided in a residential block. In industrial or commercial subdivisions, paved alleys or driveway easements assuring permanent rear access may be required with a minimum width of 200 feet.
- 9.8.1.11 To assure a continuous circulation system in an area when all the land is developed the Planning Commission may require extension of a street within a subdivision to the adjoining property, which street would be continued at the time the adjoining property would be developed. Temporary turnaround with a forty (40) foot radius shall be provided at the termination of such streets unless waived by the Planning Commission.

9.8.2 Easements

- 9.8.2.1 Easements of at least ten feet in width shall be dedicated on each side of all rear lot lines and at least five feet on each side lot line and at least 10 feet on all lot lines adjoining a street, for poles, wires, conduits, storm and sanitary sewers, gas, water, or other utilities. The developer shall confer with all utility companies serving the property. Easements of greater width than normally required may be required as necessary.
- 9.8.2.2 No side, rear or front yard easements will be required where this ordinance indicates no yard requirements.
- 9.8.2.3 Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving, or protecting the stream or drainage course. The adequacy of the easement shall be determined by the Engineer.

9.8.3 BLOCKS

- 9.8.3.1 All new blocks shall extend the grid pattern of the original Town of New Hebron to same size, spacing, and

rhythm of existing blocks.

#### 9.8.4 LOTS

9.8.4.1 The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and to the character of surrounding development.

9.8.4.2 The minimum lot area and lot width, measured at the building lines, shall conform to the requirements of this ordinance.

9.8.4.3 All side lot lines shall be at right angles to straight street lines and radial to curved street lines a variation of this rule will provide a better street and lot layout as approved by the Planning Commission.

9.8.4.4 Corner lots shall have a width sufficient to permit the establishment of front building lines on both the adjoining streets without reducing the buildable width below that of the average sized lot in the subdivision.

9.8.4.5 Reverse frontage lots shall be prohibited except where essential as determined by the Planning Commission to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography. In such cases, additional depth including a planting screen reservation of a minimum of ten feet in width, and across which there shall be no right of access, shall be provided along the line of lots abutting such uses. A statement dissolving the right of access of lots to the major street shall be included on the Final Plat.

9.8.4.6 Property line radii at street intersections shall not be less than 20 feet.

#### 9.8.5 PUBLIC SITES, FACILITIES AND OPEN SPACES

9.8.5.1 All land to be reserved for dedication to the local government or acquisition for public use purposes shall have prior approval of the appropriate governmental agency and shall be shown on the plat "Reserved for Park and/or Recreation and/or Public Use Purposes."

9.8.5.2 Where a subdivision contains sewers, sewage treatment plants, water supply systems, park areas, or other physical facilities necessary or desirable for the welfare of the area and of common use or benefit, which the Governing Authority does not desire to or cannot maintain, provision shall be made for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision.

#### 9.8.6 GENERAL SUITABILITY

9.8.6.1 The Planning Commission may reject a subdivision if it has been determined that the proposed subdivision is not in keeping with the general character of the development in the area; and that in the best interest of the public, the site is not suitable for the proposed development purposes.

9.8.6.2 Where deed restrictions or covenants are proposed, they shall be included with the plat and made a part of such plat; provided however, that such deed restrictions or covenants shall not contain reversionary clauses wherein any lot shall return to the subdivider because of a violation thereon of the terms of the restrictions or covenants.

SECTION 10      REQUIRED MINIMUM IMPROVEMENTS

10.1      AUTHORITY TO PROCEED WITH INSTALLATION OF IMPROVEMENTS

10.1.1      Receipt by the subdivider of the approval of the Preliminary Plat by the Planning Commission shall constitute authority for the subdivider to proceed with the following minimum improvements and preparation of the Final Plat. The Subdivider shall:

10.1.1.1      Submit final construction plans and specifications to the Engineer prior to construction of any of the required improvements, or the submission of a performance bond.

10.1.1.2      Submit engineering maps showing approximate grades and profiles of streets and plans regarding facilities for storm water drainage; and other proposed improvements such as sidewalks, plantings, parks and any grading of individual lots except when specifically not required by the Planning Commission.

10.1.2      If the Engineer shall find such plans and specifications to be in accordance with applicable policies and standards of the Governing Authority, he shall authorize construction and determine the amount of bond, if required. Following the approval of the plans and specifications, construction may be started or the bond may be filed.

10.1.3      All improvements must be inspected during the course of construction of the improvements. A schedule of inspections must be coordinated with the Engineer. The Engineer will make written inspection reports during the period of construction.

10.2      PROCEDURES FOR POSTING OR RELEASE OF BONDS

10.2.1      No Final Plat of any subdivision shall be recorded unless all improvements specified in the approval have been completed or a performance bond has been filed with the Governing Authority securing the construction of improvements specified in this Article.

