

ZONING ORDINANCE
OF THE TOWN OF
BELMONT, MISSISSIPPI

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ENACTMENT CLAUSE

WHEREAS, the Mayor and Board of Aldermen of the Town of Belmont, Mississippi having been given the authority under Sections 17-1-1 to 17-1-27 of the Mississippi Code of 1972, annotated, as amended, to enact a Zoning Ordinance and provide for its administration, enforcement and amendment; and,

WHEREAS, The Mayor and Board of Aldermen have divided the Town into districts and have prepared regulations pertaining to such districts and have given reasonable consideration, among other things, to the character of the districts and their particular suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town; and,

WHEREAS, the Mayor and Board of Aldermen deems it necessary for the purpose of promoting the health, safety, morals and general welfare of the Town to enact a Zoning Ordinance, which, among other things, is 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 facilitate the adequate provisions of transportation, water, sewage disposal, schools, parks and other public requirements; and,

WHEREAS, the Mayor and Board of Aldermen have given due public notice of hearings relating to zoning district regulations and restrictions and have held such public hearing in accordance with the requirements of Sections 17-1-15 of the Mississippi Code of 1972, annotated as amended,

NOW, THEREFORE, BE IT ORDAINED THAT all Orders, Resolutions or Ordinances in conflict with any provisions hereof shall be, and the same are hereby repealed, rescinded and set aside.

Following the reading of the foregoing Ordinance Alderman ----- made the motion and Alderman ----- seconded the motion for its adoption. The Mayor put the question to a roll call vote and the result was as follows:

Alderman Hugh Nichols	_____
Alderman Greg Pharr	_____
Alderman Steve Ratliff	_____
Alderman Bobby Joe Wilemon	_____
Alderman J. P. Wilemon, Jr.	_____

The motion having received the affirmative vote of a majority of the members present, The Mayor declared the motion carried and the Ordinance adopted on this the ----- day of -----, 1996.

APPROVED:

ATTEST:

TOWN CLERK, RAJAMA JOHNSON

MAYOR, BOB YARBER

ZONING ORDINANCE

AN ORDINANCE ENACTED UNDER THE ZONING LAWS OF THE STATE OF MISSISSIPPI, DIVIDING THE TOWN OF BELMONT, MISSISSIPPI, INTO ZONING DISTRICTS AND REGULATING THE LOCATION, HEIGHT, NUMBER OF STORIES, SIZE OF BUILDINGS AND STRUCTURES, DENSITY AND DISTRIBUTION OF POPULATION: REGULATING THE USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND FOR OTHER PURPOSES: PROVIDING A METHOD FOR ADMINISTRATION; PRESCRIBING PENALTIES FOR VIOLATION OF THESE REGULATIONS: AND BEING THE GENERAL ZONING ORDINANCE FOR THE PROMOTION OF HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE TOWN.

RESUME OF ZONING DISTRICTS

Agricultural District

- A-1 This district is intended to provide an area for agricultural and horticultural uses.

Single Family Residential

- R-1 Minimum lot area 10,500 square feet; minimum lot width 80 feet.
Single family detached dwellings and accessory buildings excluding manufactured housing.
- R-2 Minimum lot area for single family dwellings 7,500 square feet; minimum lot width 75 feet.
Minimum lot area for two-family dwellings 10,500 square feet; minimum lot width 80 feet.
Single family detached dwellings and accessory buildings; two-family dwellings not exceeding two units per building.
Permitted Special Exceptions: Manufactured housing, home occupations.

Multi-Family Residential

- R-3 Minimum lot area for single family dwellings 4,000 square feet; minimum lot width 40 feet.
Minimum lot area for two-family dwellings 7,500 square feet; minimum lot width 75 feet.
Minimum lot area for multi-family dwellings 30,000 square feet; minimum lot width 150 feet.
Single family detached dwellings and accessory buildings; two-family dwellings; multi-family dwellings; manufactured housing; home occupations.

Manufactured Home

- M-H This district is intended to provide areas of planned and improved tracts suitable for the location of manufactured homes. Site plan approval is required by the Board of Aldermen.

Central Business District

This district is intended to attract economic development and employment opportunities in the downtown area and to encourage the preservation of buildings and structures with significant historical or architectural character.

General Commercial

- C-1 This district is intended to accommodate commercial uses characterized primarily by retail, office and service establishments for the convenience of individual neighborhoods with certain areas adjacent to major transportation routes reserved for these uses.

Highway Commercial

- C-2 This district is intended to provide commercial areas located on major thoroughfares and which provide goods and services for the entire community. These areas normally require larger sites and direct access to major thoroughfares.

Light Industrial District

- I-1 This district is intended to provide areas for light industrial operations which can be operated in a clean and quiet manner and which will not be obnoxious to adjacent residential or commercial areas.

Heavy Industrial District

- I-2 This district is intended to provide areas for heavy industries which by nature may create some nuisance and which are not compatible with residential, commercial or service establishments.

ARTICLE I

TITLE AND PURPOSE

SECTION 100 - TITLE

This Ordinance shall be known and referred to as the ZONING ORDINANCE OF THE TOWN OF BELMONT, MISSISSIPPI, and may be so cited.

SECTION 101 - PURPOSE

The purpose of this Ordinance is to preserve and promote the public health, safety and general welfare of the inhabitants of the Town of Belmont and of the public generally, and to encourage and facilitate the orderly growth and development of the Town.

SECTION 102 - INTERPRETATION

In interpreting and applying this Ordinance, its provisions shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not the intent of this Ordinance to interfere with, abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of building or premises, and likewise not in conflict with this Ordinance; nor is it the intent of this Ordinance to interfere with, abrogate or annul any easement, covenant or other agreement between parties except wherein this Ordinance imposes a greater restriction, this Ordinance shall control.

SECTION 103 - CONFLICT

All Ordinances or part of Ordinances in conflict herewith are repealed, but nothing contained herein shall prevent the prosecution of any person or the bringing of a civil action to enjoin any person for the prior violation of any Ordinance or part of any Ordinance is hereby repealed.

SECTION 104 - SEVERABILITY

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason what so ever, such decision shall not affect the remaining portion of this Ordinance which shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

ARTICLE II

DEFINITIONS AND WORDS

SECTION 200 - RULES FOR WORDS AND PHRASES

For the purpose of this Ordinance, words used in the present tense include the future, words in the singular include the plural number and words in the plural number include the singular number, the word "building" includes the word "structure", and the word "shall" is mandatory and not discretionary, the word "may" is permissive and the word "lot" shall mean a building lot unless otherwise stated.

SECTION 201 - DEFINITIONS

Accessory Building or Use: Any building or use which is subordinate or incidental to the main building or dominant use of the lot or premises. No accessory building or area may be used for residential, commercial or business purposes.

Board: The Board of Aldermen of The Town of Belmont, Mississippi.

Buffer Area: An area which serves as a separation between two or more non-compatible districts.

Building Area: The portion of a lot remaining after required yards have been provided.

Building: Any structure which is enclosed and isolated by exterior walls and constructed or used for residence, business, industry, or other public or private purpose, or accessory thereto, the construction of which requires or would require a building permit.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof surface.

Building Setback Line: A line establishing the minimum allowable distance between the nearest portion of any building and a property line when measured perpendicularly thereto.

Carport: A canopy or shed attached to the main building and enclosed on two or more sides for the purpose of providing shelter for one or more vehicles.

Central Business District: The original or older sections of Belmont where a group of commercial establishments have been planned, developed, owned or managed independently with on-street parking provided by the Town and identified by the Official Zoning Map.

Certificate of Zoning Compliance: A certificate issued by the Town of Belmont to ensure that new or altered buildings, structures or uses, and the placement of signs are in conformance with the provisions of the Zoning Ordinance.

Clinic: Any building or portion thereof, the principal use of which is for offices of one or more licensed physicians, dentists, veterinarians or the like for the examination and treatment of persons or animals on an out-patient basis only.

District: The Zoning Districts established in Article IV of this Ordinance.

Dwelling: A building or portion thereof which is designed, arranged, or used for permanent living quarters for one or more families. The term shall not include a motel, hotel, guest house or other structure designed for transient residence.

Dwelling, Duplex: A building which contains two dwelling units that share a common wall and sit on the same lot, with open yards on all sides and not attached to any other building.

Dwelling, Multi-Family: A building which contains three or more dwelling units attached along and sharing one or more common walls between two units and/or stacked one above the other.

Family: Any number of persons living together in a single dwelling maintaining a common household with one head of the household.

Floodway: The channel or drainage-way to a main water course, drainage ditch or any other drainage facility or system which is reasonably required to carry and discharge the regulatory flood.

Floodway Fringe: The relatively low area or flatland adjoining the channel of a watercourse which has been or may be covered by floodwater.

Garage, Private: An accessory building or portion of a main building used for vehicular storage. The term also includes carport.

Garage, Public: A building or portion thereof other than a private garage designed for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

Gasoline, Service or Filling Station: Any area of land, including structures, that is used for the retail sale of gasoline, oil fuels, installation of minor automobile accessories and which may or may not include facilities for lubricating, washing or cleaning.

Home Occupation: An occupation or profession which involves the rendering of a service in exchange for monetary fees or other remuneration, is conducted wholly within a dwelling unit by a member of the family residing therein, and is clearly incidental and secondary to the use of the dwelling unit for residential

purposes.

Hotel or Motel: A building or group of buildings containing sleeping rooms designed for and rented to temporary guests.

Junkyard: Any land used, in whole or in part, for commercial or industrial storage, dismantling, and/or sale of waste paper, rags, scrap metal, motor vehicles, machinery, or other junk outside of an enclosed building. This shall not include a recycling or salvage operation.

Lot: A parcel of land whose boundaries have been established by some legal instrument, such as a recorded deed or plat, and which is recognized as a separate legal entity for purposes of transferring title. This term shall include any number of contiguous lots, or portions thereof, upon which a single principal building and its accessory buildings are located or intended to be located.

Lot Area: The total area including the front, side and rear lot lines.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line.

Lot Width: The width of a lot at the front building setback line.

Manufactured Home: A single-family dwelling containing a kitchen and toilet which is designated for transportation after fabrication on streets and highways on its own wheels or on a flatbed to a site where it is to be occupied as a dwelling and at which site it arrived complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like. Manufactured homes are considered structures for the purpose of this Ordinance. This term does not include recreational vehicles.

Manufactured Home Park: An area of land upon which three (3) or more manufactured homes occupied for dwelling or sleeping purposes are located, either free of charge or for revenue, or which is offered for such use.

Manufactured Home Park: An area of land upon which three (3) or more non-transient manufactured homes occupied for dwelling or sleeping purposes are located, either free of charge or for revenue, or which is offered for such use.

Nonconforming Lot: A lot that met all legal requirements when it was platted or otherwise recorded but which does not comply with the minimum lot area or minimum lot width requirements of this Ordinance, or subsequent amendment hereto, for the zoning district in which it is located.

Nonconforming Use: The use of a building or land that met all legal requirements at the time of adoption of this Ordinance but which does not conform with the use or area requirements prescribed by the district in which it is located.

Parking Lot: A space which is designed for the parking or temporary storage of a motor vehicle, but is not part of the required off-street parking requirements.

Parking Space: A space located on private or public property sufficient in size to store one (1) automobile either within a structure or in the open, exclusive of driveways or access drives.

Public Facilities: A building or structure other than a utility substation which houses or contains facilities for the operation of publicly owned or operated services including but not limited to libraries, schools, fire or police stations, municipal buildings, recreation centers, parks and cemeteries.

Restaurant: A retail establishment offering food or beverages or both for consumption on the premises. Restaurants do not include barrooms, nightclubs or lounges.

Shopping Center: A building or group of buildings, either connected or free standing, under unified or multiple ownership that is designed with common parking, pedestrian movement, ingress, egress, and used or intended to be used primarily for the retail sale of goods and services.

Sign: Any object, device, structure, or part thereof, which is placed outdoors or placed indoors and can be seen from the outdoors, and which is used to identify, describe, display, illustrate, direct or attract attention to an object, product, place, activity, person, institution or business.

Special Exception: A use that would not be appropriate generally or without restriction throughout the zoning district but which if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance or prosperity.

Structure: Any improvement upon land, other than the land itself, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. This includes but is not limited to buildings, signs, manufactured homes and impervious surfaces.

Thoroughfare: A street which serves as a primary traffic artery serving the major centers of activity and carrying traffic between such centers or that have the function of carrying traffic which has an origin and destination from the street itself.

Townhouse: A single-family dwelling forming one of a group or series of attached single-family dwellings separated from each another by fire walls without doors, windows or other provisions for human passage or visibility.

* Variance: A relaxation of the terms of the Zoning Ordinance which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in

this Ordinance, a variance is authorized only for height, area and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining district.

Yard: The open space on a lot which is unoccupied by any building or structure.

Yard, Front: The portion of a lot which is bounded by the side lot lines, a street right-of-way, and the required front yard line.

Yard, Rear: The portion of a lot which is bounded by the side lot lines and the rear lot line.

Yard, Side: The portion of the lot which is bounded by a side lot line, a the rear yard line and the front yard line. Any such yard abutting a street shall be treated as a "front yard."

ARTICLE III
ESTABLISHMENT OF ZONING DISTRICTS

SECTION 300 - ZONING DISTRICTS

In order to classify, regulate and restrict the location of trades, industries, residences and buildings designed for specific uses, to regulate the height and bulk of buildings hereafter erected or altered, to regulate the intensity of use of lot areas, and to regulate and determine the area of yards, courts and other open spaces, and for the purpose of this Ordinance, the Town of Belmont, Mississippi, is hereby divided into ten "Zoning Districts". The use of space, buildings and premises, and the height and area of buildings are uniform in each zoning district and said districts shall be known as follows:

A-1	Agricultural District
R-1	Single Family Residential District (low density)
R-2	Single Family Residential District (medium density)
R-3	Multi-Family Residential District (high density)
M-H	Manufactured Home District
CBD	Central Business District
C-1	General Commercial District
C-2	Highway Commercial District
I-1	Light Industrial District
I-2	Heavy Industrial District

SECTION 301 - OFFICIAL ZONING MAP

The aforesaid zoning districts are identified and delineated on a map entitled "Zoning Map of Belmont, Mississippi", which map is attached to and made a part of this Ordinance. The Zoning Map shall be identified by the signature of the Mayor of the Town of Belmont, attested by the Town Clerk and bearing the following words: "This is to certify that this is the Zoning Map referred to in Section 301 of the Ordinance adopted by the Board of Aldermen on the --- day of -----, 1996, and recorded in the Town's Minute Book --- at page --- thereof.

If in accordance with the provisions of this Ordinance and Statues of the State of Mississippi, changes are made in zoning district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map within thirty days after the amendment has been approved by the Board of Aldermen together with an entry on the Official Zoning Map as follows: "By official action of the Board of Aldermen of Belmont, Mississippi, the following changes were made in the Official Zoning Map: (including date, reference number to change, minute book number and initial of authorized official)." The amending ordinance shall provide that such changes of amendments shall not become effective until they have been duly registered upon the Official Zoning Map. No amendment to this Ordinance which involves matter portrayed on the

Official Zoning Map shall become effective until after such change and entry has been made on said map.

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

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 that shall be located at the office of the Town Clerk and shall be the final authority as to the current zoning status of the land, buildings and other structures in the Town of Belmont.

SECTION 302 - REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Governing Body may by Ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting and other errors or omissions in the prior Official Zoning Map, but no such corrections 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 of Belmont, attested by the Town Clerk and attested by the Words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of the Ordinance of the Board of Aldermen of Belmont, Mississippi, as adopted by Ordinance dated the --- day of -----, 1996 recorded in the Board's Minute Book --- at page --- thereof.