10.2.2      The subdivider shall sign an agreement with the Governing Authority agreeing to install or provide the required improvements and shall file with the Governing Authority a bond. This agreement and bond shall be conditional to secure the construction of the required improvements listed in this Article in a satisfactory manner and within a period specified by the Governing Authority, such period not to exceed two years. No such bond shall be accepted unless it is enforceable by or payable to the city of New Hebron in a sum at least equal to the amount specified below and in a form with surety and conditions approved by the Attorney for the Governing Authority, where costs of improvements are not specified, this amount shall be estimated by the Engineer.

10.2.3      The bond amount for streets shall be determined by the Engineer and shall be a sum at least equal to the amount estimated to construct the required improvements to the required specifications two (2) years from the date of the agreement.

10.2.4      All road construction will be guaranteed after acceptance by the City of New Hebron subject to normal wear and tear. A maintenance bond in an amount set by the Engineer will be required in order to assure the satisfactory condition of the required improvements. The maintenance bond shall continue to be in effect until 25% of the lots in that section of the subdivision are built on or one (1) year whichever time is greater.

10.2.5      When all of the required improvements have been constructed, the subdivider shall contact the Engineer for a final inspection and shall provide certification that the final improvements have been installed according to City specifications. The Engineer shall inspect the subdivision and make a written report, a copy of which is to be provided to the subdivider and the Governing Authority.

10.2.6      The bond will be released by order of the Governing Authority when the subdivision receives an approved final inspection report from the Engineer. The Governing Authority on recommendation of the Engineer may reduce liability on the bond as work progresses and after acceptance may reduce the bond to such amount as the Engineer deems sufficient to guarantee performance of the warranty.

10.3      INSTALLATION OF PART OF IMPROVEMENTS

The owner of a tract may prepare and secure approval of a Preliminary Plat for the entire tract and the required improvements in only a portion of such tract, but the improvements must be installed or provision made for their installation in any portion of the area for which a Final Plat is approved for recording. This is provided, however, that any gas mains, storm sewers, trunk sewers, and any sewage treatment plants shall be designed and built to serve all the area owned by the subdivider or designed and built in such a manner that they can easily be expanded or extended to serve the entire area, and provided further that the requirements of Article V, E-2 have been met. and provided further that the require-

#### 10.4 SURVEY MONUMENTS

All subdivision boundary corners shall be marked with permanent monuments. A permanent monument shall be deemed to be a four (4) inch by four (4) inch concrete post at least thirty (30) inches long with a one-half inch steel rod center. Should conditions prohibit the placing of monuments on the line, offset marking will be permitted; provided, however, that exact offset courses and distances are shown on the subdivision plat. Iron pipes or steel rods shall be set at all lot corners. If survey monuments are removed during construction, they shall be replaced.

#### 10.5 MINIMUM STANDARDS

The owner shall submit to the Engineer two complete sets of plans and profiles of road work to be constructed in the subdivision. The Engineer may require the owner to lay grades and designate size of drains to be used before considering the same and may make any changes he deems necessary to conform to good engineering practice.

The owner will furnish the Engineer a topographical map of the area to be subdivided when required by him, so that he may be able to study drainage requirements. Contours on the map shall be on two foot intervals from actual elevation.

##### 10.5.1 Street Improvements

All existing and new roads, regardless of lot size must comply with these regulations before dedication is accepted and before the roads will be maintained by City of New Herbron.

10.5.1.1 Depth of Soil Cement: Residential subdivisions shall have a minimum of 6 inches of soil cement, using minimum of 10 percent cement by volume and three inches of asphalt surface coarse. Commercial and industrial subdivisions shall have a minimum of 8 inches of soil cement using minimum of 10 percent cement by volume and three inches of asphalt surface coarse.

10.5.1.2 Width of Soil Cement - 50' r.o.w. roads shall have 30 feet of soil cement.

10.5.1.3 Use of Clay Gravel Base - an alterative road base using compacted clay gravel may be approved. Said base shall have a compacted depth of 8 inches for residential subdivisions and 12 inches for commercial and industrial subdivisions

##### 10.5.1.4 Width of Pavement:

10.5.1.4.1 50' r.o.w. roads shall have 24 feet of pavement

10.5.1.4.2 All other roads shall have pavement widths as specified in the cross sections shown in Figure 1.

##### 10.5.1.5 Method of Surface Construction

10.5.1.5.1 A developer shall construct streets in the following manner:

10.5.1.5.1.1 After completion of soil cement the developer shall apply one and one-half inches of plant mix surface, using the most recent Mississippi Department of Transportation Specifications, construction bonding may be reduced in accordance with remaining construction as set forth below.