SECTION 303 - RULES FOR INTERPRETATION OF ZONING BOUNDARIES

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

- 303.1 Except where referenced and noted on the Zoning Map by designated lines and/or dimensions, the district boundary lines or the extension of such lines are intended to follow property lines, lot lines, or centerline of streets, alleys, streams, railroads as they existed at the time of the passage of this Ordinance.
- 303.2 Boundaries indicated as parallel to or extensions of features indicated in subsection 1 shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- 303.3 Where physical features existing on the ground are at variance with those shown on the Official Zoning Map or in other

circumstances not covered by subsections 1 and 2, the Board of Aldermen shall interpret the district boundaries.

303.4 Where a district boundary line divides a lot of record at the time of passage of this Ordinance, the Board of Aldermen may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

303.5 The Enforcement Officer shall interpret the boundary lines on the zoning map. When the Enforcement Officer's interpretation is disputed, the boundary lines shall be determined by the Board of Aldermen.

SECTION 304 - ANNEXATION

Any territory hereafter annexed to the Town of Belmont shall be in the R-1 District unless the Board of Aldermen rezones it to another district at the time of annexation, pending the results of the required public hearing.

ARTICLE IV
REGULATIONS

SECTION 400 - APPLICATION OF REGULATIONS

The following regulations hereby established by this Ordinance within each zoning district shall be minimum regulations and shall apply uniformly throughout the district, except as hereafter provided:

- 400.1 No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all district regulations established by this Ordinance for the district in which the building or land is located.
- 400.2 No part of a yard, open space, off-street parking or loading space required about or in connection with any building for the purpose of compliance 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.
- 400.3 No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- 400.4 On a corner lot, nothing shall be erected, placed, planted or allowed to grow between a height of two and a half and ten feet above the center line grades of intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from this point of intersection.
- 400.5 In any district more than one structure housing a permitted principal use may be erected on a single lot provided yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.
- 400.6 The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, silos, grain elevators or other appurtenances usually required to be placed above the roof level.
- 400.7 Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved

private drive, and all structures shall be located on lots to provide safe and convenient for servicing, fire protection and required off-street parking.

400.8 Automotive vehicles without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

400.9 Home occupations are subject to the following limitations:

400.9-1 No person other than members of the family residing on the premises shall be engaged in such occupation.

400.9-2 The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 % of the floor area of the dwelling unit shall be used to conduct the home occupation.

400.9-3 There shall be no change in the outside appearance of the building or premises, or other visible evidence of the home occupation other than one non-illuminated sign, not exceeding one and one-half square feet and mounted flat against the wall of the principal building.

400.9-4 No home occupation shall be conducted in any accessory building.

400.9-5 No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by such home occupation shall meet off street parking requirements in an area other than in the required front yard.

400.10 Any use which is permitted as a special exception under the terms of this Ordinance shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

SECTION 401 - GENERAL REQUIREMENTS

No structure shall be designed, erected or altered except in accordance with the following regulations:

401.1 Frontage on Corner Lots and Through Lots - On lots having frontage on more than one street, the minimum front yard shall be provided for each street in accordance with the provisions of this Ordinance.

- 401.2 Reduction in Lot Area - No lot may be reduced in area below the minimum lot area as specified herein for the zoning district within which said lot is located.
- 401.3 Interference With Traffic Signals - In any zoning district, no outdoor advertising sign, structure, tree or conflicting illuminate shall protrude so as to create confusion around or otherwise interfere with traffic signals.
- 401.4 Location of Utilities - Any use or facility necessary for the operation of any political subdivision of local, State or Federal government, including electrical transformer stations, gas regulator stations, sewage and water treatment plants, pumping stations, stand pipes for public water supply, water and storm drainage systems, sewerage systems, electrical power lines, gas pipe lines and similar uses may be located in any zone as a special exception and shall be subject to review by the Board of Aldermen.
- 401.5 Public Facilities and Uses - All public buildings and uses may be located in any zoning district and shall be subject to review by the Board of Aldermen as a special exception.

SECTION 402 - ZONING DISTRICT REGULATIONS

No land shall be used or occupied and no structures shall be designed, erected, altered, used or occupied except for the primary permitted uses for each of the following zoning districts together with lawfully permitted home occupations and temporary uses and permitted accessory uses.

402.1 A-1 General Agricultural District

402.1-1 General Description - The general agricultural district is established to provide an area for agricultural and horticultural uses. The rural nature and low density of population in this district requires that uses essential to agricultural and horticultural operations have a reasonable setback of buildings from dedicated streets and/or highways and to encourage and protect such uses from urbanization until warranted.

402.1-2 Uses Permitted:

1. Cultivation of field and truck crops, orchards and vineyards.
2. Pasturing and grazing.
3. Dairies, poultry, small animals and livestock.
4. Greenhouses, nurseries and landscape gardening.

5. Barns, silos, sheds, warehouses and cooling houses for storage, grading, packing or processing of animals.
6. One-family detached dwellings and their customary accessory uses.
7. Manufactured housing and their customary uses.

402.1-3 Required Lot Area - The minimum lot size in the A-1 Agricultural District shall be one (1) acre.

402.1-4 Yards Required

1. Front yards - A minimum of forty (40) feet.
2. Side yards - A minimum of the (10) feet.
3. Rear yards - A minimum of twenty-five (25) feet.

402.2 **R-1 Single Family Residential District**

402.2-1 General Description - A single family residential district is established to provide areas in which the principal use of land is for low density single-family residential dwellings. The regulations of this district are intended to discourage any use which, because of its character, would be detrimental to the quiet residential nature of the areas included in this district.

402.2-2 Uses Permitted:

1. Single-family detached dwellings and accessory buildings excluding manufactured homes.
2. Public parks, playgrounds, recreational and community center buildings of a non-commercial nature provided that any principal building used therefor shall be located not less than forty (40) feet from any other lot in any residential district, and shall maintain a front yard setback of at least forty (40) feet from the street and subject to Section 401.5.
3. Churches and other places of worship, excluding funeral or mortuary chapels, provided that church buildings shall be located not less than forty (40) feet from any other lot in any residential district, and shall

maintain a front yard setback of at least forty (40) feet from the street and subject to Section 401.5.

402.2-3

Uses Permitted as a Special Exception Subject to Review and Approval by the Board of Aldermen.

1. Private non-commercial recreation areas and facilities such as swimming pools and tennis courts.
2. Nurseries (Child Care) when conducted in conjunction with a religious facility.
3. Structures and installations which are necessary public facilities and utilities that require location in the R-1 District.
4. Accessory uses or structures customary and incidental to any aforesaid permitted uses shall be allowed provided they do not involve any type of business, trade, manufacturing or industry.

402.2-4

Maximum Building Height - No structure shall exceed thirty-five (35) feet in height.

402.2-5

Minimum Lot Area and Width - Every dwelling unit shall be located on a single lot of not less than ten thousand-five hundred (10,500) square feet in area with a width determined at the building setback line of not less than eighty (80) feet. Buildings, including accessory buildings and structures, shall not cover more than thirty (30) percent of the area of any lot.

402.2-6

Yards Required

1. Front Yards - The front yard building setback line shall be a minimum of thirty (30) feet from any existing or proposed right-of-way line of any street or road.
2. Side Yards - There shall be a minimum side yard setback of not less than twelve (12) feet on each side of any structure measured from the side lot line to the nearest building or structure.
3. Rear Yards - There shall be a minimum rear yard setback of not less than twenty-five (25)

feet measured from the rear lot line to the rear of the main building or structure.

4. Yards for Public and Semi-Public Buildings - All public and semi-public buildings, including accessory buildings, shall provide the same front yard setback as required for all other buildings in this zoning district. There shall be a minimum side yard and rear yard setback for such buildings of fifty (50) feet from any lot line.

402.2-7 Accessory Buildings - When detached from the main buildings, accessory buildings shall be set back a minimum of seventy-five (75) feet from the street line on which the lot and main building fronts and a minimum distance of ten (10) feet from side yard lot line and/or rear lot line. No accessory building shall cover more than five (5) percent of a required rear yard. No accessory building shall be used as a permanent dwelling.

402.2-8 Off-Street Parking Requirements - See Section 403 pertaining to off-street parking.

402.2-9 Signs - See Section 404 pertaining to signs.

402.3 **R-2 Single Family Residential District**

402.3-1 General Description - A medium density residential district is created to establish areas for single family residential purposes on smaller lots and to accommodate duplexes not exceeding two units per building in areas where services and utilities are adequate. These districts may also serve as transition areas between commercial, multi-family and single family areas.

402.3-2 Uses Permitted:

1. Any use permitted in the R-1 District.

402.3-3 Uses Permitted as a Special Exception Subject to Review and Approval by the Board of Aldermen.

1. Private non-commercial recreation areas and facilities such as swimming pools and tennis courts.
2. Nurseries (child care) when conducted in the owner's residence or in conjunction with a religious facility.

- 3. Manufactured homes on individual lots, provided they are set on permanent foundations, connected to all utilities through separate meters and meet all setback and area requirements of the district.
- 4. Structures and installations which are necessary public facilities and utilities that require location in the R-2 District.
- 5. Home Occupation.
- 6. Accessory uses or structures customary and incidental to any aforesaid permitted uses shall be allowed provided they do not involve any type of business, trade, manufacturing or industry.

402.3-4 Maximum Building Height - No structure shall exceed thirty-five (35) feet in height.

402.3-5 Minimum Lot Area and Width

- 1. Every dwelling unit shall be located on a minimum lot of not less than seven thousand five hundred (7,500) square feet in area with a width determined at the building setback line of not less than seventy-five (75) feet.
- 2. Every two-family dwelling shall be located on a single lot of not less than ten thousand five hundred (10,500) square feet in area and with a width determined at the building setback line of not less than eighty (80) feet.

- 3. Buildings, including accessory buildings and structures, shall not cover more than thirty-(30) percent of the area of any lot.

402.3-6 Yards Required

- 1. Front yards - The front yard building setback line shall be a minimum of twenty-five (25) feet from any existing or proposed right-of-way line of any street or road.
- 2. Side yards - There shall be a minimum side yard of ten (10) feet on each side of any structure measured from the side lot line to the nearest building or structure.

3. Rear yards - There shall be a minimum rear yard setback of not less than twenty-five (25) feet measured from the rear lot line to the rear of the main building or structure.
4. Yards for Public and Semi-Public Buildings - All public and semi-public buildings, including accessory buildings, shall provide the same front yard setback as required for all other buildings in the zoning district. There shall be a minimum side yard and rear yard setback for such buildings of thirty (30) feet from any lot line.

402.3-7



Accessory Buildings - When detached from the main building, accessory buildings shall be set back a minimum of sixty (60) feet from the street line on which the lot and main building fronts and a minimum distance of ten (10) feet from the side yard lot line and/or rear lot line. No accessory building shall cover more than twenty-five (25) percent of a required rear yard. No accessory building shall be used as a permanent dwelling.

402.3-8

Off-Street Parking Requirements - See Section 403 pertaining to off-street parking.

402.3-9

Signs - See Section 404 pertaining to signs.

402.4

R-3 Multi-Family Residential District

402.4-1

General Description - The R-3 Multi-Family Residential District is created in order to allow for low density single-family dwellings on smaller compact lots, new multi-family dwellings or permit the conversion of older structures to multi-family uses including rooming houses or group dwellings.

402.4-2

Uses Permitted:

1. Any use or structure permitted in the R-1 and R-2 Districts.
2. ✓ Manufactured homes on individual lots, provided they are set on permanent foundations connected to all utilities through separate meters and meet all setback and area requirements of the district.
3. Multi-family dwellings by site plan review as provided in Section 504.

402.4-3 Uses Permitted as a Special Exception Subject to Review and Approval by the Board of Aldermen.

1. Any use allowed as a special exception in the R-1 and R-2 Districts.
2. Structures and installations which are necessary public facilities and utilities that require location in the R-3 District.
3. Accessory uses or structures customary and incidental to the aforesaid permitted uses shall be allowed, provided they do not involve any type of business, trade, manufacturing or industry.

402.4-4 Maximum Building Height - No structure shall exceed thirty-five (35) feet in height.

402.4-5 Maximum Lot Area and Width

1. Every single family dwelling shall be located on a single lot of not less than four thousand (4,000) square feet in area with a width determined at the building setback line of forty (40) feet.
2. Every two-family dwelling shall be located on a single lot of not less than seven thousand-five hundred (7,500) square feet in area and with a width determined at the building setback line of not less than seventy-five (75) feet.
3. Every multi-family dwelling shall be located on a single lot of thirty thousand (30,000) square feet in area, provided that no more than four (4) dwelling units shall be permitted on the lot. A minimum of two thousand (2,000) square feet shall be provided for each additional unit over the basic four (4) dwelling units. The minimum lot width shall not be less than one hundred-fifty (150) feet at the building setback line. For each additional family add five (5) feet of frontage.
4. Single and two-family dwellings, including accessory buildings and structures, shall not cover more than forty (40) percent of the area

of any lot, multi-family dwellings, including accessory buildings and structures shall not cover more than fifty (50) percent of the area of any lot.

402.4-6

Required Setbacks, Buffer Strips and Screening

1. Front Yards

- a. For single-family and two-family dwellings, there shall be a minimum front yard building setback of twenty-five (25) feet from any existing or proposed right-of-way line of any street or road.
- b. For multi-family dwellings there shall be a minimum front yard building setback line of thirty (30) feet from any existing or proposed right-of-way line of any street or road.

2. Side Yards

- a. For single-family and two-family dwellings, there shall be a minimum side yard of eight (8) feet on each side of any structure measured from the side lot line to the nearest building or structure.
- b. For multi-family dwellings, there shall be a minimum side yard of ten (10) feet on each side of any structure measured from the side lot line to the nearest building or structure.

3. Rear Yards - There shall be a minimum rear yard setback of not less than twenty-five (25) feet measured from the rear lot line to the rear of the main building or structure.

4. Yards for Public and Semi-Public Buildings - All public and semi-public buildings, including accessory buildings, shall provide the same front yard setback as required for all other buildings in this zoning district. There shall be a minimum side yard and rear yard setback for such buildings of thirty (30) feet from any lot line:

5. All multi-family dwellings shall be provided with screening such as fences or natural growth along the property fence line.

402.4-7 Accessory Buildings - When detached from the main building, accessory buildings shall be set back a minimum of forty (40) feet from the street on which the lot and main building fronts, and a minimum distance of ten (10) feet from the side yard lot line and/or rear yard lot line. Accessory buildings shall not exceed twenty-five (25) percent of any required rear yard. No accessory buildings shall be used as a permanent dwelling.

402.4-8 Off-Street Parking Requirements - See Section 403 pertaining to off-street parking.

402.4-9 Signs - See Section 404 pertaining to signs.

402.5 **M-H Manufactured Home District**

402.5-1 General Description - The Manufactured Home District is intended to provide areas of planned and improved tracts suitable for the location of manufactured homes.

402.5-2 Uses Permitted - Single-family manufactured homes and accessory structures.

402.5-3 Minimum Area - The minimum area to be covered by a Manufactured Home District shall be five (5) acres.

402.5-4 Building Height - No structure or building shall exceed twenty (20) feet in height.

402.5-5 Required Lot Area and Width - Every manufactured home dwelling shall be located on a minimum lot of not less than three thousand two hundred (3,200) square feet in area and with a width determined at the building setback line of not less than forty (40) feet.

402.5-6 **Required Setbacks, Buffer Strips and Screening**

1. All manufactured homes shall be located at least twenty-five (25) feet from any park property boundary.
2. There shall be a minimum distance of twenty (20) feet between an individual manufactured home and adjoining pavement of a park street, common parking area or other common

areas.

3. No manufactured home shall have less than ten (10) feet between the side and rear lot line.
4. A minimum of five (5) percent of the gross land area of the manufactured home park shall be required for a recreation area.
5. All manufactured home parks shall be provided with screening such as fences or natural growth along the property boundary lines.
6. All manufactured home lots shall abut upon a paved driveway of not less than twenty (20) feet in width which shall have unobstructed access to a public street.
7. Each manufactured home stand shall be provided with permanent concrete runners, patio, parking area and utilities.