10.5.1.5.1.2 After construction of at least 85% of subdivision lots, plant mix surface shall be applied. Plant mix surface shall be applied at one and one-half inches in thickness, using the most recent Mississippi Department of Transportation Specifications. Developer construction of streets shall require certification of compliance with construction standards by an engineer licensed in the State of Mississippi. Certification of construction standards will allow for the reduction of the construction bond to a one year maintenance bond.

10.5.1.5.1.3 The issuance of building permits shall cease for failure to fully comply with the standards herein stated.

10.5.1.6 All new roads must be paved by the Developer before being accepted by the Governing Authority for maintenance.

Three inches of plant mix surface, using the latest Mississippi State Highway Specifications is required on all new roads in subdivisions. Any changes from these specifications must be approved by the Engineer and tests may be required on all materials. The latest edition of Mississippi Department of Transportation Specifications will govern construction.

- 10.5.1.7 All bridges shall be constructed according to the Mississippi Standard Specifications for State Aid Road and Bridge Construction in effect at the time the subdivision is approved.
- 10.5.1.8 Curb and gutter are not appropriate for the Town of New Hebron and are not required.
- 10.5.1.9 The developer's engineer must notify the Engineer in writing when the subgrade is ready for soil cement stating all culverts, subgrade width and firmness of subgrade are up to approved engineering standards before gravel is placed on the road. The owner shall notify the Engineer when he plans to place soil cement on the road. The Engineer may have a representative present if load measurement is to be used. After the soil cement is placed, the Engineer will again certify that the soil cement is of proper material thickness and width. When the road is to be paved, the Engineer again will certify as to road bed being in proper condition for surfacing and that the materials used meet standards. The Engineer or his representative will inspect the road one time after being notified at completion of each phase of this work at no cost to the owner. If another trip is made, there will be a per hour charge for time involved on all other trips.
- 10.5.1.10 If these standards are not carried out, the City of New Hebron Board of Aldermen shall not accept the roads for maintenance.

## 10.6 DRAINAGE

- 10.6.1 The plat shall be laid out so as to provide proper drainage of the area being subdivided. Drainage improvements shall maintain any natural watercourse and shall prevent the collection of water in any low areas. (Also See 9e of this Article)
  - 10.6.2 All drainage pipes may be concrete, asphalt coated metal pipes or plain galvanized-coated metal pipes. The Engineer must approve the gauge thickness of asphalt-coated metal pipes or plain galvanized metal pipes. All plain galvanized pipes approved by the Engineer for the sizes 21 inches through 96 inches in diameter shall be one gauge heavier than the approved gauge for asphalt-coated metal pipe. The developer's Engineer shall provide the Engineer with the shipping tickets showing the gauge of all pipes installed.
  - 10.6.3 The Planning Commission upon recommendation of the Engineer may require paving of ditches or appropriate stabilization. Sufficient easements will be provided on subdivision plats for maintenance of large ditches for alignment and cleaning. Ditches shall be constructed on uniform grades sufficient for proper run-off.
  - 10.6.4 All underground drainage must be inspected and approved by the Engineer.
  - 10.6.5 All driveway culverts and ramps shall be provided for by the subdivider. The cost of culverts and ramps shall be included within the performance bond for the subdivider, with the number of culverts and cost being approved and estimated by the Engineer. Upon installation of any culverts or ramps by the subdivider, the performance bond may be reduced or a new bond substituted to secure the obligation with respect to culvert and ramp requirements.
- 10.7 WATER SUPPLY:

All subdivisions shall have the proposed water system approved by the appropriate state agencies. The water system shall have enough outlets and shall be large enough to furnish an adequate water supply and fire protection to every lot.

- 10.7.1 Water mains, where possible, shall be located in street rights-of-way as approved by the Engineer.
- 10.7.2 The installation of the water system, including fire hydrants, shall be subject to the approval of the Governing Authority and Engineer.
- 10.7.3 Fire hydrants shall be installed in all sub division except where the water system serving that subdivision is not adequate. The hydrants shall be located not more than 500 feet as measured along a dedicated street from all lots within the subdivision. All fire hydrants will be served by a six (6) or larger

## 10.8 SANITARY SEWER SYSTEM:

- 10.8.1 Centralized sewage collection and treatment facilities shall be provided on all lots in all subdivisions except as hereafter provided, and shall conform to all applicable state and local laws.
- 10.8.2 Where centralized public sewage collection systems are not reasonably accessible to the subdivider and an individual centralized disposal system is provided by the subdivider, sewer lines shall be laid out so a future connection with the public sewer main shall be made. All plans shall be designed and approved in accordance with the rules, regulations and standards of the Mississippi State Board of Health, the Lawrence County Health Department. Necessary action shall be taken by the subdivider to extend or create a sanitary sewer district which will maintain the

disposal system.