402.5-7 Off-Street Parking and Loading Requirements - See Section 403 pertaining to off-street parking and loading.

402.5-8 Signs - See Section 404 pertaining to signs.

402.5-9 Plat Approval - No building permit to construct a manufactured home park shall be issued until the applicant has met the site plan review requirements contained in Section 504 of this Ordinance.

402.6 **CBD Central Business District**

402.6-1 General Description - The Central Business District is established for the following specific purposes:

1. Attract economic development and employment opportunities that are supportive of and compatible with the existing character of the area within the Downtown area;
2. Enhance the visual image of the Downtown by ensuring the architectural compatibility of new and existing buildings and structures; reducing visual clutter related to signs, utilities, transmission lines, unkept facades of buildings and structures, storage of

materials and visibility of parked vehicles; and, providing and maintaining landscaping and associated furnishings along streets;

3. Prohibit land uses that have adverse impacts on the Downtown through their incompatibly with proposed uses; and,
4. Encourage the preservation of buildings and structures with significant historical or architectural character and prohibit the removal or major alteration of any building without permit approval by the Town;

402.6-2 Applicability - The provisions of the Central Business District shall apply to the development of all land therein whether publicly or privately held. No development shall be undertaken without the prior authorization of the Board of Aldermen.

402.6-3 Use Limitations - Within the Central Business District, no buildings, structure, land or premises shall be used and no buildings or structure shall be hereafter erected, constructed, reconstructed or moved, except for one or more of the permitted or conditional uses in the C-1 Zoning District.

402.6-4 Accessory Buildings - Accessory buildings are permitted in the Central Business District subject to compliance with the height and area regulations and other applicable requirements of the C-1 Zoning District.

402.6-5 Uses Permitted as a Special Exception Subject to Review and Approval by the Board of Aldermen.

1. Apartments above commercial establishments either used by the owner, rented or leased and connected to all utilities through separate meters and which have approved emergency exits.

402.6-6 Lot Area, Width and Yard Requirements - The Board of Aldermen may grant a special exception to lot area, width and yard requirements of the C-1 Zoning District for structures located in the Central Business District.

402.6-7 Signs - See Section 404 pertaining to signs.

402.7

C-1 General Commercial District

402.7-1

General Description - This Commercial District is established to provide retail stores, personal services for the convenience of people in adjacent neighborhoods and oriented toward the use of the automobile. It is the intent that certain areas adjacent to major transportation routes be reserved for these uses.

402.7-2

Uses Permitted

1. Appliance Sales and Services
2. Animal Hospitals and Kennels
3. Antique Shops
4. Banks
5. Convenience Stores
6. Day Care Centers
7. Drug Stores
8. Grocery Store
9. Hardware Store
10. Hotels and Motels
11. Medical and Dental Offices
12. Offices
13. Personal Service Establishments
14. Recreational Uses and Places of Amusement
15. Restaurants
16. Service Stations
17. Studios of Music, Art and Photography
18. Variety and Dollar Stores
19. Wholesale Business or Storage
20. Any public facility or utility not detrimental to the character and nature of the C-1 District.
21. Accessory structures and uses customary and incidental to any of the foregoing permitted uses and not otherwise prohibited.

402.7-3

Uses Permitted as a Special Exception Subject to Review and Approval by the Board of Aldermen.

1. Any other retail business or service establishment which the Board determines to be of the same character and nature as those specifically allowed but not to include those uses which are permitted in the C-2 District.

402.7-4

Building Height - No building or structure shall exceed thirty-five (35) feet in height.

402.7-5 Required Lot Area and Width - A minimum lot size of five thousand (5,000) square feet shall be required for any general commercial uses. No commercial lot shall be less than twenty-five (25) feet in width as determined at the building setback line. The sum total of all buildings and accessory structures shall not cover more than fifty (50) percent of the area of any lot. The front yard requirements also applies to the yard between the building and the side street in the case of a corner lot, however, a special exception may be granted by the Board of Aldermen.

402.7-6 Yards Required

1. Front yards - The front yard building setback line shall be a minimum of thirty (30) feet from any existing or proposed right-of-way line of any street or road.
2. Side yards - No side yard is required except where it abuts a residential district then at least ten (10) feet shall be provided. Such space shall not be occupied by any building or accessory structure and shall be planted and maintained as a landscaped buffer area.
3. Rear yards - No rear yard is required except where it abuts a residential district then a rear yard of at least twenty (20) feet shall be provided. Such strip shall be planted and maintained as a landscaped buffer area.

402.7-7 Off Street Parking and Loading Requirements - See Section 403 pertaining to off-street parking and loading requirements.

*402.7-8 Signs - See Section 404 pertaining to signs.

402.7-9 Use Limitations - No uses permitted in this zoning district shall be dangerous, offensive or detrimental to the present or intended character of this zoning district or vicinity by reason of the emission of dust, gas, smoke, noise, fumes, glare, odor, vibration, or fire hazard.

402.8 C-2 Highway Commercial District

402.8-1 General Description - The C-2 Highway Commercial District is created to provide commercial areas located on major thoroughfares and which provide goods and services

to residents in the community. Because these commercial uses are subject to public view, they should provide an appropriate appearance, ample parking, controlled traffic movement and suitable landscaping, and protect abutting residential areas from the visual impact associated with these commercial activities.

402.8-2 Uses Permitted:

1. Drive-in restaurants, grocery and fresh vegetable sales and other related uses
2. Automotive repair shops, body shops and related sales and services
3. Funeral homes and mortuaries
4. Farm and construction equipment sales and service
5. Electrical, plumbing, heating and cooling, furniture upholstery or similar establishments
6. Shopping centers
7. Accessory structures and uses customary and incidental to any of the foregoing permitted uses and not otherwise prohibited
8. Any use allowed in the C-1 District

402.8-3 Uses Permitted as a Special Exception Subject to Review and Approval by the Board of Aldermen.

1. Any other retail, wholesale or service establishment that is determined to be of the same character and nature as those specifically allowed but not to include those uses which are first permitted in the I-1 District.

402.8-4 Building Height - No building or structure shall exceed thirty-five (35) feet in height.

402.8-5 Required Lot Area and Width - A minimum lot size of ten thousand (10,000) square feet shall be required for any highway commercial use. No lot shall be less than seventy-five (75) feet in width as determined at the building setback line. The sum total of all buildings and accessory structures shall not cover more than forty (40) percent of the area of any lot.

402.8-6 Yards Required

1. Front yards - The front yard building setback line shall be a minimum of forty (40)

feet from any existing or proposed right-of-way line of any street or road.

2. Side yards - No side yard is required except where it abuts a residential district, then at least ten (10) feet shall be provided. Such space shall not be occupied by any building or accessory structure or use and shall be planted and maintained as a landscaped buffer area.
3. Rear yards - A rear yard of at least twenty (20) feet shall be maintained. Such space shall remain open and unoccupied by a structure or building. Where the rear yard abuts a residential district at least fifty (50) feet shall be provided and a twenty-five (25) foot wide strip adjoining the rear lot line shall be planted and maintained as a landscaped buffer area.

402.8-7 Off-street Parking and Loading Requirements - See Section 403 pertaining to off-street parking and loading requirements.

402.8-8 Signs - See Section 404 pertaining to signs.

402.8-9 Use Limitations - No uses permitted in this zoning district shall be dangerous nor offensive or dangerous to the present or intended character of this zoning district or vicinity by reason of the emission of dust, gas, smoke, noise, fumes, glare, odor, vibration or fire hazard.

402.9 **I-1 Light Industrial District**

402.9-1 General Description - The I-1 Industrial District is created for industries which can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential or commercial areas and for warehousing and wholesaling activities with limited contact with the general public.

402.9-2 Uses Permitted:

1. Light Manufacturing
2. Mini Warehouses
3. Trade Schools
4. Trucking Companies
5. Warehousing and Distribution
6. Wholesale and Jobbing

7. Woodworking and Cabinet Shops
8. Accessory uses and structures customary and incidental to any permitted use.

402.9-3 Uses Permitted as a Special Exception Subject to Review and Approval by the Board of Aldermen. - Any other industrial use which the Board determines to be of the same character and nature as those specifically allowed and not otherwise prohibited.

402.9-4 Building Height - Thirty-five (35) feet in height, however, buildings may be an additional one (1) foot in height for each one (1) foot the building is set back from the street greater than what is required, up to a maximum of seventy-five (75) feet.

402.9-5 Required Lot Area and Width - A minimum lot size of ten thousand (10,000) square feet shall be required for any light industrial uses. No light industrial lot shall be less than one hundred (100) feet in width as determined at the building set back line. The sum total of all buildings and accessory structures shall not cover more than seventy-five (75) percent of the area of any lot.

402.9-6 Yards Required

1. Front yard - The front yard building setback line shall be a minimum of fifty (50) feet from any existing or proposed right-of-way line of any street or road.
2. Side yard - There shall be a minimum side yard of fifteen (15) feet measured from the side lot line to the nearest building or structure.
3. Rear yard - There shall be a minimum rear yard measured from the rear property line to the nearest building of thirty (30) feet. Such space shall not be occupied by any structure or accessory use.

402.9-7 Off-Street Parking and Loading Requirements - See Section 403 pertaining to off-street parking and loading.

402.9-8 Signs - See Section 404 pertaining to signs.

402.10 I-2 Heavy Industrial District

402.10-1 General Description - The I-2 Industrial District is created

as a district in which the principal uses of land is for heavy industries that, by their nature may create some nuisance and which are not properly associated with nor compatible with residential, commercial and service establishments.

402.10-2 Uses Permitted:

1. Asphalt and Concrete Plants
2. Automobile Service and Repair
3. Heavy Manufacturing
4. Junk Yards
5. Lumberyard and Millwork
6. Machine Shops
7. Recycling Drop-off Stations
8. Transmission Towers
9. Warehouses and Distribution
10. Other uses that are permitted in the I-1 District

402.10-3 Uses Permitted as a Special Exception Subject to Review and Approval by the Board of Aldermen. - Any other industrial use which the Board determines to be of the same character and nature as those specifically allowed and not otherwise prohibited.

402.10-4 Building Height - Fifty (50) feet in height, however, buildings may be an additional one (1) foot in height for each one (1) foot the building is setback from the street greater than what is required, up to a maximum of seventy-five (75) feet.

402.10-5 Required Lot Area and Width - A minimum lot size of twenty-five thousand (25,000) square feet shall be required for any heavy industrial uses. No heavy industrial lot shall be less than one hundred-fifty (150) feet in width as determined at the building setback line. The sum total of all buildings and accessory structures shall not cover more than seventy-five (75) percent of the area of any lot.

402.10-6 Yards Required

1. Front Yard - The front yard building setback line shall be a minimum of fifty (50) feet from any existing or proposed right-of way line of any street or road.
2. Side Yard - There shall be a minimum side yard of twenty-five (25) feet measured from

the side lot line to the nearest building or structure.

3. Rear Yard - There shall be a minimum rear yard measured from the rear property line to the nearest building of fifty (50) feet. Such space shall not be occupied by any structure or accessory use.

402.10-7 Off-Street Parking and Loading Requirements - See Section 403 pertaining to off-street parking and loading.

402.10-8 Signs - See Section 404 pertaining to signs.

SECTION 403 - OFF-STREET PARKING AND LOADING REQUIREMENTS

403.1 In connection with every commercial, business, trade, institutional, recreational, residential or other use, off-street parking space for parking and storage of vehicles shall be provided in accordance with the following:

403.1-1 Schedule of Parking Requirements


1. Dwelling unit - Two (2) spaces per dwelling unit.
2. Retail Stores - One (1) space for each three hundred (300) square feet of gross retail floor area plus one (1) parking space for every two (2) employees and one (1) space for the manager.
3. Wholesale establishments - One (1) space per two (2) employees.
4. Manufacturing, processing or industrial establishments - One (1) space per two (2) employees.
5. Hotels and motels - One (1) space per guest room plus one (1) space per two (2) employees.
6. Restaurants and other eating establishments - One (1) space per three (3) seats.
7. Churches - One (1) space per six (6) seats in the principal assembly hall.
8. Business and professional offices - One (1) space for each three hundred (300) square

feet of gross floor area.

9. In case a building, structure, premises or use is not specifically mentioned herein, the provision for a similar use shall apply or will be determined by the Board of Aldermen.

403.2 Loading Space Requirements - On the same premises with every building, structure or part thereof erected and occupied for manufacturing, commercial use or storage involving the receipt of vehicles, materials or merchandise, there shall be provided and maintained on the lot or premises adequate space for standing, loading and unloading services in order to avoid undue interference with public use of streets or alleys. Such space, unless otherwise adequately provided for, shall include a ten (10) foot by twenty-five (25) foot loading space with a minimum height clearance of fourteen (14) feet for every ten thousand (10,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of building floor space or land use for the above purposes.

403.3 Setback Requirements - No parking spaces shall be provided or allowed on the required yards.



SECTION 404 - SIGNS

404.1 General Application of Regulations - The regulations set forth shall apply and govern in all zoning districts except as hereinafter provided. No sign shall be erected or retained unless it is in compliance with the regulations for the district in which it is located. No sign shall be erected or maintained in operation which constitutes a nuisance by reason of light, glare, noise, or animation in any zoning district.

404.2 Accessory Uses - Any sign placed on land or on a structure for the purpose of identification, protection, advertising a product or service available or a use conducted thereon shall be deemed to be an accessory use. It is the purpose of this Ordinance to place such limitations on the display of all signs to assure that they will: (a) be appropriate to the land, building, or use to which they are appurtenant and (b) be adequate but not excessive for the intended purpose of identification, protection or advertisement.

404.3 Sign Permits - A sign permit shall be obtained from the Enforcement Officer before any sign is erected, displayed, replaced or altered to change its overall dimension, except any sign listed in 404.4 of this section.

404.3-1 In determining the square foot area of any sign

the measurement shall include the entire display together with any lattice work fencing or wall work incidental to its ornamentation.

404.3-2 Directional signs not exceeding two (2) square feet may be erected provided they are not within the right-of-way of any street.

404.3-3 Bulletin boards not over twelve (12) square feet in area for public, charitable or religious institutions shall be allowed when located on the premises of said institution.

404.3-4 Temporary signs advertising property for sale, rent, lease or trade provided each sign shall be no wider than ten (10) feet.

404.3-5 Signs not over twelve (12) square feet in area denoting architect, contractor, or engineer shall be allowed when placed upon construction sites during actual construction.

404.3-6 Signs of public service companies indicating danger and aids to service or safety.

404.3-7 No sign shall be permitted on the side or rear wall of a building within one hundred (100) feet from any residential district.

404.3-8 Every sign pertaining to a particular use shall be deemed to be accessory to that use and if such use ceases shall be removed not more than six (6) months thereafter provided that: (a) real estate "sold" signs shall be removed thirty (30) days after their placement on the property; (b) temporary signs, such as political campaign signs and those related to temporary uses such as a fair or carnival shall be removed within five (5) days after the last day of the event to which they pertain. Signs hereafter erected on public lands contrary to the provisions of this Ordinance are subject to immediate removal.

404.4 Signs in Residential Districts - Small announcement signs of professionals or businesses shall be allowed in these districts. However, such signs shall not exceed one and one-half (1 1/2) square feet in area.

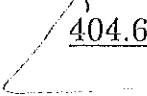
404.5 Signs in Commercial Districts - The following signs shall be permitted and regulations shall apply in all commercial districts.

404.5-1 The maximum aggregate area of all signs shall be one (1) square foot of sign area for each foot of width of the front wall of the building.