- 10.8.3 Individual septic tanks may be used in subdivisions where central sewage is not available only if written approval is obtained from the Mississippi State Board of Health acting through the Larwrence County Health Department.
- 10.8.4 All subdivisions hereafter filed for record in the Office of the Chancery Clerk shall be approved only for use with central collection and treatment of sewage unless there is affixed to the plat a notation signed on behalf of the Health Department that septic tanks may be used on the lots. Developers contemplating use of central collection and treatment need not submit such plats to the Health Department but all approvals by the City will only authorize centralized collection and treatment and no building permit will be issued authorizing use of septic tanks on such lots. Notations authorizing use of septic tanks by the Health Department may be in substantially this form:

"SEPTIC TANKS MAY BE USED ON THE LOTS SHOWN ON THIS PLAT OF SUBDIVISION"

Larwrence COUNTY HEALTH DEPARTMENT

By /s/ HEALTH OFFICER

10.9 STREET LIGHTS AND TRAFFIC SIGNS

Street lights and traffic signs shall be required in accordance with design and specification standards approved by the Engineer and utility company. Where Street lights are required the Subdivider shall confer with the electric utility company serving the property.

10.10 STREET SIGNS:

Street signs shall be installed at all intersections within and bordering the subdivision in accordance with City of New Hebronspecifications.

10.11 CARE OF AREA DURING CONSTRUCTION:

- 10.11.1 Builders and contractors shall be responsible for cleaning up all loose paper and material subject to be scattered by the wind each day and prevent such material from scattering through a subdivision or to adjoining property. The premises will be kept ,in a reasonably clear unlittered manner. Building permits may be withheld from builders and contractors wh~ of litter and loose paper after being warned by the Building Department.

- 10.11.2 Builders and contractors shall not permit waste materials, dirt and debris to be placed or allowed to remain in a public street or road. Surplus dirt shall not be graded or pushed into a street.

If a builder or contractor shall not immediately remove such material placed by him or his sub-contractors in a street after being warned, no building permit shall be issued to him for a period of six months thereafter, and the violator may be prosecuted for unlawfully placing an obstruction in a public road. At the discretion of the Building official, he may cause such material to be removed and the contractor shall be required to pay the cost of such removal.

10.12 EROSION AND SEDIMENT CONTROL:

Installation of the above improvements shall be done in such a manner as to provide for the most effective control of erosion and sediment. The construction plan shall be accompanied by an erosion and sediment control plan which shall be submitted to the Larwrence County Soil and Water Conservation District for review and recommendations. Practical combination of the following technical principles shall be used:

- 10.12.1 The smallest practical area of land shall be exposed at any one time during development.
- 10.12.2 When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
- 10.12.3 Temporary vegetation or mulching shall be used to protect critical areas exposed during development.
- 10.12.4 Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment

from runoff waters of land undergoing development.

- 10.12.5 Provisions shall be made to effectively accommodate the runoff caused by changed soil conditions during and after development.
- 10.12.6 Permanent final vegetation and structures shall be installed as soon as practical in the development
- 10.12.7 The development plan shall be fitted to the topography and soils so as to create the least possible erosion.
- 10.12.8 Whenever feasible, natural vegetation shall be retained and protected.

## SECTION 11 REVISION OF RECORDED PLATS

### 11.1 ERRORS

Errors on recorded subdivision plats may be corrected by the subdivider by making a written request to the Governing Authority to have such correction made. The Governing Authority may direct that the correction be made directly on the existing recorded plat, or they may direct that a complete new plat be filed as in Paragraph B below.

### 11.2 REVISION OF PLATS

11.2.1 The Governing Authority on such terms and conditions as it imposes, may authorize revision of recorded plat combining lots, changing lot lines or calls, correcting errors and other revisions on application by the owners of the lots being changed. The corrected plat shall be filed as a separate revision of the subdivision to include a notation attached to the originally recorded plat showing revisions made and location of corrected plat; and a title certificate may be required on the corrected plat.

11.2.2 On commercial and industrial subdivisions, lot lines are recognized for reference purposes only. Any redivision of a lot previously shown on a recorded plat must be submitted to the Planning Commission and Governing Authority so as to determine if the changes in lot lines conform to these regulations. Any vacation or relocation of utilities must have the concurrence of the utility company serving the property.