404.5-2

One (1) sign, not exceeding six (6) square feet in area may be erected to identify secondary entrances to a building from a pedestrian way, alley or automobile parking space.



404.6

Signs in Industrial Districts - The maximum aggregate area for all signs shall be three (3) square feet for each foot of width of the front wall of the building.

404.7

Legal Non-Conforming Signs - Within the categories identified by Article IV of this Ordinance it is recognized that there exist permanent signs and/or sign structures which were lawful before this Ordinance was adopted, but which would now be prohibited. To eliminate unnecessary or undue hardship it is the intent of this Ordinance to permit these non-conforming permanent signs to continue until they are removed, abandoned, or destroyed, but not to encourage their survival. These non-conforming signs or sign structures may continue to be used as long as they are adequately maintained and do not constitute a public hazard or nuisance, and provided they are not expanded, extended, enlarged or changed in basic structural design, height or area.

A permanent non-conforming sign shall not be changed to another non-conforming use. Nothing in this Ordinance shall prevent the strengthening or restoration to a safe condition of any portion of a sign or structure declared unsafe by proper authority. Such signs may be improved only to the extent that such improvement does not exceed fifty (50) percent of the current market value of the existing structure.

404.7-1

Termination of Non-conforming Sign Structures

1. Any permanent non-conforming sign or sign structure which is partially destroyed or damaged by fire, accident or natural cause beyond fifty (50) percent of its current market value shall thereafter be removed or reconstructed in conformance to the regulations of this Ordinance.
2. Any permanent non-conforming sign or sign structure which is improved or altered to comply with the provisions of this Ordinance shall thereafter be considered as conforming.
3. Any permanent non-conforming use of signs which was lawful before the adoption of this

Ordinance may be continued, and provided further that these regulations shall be construed to require a change in plans, construction or designated use of any sign upon which construction and/or other improvements were lawfully begun prior to the effective date of adoption of this Ordinance.

4. Any permanent non-conforming sign designated which ceases to be used for a period of more than six (6) consecutive months, shall subsequently conform to the regulations of this Ordinance.

404.7-2 Abandoned Signs - Any sign found to be abandoned or in a state of disrepair and considered as an unsightly nuisance, or signs which no longer serve any useful purpose for the owner or advertiser, shall be prohibited and subject to immediate removal.

The Enforcement Officer shall notify the owner of the abandoned signs, if known, and demand the immediate removal of this sign. If after six (6) months from the date of said notice, the sign has not been removed, then the Enforcement Officer shall have the authority to effect immediate removal of said sign with the cost of removal assessed against the owner, and no liability shall attach to the Town, its officials or agents for removal of such public nuisance.

404.8 Nothing contained herein shall be construed to prohibit the use of identification signs and markers including those used at the entrances to subdivisions, apartments and townhouse complexes so long as they are properly maintained, providing that in each situation they do not have a surface area in excess of thirty (30) square feet.

SECTION 405 - NON-CONFORMING USES

405.1 Intent - Within the districts established by this Ordinance or amendments that may later be adopted, there exist:

- a. lots of record;
- b. uses of land;
- c. structures; and,
- d. structures and land in combination

which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted

under the terms of this Ordinance. 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 and not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

To avoid undue hardship nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

405.2

Non-Conforming Lots of Record - In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lots shall be separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lots fail to meet the requirements for area or width, or both that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Aldermen.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at

the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminished compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Ordinance.

405.3

Non-Conforming Uses of Land - Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000, the use may be continued so long as it remains otherwise lawful, provided:

- a. No non-conforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- b. No non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- c. If any non-conforming use of land ceases for any reason for a period of more than three (3) months, any subsequent use of land shall conform to the regulations specified by this Ordinance for the district in which land is located.
- d. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with the non-conforming use of land.

405.4

Non-Conforming Structures - Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason or restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains lawful, subject to the following provisions:

- a. No non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

- b. Should a non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- c. Should a structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

405.5

Non-Conforming Uses of Structures and Land in Combination - If a lawful use involving individual structures with a replacement cost of \$1,000 or more of structure and premises in combination exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued as long as it remains lawful, subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use to a use permitted in the district in which it is located.
- b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside the building.
- c. 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 the Board of Aldermen, 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 Aldermen may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
- d. Any structure, or structure and land in combination, in or on which a non-conforming use

is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.

- e. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- f. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at time of destruction.

405.6

Repairs 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 twelve (12) consecutive months on ordinary repairs, to an extent not exceeding ten (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.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to the lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

ARTICLE V

ADMINISTRATION

SECTION 500 - Enforcement Officer

The provisions of this Ordinance shall be administered and enforced by the Board of Aldermen of the Town of Belmont, its assigns and successors. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of Certificate of Occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this Ordinance.

500.1 Administrative Interpretation - In the event there is a question as to the general intent or specific meaning of any provision of the zoning ordinance text, or of the boundaries or district designations or other matters of the Official Zoning Map, the Enforcement Officer shall have the power to make such administrative decisions and interpretations.

1. Limitations of Powers - Administrative interpretation shall in no manner be construed to include, or used in any way which would permit, the granting of a special use exception, conditional permitted use, or variance whose provisions are given elsewhere in this Ordinance.
2. Appeals of Administrative Interpretation - Appeals shall be made as provided in Section 600 of this Ordinance.

SECTION 501 - BOARD OF ALDERMEN

501.1 Final Authority - The Board of Aldermen shall have the final authority to approve, deny, modify, or otherwise change applications for amendments, appeals, variances, special exceptions and any other provisions of this Ordinance, except that the Board may accept the recommendations of the Enforcement Officer.

SECTION 502 - PERMITS AND CERTIFICATES

502.1 Change of Use Permit - The use of any building or other structure or alteration thereof shall not be changed without a permit therefor.

502.2 Certificate of Zoning Compliance - All construction, alterations or changes in the use of any building or structure shall not be

made until a certificate of zoning compliance has been issued.

SECTION 503 - VARIANCES AND SPECIAL EXCEPTIONS

503.1

Variances - Where the strict application of this Ordinance would result in peculiar and exceptional difficulties or hardship upon the owner of such property, the Board of Aldermen is empowered to grant, upon an appeal relating to the property, a variation from such strict application to relieve such difficulties or hardships. A variance from the terms of this Ordinance shall not be granted unless and until:

1. A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b. That literal interpretation of the provisions of this Ordinance would derive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - c. That special conditions and circumstances do not result from the actions of the applicant.
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 - e. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
2. Notice of public hearing shall be given as specified in Section 700.

3. The public hearing shall be held. Any party may appear in person, by agent or by attorney.
4. The Board of Aldermen has made a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
5. The Board of Aldermen has made a finding 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.

In granting any variance, the Board of Aldermen 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 and punishable as prescribed under Article VIII of this Ordinance.

Under no circumstances shall the Board of Aldermen grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

503.2

Special Exceptions - The Board of Aldermen is empowered to hear and decide special exceptions authorized in this Ordinance and determine whether special exceptions should be granted, to grant special exceptions with conditions and safeguards that are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance. A special exception shall not be granted by the Board of Aldermen until:

1. A written application for a special exception is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
2. Notice of public hearing shall be given as specified in Section 700.
3. Before any special exception shall be granted,

the Board of Aldermen shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provisions and arrangements have been made concerning the following when applicable:

- a. Ingress and egress to property and proposed structures with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or natural disaster.
- b. Off-street parking and loading areas where required with particular attention to the items noted above and the economic, noise, glare or odor effects of the special exception on adjoining property and other properties in the district.
- c. Refuse and service areas, with particular reference to the items noted above.
- d. Utilities, with reference to locations, availability and compatibility.
- e. Screening and buffering with reference to type, dimensions and character.
- f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and harmony with properties in the district.
- g. Required yard and other open space.
- h. General compatibility with adjacent properties and other property in the district.

SECTION 504 - SITE PLANS

504.1 Site Plan Required

- 504.1-1 All applications for manufactured housing parks, or other applications requiring site plan review, shall be accompanied by a preliminary site plan in duplicate

submitted to the Enforcement Officer who shall not process the application until all data is provided as required by Section 504.4.