### 11.3 VACATION OF PLATS

11.3.1.1 Any recorded plat or portion thereof may be vacated by the subdivider at any time before the sale of any lot therein, by a written request to the Planning Commission with a copy of such plat attached. Such written request shall be approved by the Planning Commission and Governing Authority and recorded in the Office of the Chancery Clerk. The Governing Authority may reject such request which destroys any public rights in any of its public uses, improvements or streets. The recorded vacation of plat shall destroy the effect of the recorded plat and shall divest all public rights in streets, public grounds and all dedications provided in such plat.

11.3.1.2 When lots have been sold, the recorded plat may be vacated in the manner described in Paragraph 1, provided all the owners of lots in such plat join in the execution of such written request. A title certificate shall be included with the written request to the Planning Commission, along with a copy of the recorded plat.

SECTION 12      EXCEPTIONS

- 12.1      Whenever the tract to be subdivided is of such unusual size or shape, or in the interest of the preservation of existing trees and other natural beauty, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this Ordinance would result in real difficulties or substantial hardship or injustice, the Governing Authority, after report by the Planning Commission, may vary or modify such requirements so that the subdivider may develop his property in a reasonable manner, but so that at the same time the public welfare and interests of the county are protected and the general intent and spirit of this Ordinance
- 12.2      If a major subdivision lies within one (1) mile of a municipality, the application shall be referred to the Governing Authority thereof for a recommendation prior to final approval.

SECTION 13 ADMINISTRATION AND ENFORCEMENT

13.1 PLANNING AND PRESERVATION COMMISSION COMPOSITION, AND TERMS

By virtue of Miss. Code Ann. 1972, Sec. 39-13-5, 39-15-7, 39-13-9 and 17-1-1 as amended, the town is authorized to establish a Planning and Preservation Commission to preserve, promote, and develop the city's historical resources and to advise the city on the designation of historic districts, landmarks, and landmark sites and perform such other functions as may be provided by law.

All members of the commission are appointed by the city and shall serve at the will and pleasure of the city. The commission shall consist of 5 members resident in the Town of New Hebron. All members of the commission shall serve for terms established by the city and shall be eligible for reappointment. All commission members shall have a demonstrated knowledge of or interest, competence, or expertise in planning and historic preservation.

SECTION 14 POWERS OF THE COMMISSION

In order to accomplish the purposes set forth in Miss. Code Ann. 1972, Sec. 17-1-1 as amended, and achieve the Goals of the New Hebron General Development Plan, the Planning and Preservation Commission shall :

- 14.1 Uses Permitted on Appeal - The Planning and Preservation Commission shall hear and decide only such uses permitted on appeal as the Planning Commission is specifically authorized to pass on by the terms of this Ordinance; shall decide such questions as involved in determining whether uses permitted on appeal with such conditions and safeguards as are appropriate under this Ordinance, or shall deny uses permitted on appeals when not in harmony with the purpose and intent of this Ordinance.
  - 14.1.1.1 A written application for a use permitted on appeal indicating the section of this ordinance under which the uses permitted on appeal is sought and stating the grounds on which it is requested shall be submitted to the Planning Commission at least fifteen days in advance of the hearing at which the application is to be considered.
  - 14.1.1.2 Every action authorized hereunder shall not be personal to the applicant thereof but shall run with the land so long as the conditions under which the exception was granted continue.
  - 14.1.1.3 In granting any uses permitted on appeal the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the uses permitted on appeal is granted, shall be deemed a violation of this Ordinance. The Planning Commission shall prescribe a time limit within which the action for which the uses permitted on appeal is required shall be begun or completed or both. Failure to begin or complete, or both, such action within the time limit set shall void the uses permitted on appeal.
- 14.2 Variances - The Planning and Preservation Commission shall have the power to authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Planning Commission unless and until they find that all the following facts and conditions exist:
  - 14.2.1 That special conditions and circumstances exist which are peculiar to the land, structure, or building involved.
  - 14.2.2 That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance;
  - 14.2.3 That the special conditions and circumstances do not result from the actions of the applicant;
  - 14.2.4 That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
  - 14.2.5 In granting any variance, the Planning Commission may prescribe appropriate, conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance,
  - 14.2.6 Under no circumstances shall the Planning Commission grant a variance to allow a use not permissible under the terms of this Ordinance in the zoning district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said zoning district nor shall any lot be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained.
- 14.3 Decisions of the Planning Commission in relation to Administrative Official

- 14.3.1 In exercising their powers, the Planning and Preservation Commission may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the Administrative Official from whom the appeal is taken.
- 14.3.2 It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Official, and that such questions shall be presented to the Planning Commission only on appeal from the decision of the Administrative Official, and that recourse from the decisions of the Planning Commission shall be to the courts as provided by law.

SECTION 15 RULES OF PROCEDURE

To fulfill the purposes of this ordinance and carry out the provisions contained therein:

- 15.1 The Planning and Preservation Commission shall adopt rules necessary, to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held by the call of the Chairman and such other times as the Board may determine. The Chairman, or in his absence the Vice-Chairman, may administer oaths and compel the attendance of witnesses.
- 15.2 The commission annually shall elect from its membership a chairman and vice-chairman. It shall select a secretary from its membership or its staff. If neither the chairman nor the vice-chairman attends a particular meeting, the remaining members shall select an acting chairman from the members in attendance at such meeting.
- 15.3 The commission shall develop and adopt rules of procedure which shall govern the conduct of its business, subject to the approval of the city. Such rules of procedure shall be a matter of public record.
- 15.4 The commission shall develop design review guidelines for determining appropriateness as generally set forth in this ordinance. Such criteria shall insofar as possible be consistent with local, state, and federal guidelines and regulations, including, but not limited to, building safety and fire codes and the Secretary of the Interior's Standards For Rehabilitation.
- 15.5 The commission shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations, and decisions. All such material shall be a matter of public record.
- 15.6 The commission shall establish its own regular meeting time; however, the first meeting shall be held within thirty (30) days of the establishment of the commission by the local government and regular meetings shall be scheduled at least once every three (3) months. The chairman or any two (2) members may call a special meeting to consider an urgent matter.

SECTION 16 ENFORCEMENT AND PENALTIES

The following civil and criminal penalties may be imposed upon those persons, firms, or corporations found to have violated requirements or prohibitions contained within this ordinance.

16.1 Complaints Regarding Violations

16.1.1 Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Administrative Official. The Administrative Official shall record properly such complaint, promptly investigate, and take action thereon as provided by this Ordinance.

16.2 Civil Penalty:

16.2.1 Any person who constructs, alters, relocates, or demolishes any resource in violation of this ordinance shall be required to restore the resource to its appearance or setting prior to the violation. Any action to enforce this provision shall be brought by the Town of New Hebron This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty.

16.2.2 If construction, alteration, relocation, or demolition of any resource occurs without a certificate of appropriateness, then the license of the company, individual, principal owner, or its or his successor in interest performing such construction, alteration, relocation, or demolition shall be revoked for a period of three (3) years.

16.2.3 If demolition of a resource occurs without a certificate of appropriateness, then any permits on subject property will be denied for a period of three (3) years. No permit will be issued for any structure or structures proposed for the same parcel which would require a footprint larger than the footprint of the demolished structure or structures. In addition, the owner must rebuild on the site using as much of the original building material as possible, and in general following the same form. In addition, unauthorized demolition of a portion of a structure shall not serve as justification for a demolition permit whenever it can be shown that restoration or rehabilitation would still be feasible. In addition, the applicant shall not be entitled to have issued to him by any city office a permit allowing any curb cuts on subject property for a period of three (3) years from and after the date of such demolition.

16.2.4 If a historic landmark or landmark site of statewide or national significance is demolished without review and approval by a local Planning and Planning and Preservation Commission, no permit for any construction on the parcel from which the landmark or landmark site has been removed may be issued for a period of up to twenty-four (24) months.

16.2.5 If demolition of a resource occurs without a certificate of appropriateness, then the license of the company, individual, principal owner, or its or his successor in interest performing such demolition shall be revoked for a period of five (5) years.

16.3 Criminal Penalty - Any persons, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor, and each shall be deemed guilty of a separate violation for each day during which any violation hereof is committed. Upon conviction, each violation shall be fined not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00).Each day that a violation continues to exist shall constitute a separate offense.

SECTION 17 ADMINISTRATIVE OFFICIAL

- 17.1 An Administrative Official designated by the Governing Body shall administer and enforce this Ordinance. The Administrative Official may be provided with the assistance of such other persons as the Governing Body may direct.
- 17.2 If the Administrative Official shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violations and ordering the action necessary to correct it. The official shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