504.1-2 Preliminary Plan - Site plans shall be reviewed within seven (7) days after receipt by the Enforcement Officer and shall be processed as a preliminary plan. This processing shall include conferences with the developer for the purpose of reviewing the plan. After the completed review by the Enforcement Officer, usually not to exceed thirty (30) days, one (1) copy of the submitted preliminary plan shall be returned to the applicant with notations.

504.1-3 Revised Plan - A revised site plan, if required, shall be filed in quadruplicate with the Enforcement Officer who shall advertise such public hearing as required by Section 700. The site plan shall be presented at the public hearing and recommendations shall be furnished at least two (2) days before the hearing to the applicant.

504.1-4 Final Plan - After the public hearing the Board of Aldermen may approve or disapprove the site plan as submitted or may request the applicant to adjust the plan with conditions which may be accepted and agreed to by the applicant at that time and without further hearing, unless appealed. Upon approval by the Board of Aldermen, the developer shall be authorized to proceed with the proposed project subject to the issuance of the required permits which are mandatory.

504.1-5 Designation of Final Plan as Official - The final plan, after approval by the Board of Aldermen, shall be deemed an official amendment to the Zoning Ordinance and map. A formal covenant and agreement shall be made and signed by the Mayor of Belmont and the property owner or his lawful agent who shall certify to the Board of Aldermen his willingness to abide by the terms and conditions of the final approved and adopted plan.

504.2 Provisions for Minor Adjustment - After a site plan has been officially approved as provided in Section 504.1-5 minor adjustments to the plan which comply with the spirit of the Ordinance may be approved by the Enforcement Officer as provided in Section 500.3.

504.3 All Other Provisions of Ordinance to Apply - Other provisions of this Ordinance excluding specific terms and conditions granted through site plan approval shall apply to this zoning district as for any other district. This shall include proposed

amendments as well as permits and certificates of compliance not otherwise provided for in the site plan.

504.4 Plan Specifications Required for Site Plan Review - Data and specifications for any proposed development which requires site plan approval shall be submitted in a form which will satisfy the requirements of the preliminary and final plats.

504.4-1 The following data will be supplied in tabular form:

1. Area of parcel (in square feet)
2. Maximum allowable gross floor area (where applicable)
3. Proposed gross floor area (where applicable)
4. Number and type of dwelling units (where proposed)
5. Number of required parking spaces (or square feet of area where applicable)
6. Number of proposed parking spaces (or square feet of area where applicable)
7. Proposed area - personal or convenience service accessory and uses
8. Percentage and amount of impervious area in square feet for purpose of calculating storm water runoff.

504.4-2 Other Exhibits Photographs, rendering, color slides or models may also be presented by the developer at his discretion.

504.5 Staging of Development - When a developer proposes to construct a manufactured home park over a reasonable period of time and in several stages, sufficient data shall be provided to indicate such staging by numbers and types proposed by each stage, the general area to be developed and other related information as may be required.

504.6 Other Requirements - Should the data submitted as provided by Section 504.4 not be sufficiently detailed to provide for a thorough evaluation of the proposed project, the developer may be requested to submit additional data.

SECTION 505 - FEES

505.1 Schedule of Fees - All persons are required to pay fees for the issuance of permits, certificates of compliance and the processing of appeals and other matters pertaining to this Ordinance which is herein provided. In addition, applicants shall be required to

pay all cost relating to the publication of necessary legal notices.

505.2 Amendments or Alteration of Fee Schedule - The amounts set forth in the fee schedule shall be determined by the Board of Aldermen and they shall have the sole right to alter or amend the schedule.

505.3 Payment Required - No action or processing shall be taken on any application until all applicable fees, charges and expenses have been paid in full.

505.4 Collection - No person other than a duly delegated representative shall collect or accept any monies or other fees in zoning related matters for which a proper receipt shall be issued.

505.5 Fees Not Refundable - No fees or other monies paid in conjunction with zoning related matters shall be refunded.

ARTICLE VI

REVIEW

SECTION 600 - APPEALS

600.1 Appeals - Should any party be aggrieved by the decision of the Enforcement Officer in its proceedings as provided in Section 500, such party may appeal the decision by giving written notice to the Town of Belmont within fifteen (15) days from the date of such decision and the appeal shall be heard by the Board of Aldermen as provided by Section 600.2.

600.2 Appeals to the Board of Aldermen - Appeals to the Board of Aldermen may be taken by any person aggrieved by any decision of the Enforcement Officer.

600.2-1 Procedure for Appeals to the Board of Aldermen

1. Appeals may be submitted directly to the Board of Aldermen.
2. Appeals shall contain a copy of the original application for permit or certificate which is being appealed, a statement of the reason for appeal, and other data as may be requested by the Board of Aldermen.

600.3 Appeals to a Court of Law - An appeal from any action, decision, ruling, judgement or order of the Board of Aldermen may be taken by any person or persons, jointly or separately, to the Circuit Court of Tishomingo County.

SECTION 601 - AMENDMENT PROCEDURE

601.1 Declaration of Public Policy - For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of Belmont, this Ordinance, the Official Zoning Map shall not be amended except to correct a manifest error in this Ordinance, or because of changes or changing conditions in a particular area, to rezone an area or to extend the boundary of an existing zone, or to change the regulations in the interest of the public health, safety or general welfare. subject to the limitations of the foregoing Declaration of Public Policy, an amendment to this Ordinance may be initiated by the Board of Aldermen on its own motion or in the manner and pursuant to the procedure hereinafter set forth or may be initiated by any person, firm or corporation filing an application

therefore with the Town of Belmont.

601.2 Application for Amendments

601.2-1 Applications - Applications should be in writing and contain the following:

1. Legal description of property.
2. Names of owners.
3. Present and proposed zoning classification of property.
4. Specific use to which property is to be put if zoning change is made.
5. Date when anticipated use is to be put into effect.
6. Plat of property showing general location.

Applications should be signed by owners or their attorney.

Applications should be filed at the Belmont Town Hall and should be an original and three (3) copies.

The Board of Aldermen meet on the first Tuesday of each month and will consider only those applications filed on or before the fifteenth day of the month prior to their meeting.

Publication of Notice of Public Hearing or zoning changes should not be made prior to the recommendations of the Board of Aldermen.

ARTICLE VII

PUBLIC NOTICE

SECTION 700 - PUBLIC NOTICE

700.1 Public Notice Required - Whenever a public hearing is specified, notice of such hearing shall be given by publishing a notice to all interested persons one (1) time at least fifteen (15) days prior to the date fixed for said hearing, such notice to be published in an official paper or a newspaper of general circulation in Belmont specifying the date, time and place for said hearing. Notice of such hearing shall also be posted on any property involved.

700.2 Property Signs - The notice to be posted on the property being considered for rezoning is intended to call attention in general to this fact. Any further details to parties interested can be found upon inquiry at the Belmont Town Hall.

The sign shall be approximately 24" x 36" in size and shall be placed in a conspicuous place on the property. When more than one (1) parcel or tract of land is involved in the proposed change signs shall be posted to adequately identify the area affected. Signs shall be posted by the Town not less than fifteen (15) days prior to the date of the public hearing. Such signs shall be as follows:

PUBLIC NOTICE

This Property
Being Considered For

Rezoning

For Information
Contact

Belmont Town Hall
(601) 454-3381

ARTICLE III

ORDINANCE ENFORCEMENT

SECTION 800 - PENALTIES FOR VIOLATION

800.1 Penalties Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply herewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be deemed guilty of a misdemeanor and shall be liable to a fine of not more than One Hundred Dollars (\$100.00) and each day such violation shall be permitted to exist may constitute a separate offense. The owner or owners of any building or premises or part thereof when any thing in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, individual person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be deemed guilty of a separate offense and upon conviction shall be fined as herein provided.

800.2 Enforcement - In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, The Enforcement Officer, in addition to other remedies, may institute any appropriate action or proceedings in the name of Belmont, Mississippi, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, or use in or about said premises.