SECTION 18 BUILDING PERMITS REQUIRED

- 18.1 Conformity with Ordinance Required - No building shall be constructed, enlarged, reconstructed, or materially altered without first obtaining a building permit, and no building permit shall be issued unless within strict conformance with the provisions of this Ordinance.
- 18.2 Application Information - All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Administrative Official. One copy of the plans shall be returned to the applicant by the Administrative Official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the Administrative Official.
- 18.3 Period of Permit - If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire and be canceled by the Administrative Official, and written notice thereof shall be given to the persons affected, together with notice that work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.
- 18.4 Conformity with Application - Permits issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and any other use, arrangement, or construction at variance with that authorized shall be deemed violation of this Ordinance.
- 18.5 Certificate of Occupancy: No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Building Inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed uses thereof are found to be in conformity with the provisions of this ordinance. Within three days after notification that a building or premises, or part thereof, is ready for occupancy for use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this ordinance; or if such certificate refused, to state refusal in writing with the cause.
- 18.6 Records: A complete record of such applications, sketches, and plans shall be maintained in the office of the Building Inspector.
- 18.7 Hearings, Appeals, Notice
  - 18.7.1 Appeals to the Planning and Preservation Commission concerning interpretation or administration of this Ordinance may be taken by any persons aggrieved or by any officer or bureau of the Governing Body of the Town affected by any decision of the Administrative Official. Such appeals shall be taken within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the Planning Commission and specifying the grounds thereof. The Administrative Official shall forthwith transmit to the Planning Commission all papers constituting the record upon which the action appealed from was taken.
  - 18.7.2 The Planning and Preservation Commission shall fix a reasonable time for the hearing of appeal, give due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

SECTION 19 AMENDMENTS

- 19.1 Amendment Procedure

- 19.1.1 The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed, provided however that no such action may be taken until after a public hearing; in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard; in accordance with the procedure set forth in this section.
- 19.1.2 An amendment to this Ordinance may be initiated by the Planning Commission or Governing Body on its own motion, or, in the manner and pursuant to the procedure hereinafter set forth, may be initiated by any person, firm, or corporation filing an application therefor with the Town.
- 19.1.3 Any proposed amendments, supplements, change, modification, or repeal shall be first submitted to the Planning Commission for its recommendations and report and the Planning Commission shall hold a public hearing thereon.
- 19.1.4 The Planning Commission shall make its recommendation on such request for any amendment, supplement, change, modification, or repeal to the Governing Authority, and the Governing Authority shall proceed to hold a public hearing in relation thereto after giving 15 days notice of the hearing in an official newspaper specifying the time and place for said hearing.
- 19.1.5 The Governing Authority may refer the application back to the Planning Commission for additional study before final decision; however no notice other than for the first public hearing need be given.

19.2 Public Hearing Required

- 19.2.1 No Amendment to this Ordinance shall Become effective until after a public hearing in relation thereto at which hearing parties in interest and citizens shall have an opportunity to be heard. Notice of the time, place and purpose of such hearing shall be published at least once in an official newspaper or a paper of general circulation in the community at least fifteen (15) days prior to the hearing. If no local newspaper exists, notice shall be posted in at least three (3) public places within the Town. Said notice shall read as follows:

NOTICE

Pursuant to the order of the [Governing Body] of [Town], Mississippi, notice is hereby given to all persons interested or in any way affected thereby that (Name of Applicant) has filed an application with the undersigned to rezone the following described property from \* to\* ;

(Description of property).

Said application will be heard by the [Governing Body] of [Town], Mississippi, at the Town Hall in Town), at (time), (date), at which time all parties interested in or affected thereby will be heard, after which a decision will be rendered by the Governing Body. Any objection thereto may be made by any person owning property within 160 feet of said area exclusive of streets, and if made in writing must be filed with the undersigned before said time if a hearing thereon or consideration thereof is desired, or any party interested may appear in person or by counsel on said date.

This the                    day of                    2\_\_ .

Administrative Official

19.3 Posting

Any area for which an individual application for a change in zoning classification is being considered shall be posted for at least fifteen (15) days prior to the hearing, and the costs of such posting shall be borne by the applicant. Such posting shall be by means of a sign or signs erected in conspicuous locations on the property. The sign shall read, in letters legible from the nearest street, as follows:

PUBLIC NOTICE:

This property is being considered for REZONING\*. For additional information call (Telephone Number).

\*Zoning classification to be indicated by the word residential, commercial, industrial, or other, followed by the alphabetical and numerical definition. Description of the property may be in the form of a map

containing sufficient data to accurately locate the property.

#### 19.4 Effect of Protest to Amendment

When a proposed amendment affects the zoning classification of property, and in case a protest against such change is signed by the owners of 20 per cent or more either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending one hundred sixty (160) feet therefrom, or of those directly opposite thereto, extending one hundred sixty (160) feet from the street frontage of such opposite lots, then such amendments shall not become effective except by the favorable vote of two-thirds of all the members of the Governing Body.

#### 19.5 Applications for Amendments

19.5.1 Any person, firm, corporation or political subdivision may apply for an amendment to this Ordinance.

19.5.2 All applications for amendments to this Ordinance shall be filed with the Governing Body.

19.5.3 Without in any way limiting the right to file additional material, no application for amendment to this Ordinance will be considered unless it contains:

19.5.3.1 The applicant's name, address and interest in the application, and the name, address and interest of every person, firm, corporation or political subdivision represented by the applicant interested in the application.

19.5.3.2 The description of the proposed amendment.

19.5.3.3 A plat showing the land area which would be affected by the proposed amendment, the present zoning classification of the area and of all abutting properties, all public and private rights-of-way and easements bounding and intersecting the designated area and, abutting properties.

19.5.3.4 An applicant for amendment of the Zoning District Map shall have the responsibility to demonstrate the appropriateness of the change shall include the following:

19.5.3.4.1 How the proposed amendment would conform to the Comprehensive Plan.

19.5.3.4.2 Why the existing zone district classification of the property in question is inappropriate or improper.

19.5.3.4.3 What major economic, physical, or social changes, if any, have occurred in the vicinity of the property in question that were not anticipated by the Comprehensive Plan and have substantially altered the basic character of the area, which make the proposed amendment to the Zoning District Map reasonably necessary to the promotion of the public health, safety or general welfare.;

19.5.3.4.3.1 List such changes

19.5.3.4.3.2 Describe how said changes were not anticipated by the Comprehensive Plan

19.5.3.4.3.3 Describe how said changes altered the basic character of the area

19.5.3.4.3.4 Describe how said changes make the proposed amendment to the Zoning District Map appropriate.

SECTION 20 MISCELLANEOUS

- 20.1 Appropriations - The Town is authorized to make appropriations to the commission necessary for the expenses of the operation of the commission and may make additional amounts available as necessary for the acquisition, restoration, preservation, operation, and management of historic properties.
- 20.2 Interpretation - In interpreting and applying this Ordinance, its provisions shall be held to be the minimum requirements necessary for the promotion of public safety, health, convenience, comfort, and general welfare. It is not intended by this Ordinance to interfere with, or abrogate, or annul any easements, covenants, or other agreements between parties unless they violate this Ordinance. When two specific provisions of this Ordinance conflict, or a provision of this Ordinance conflicts with any other code, statute, law, ordinance or regulation, the more restrictive section shall apply.
- 20.3 Separability Clause - The requirements and provisions of this ordinance are separable. If any article, section, paragraph, sentence, or portion thereof, be declared by any court of competent jurisdiction to be void, invalid, or inoperative, the decision of the court shall not affect the validity or applicability of the ordinance as a whole or of any part thereof other than the part held void, invalid, or otherwise inoperative.
- 20.4 Schedule of Fees, Charges, and Expenses - The Governing Body shall establish a schedule of fees, charges, and expenses, and a collection procedure, for building permits, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Administrative Official. No permit, certificate, uses permitted on appeal, or variance shall be issued unless or until such Costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Planning Commission unless or until preliminary charges and fees have been paid in full,
- 20.5 Repealing Clause - In cases of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of New Hebron, the most restrictive shall in all cases apply. All ordinances and parts of ordinances in conflict herewith are hereby repealed. Likewise, all ordinances and part of ordinances in conflict with the Mississippi Antiquities Act (39-7-1 et. seq. of the Mississippi Code of 1972, as amended in 1983) are hereby repealed.
- 20.6 Effective Date - This ordinance shall become effective one month after its passage.
- 20.7 Non Restrictive Clause - Nothing in this ordinance shall be construed to prevent the regulation or acquisition of property, improved or unimproved, by the State of Mississippi or any of its political subdivisions, agencies, or instrumentalities or by the United States of America or any of its political subdivisions, agencies, or instrumentalities. Furthermore, the Town of New Hebron hereby acknowledges that the Mississippi State Antiquities (39-7-1 et. seq. of the Mississippi Code of 1972, as amended in 1983), provides for the sensitive treatment of publicly owned property, improved or unimproved, shown to possess certain architectural, historical, or archaeological significance, which are designed by the Board of Trustees of the Mississippi Department of Archives and History as Mississippi Landmarks. Whenever the Town proposes to rehabilitate, alter, or enlarge a Mississippi Landmark (or proposes similar actions which would affect a Mississippi Landmark), the Town shall submit its plans to the Mississippi Department of Archives and History for review and compliance.
- 20.8 Appeals - The applicant who desires to appeal a decision by the commission shall file an appeal to the circuit clerk of Larwrence County within thirty (30) days after the determination of the issue by the commission in the manner provided by law.
- 20.9 Title to Property Acquired - All property acquired by funds appropriated by the Town shall be acquired in the name of the Town unless otherwise provided by the Town. So long as owned by the Town, properties may be maintained by or under the supervision and control of the Town. However, all property acquired by the commission from funds other than those appropriated by the Town may be acquired and held in the name of the commission, the Town, or both. Whenever the commission shall hold title to properties in its own name, such properties shall be administered in accordance with this and other Town ordinances.

Attachment: Zoning Map