DESOTO COUNTY, MISSISSIPPI
ZONING REGULATIONS
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ARTICLE I TITLE AND PURPOSE

This ordinance shall be known and may be cited and referred to as the DeSoto County Zoning Ordinance.

Jurisdiction

The provisions of this chapter shall be applicable to all property within the unincorporated limits of DeSoto County, Mississippi, as provided by Section 17- 1-3 of State of Mississippi Code.

Purpose

The purposes of this chapter are to:
(a) Serve the public health, safety, and general welfare of the County and its jurisdiction.
(b) Classify property in a manner that reflects its suitability for specific uses.
(c) Promote sound, attractive development within the County while also conserving the values of the property throughout the County.
(d) Encourage compatibility of adjacent land uses.
(e) Encourage innovative project design in the County.
(f) Protect environmentally sensitive areas.
(g) Further the goals and policies of the General Development Plan, “DeSoto 2010", for DeSoto County Mississippi, adopted March 1994.

Consistency with the General Development Plan

It is the intent of the County that this chapter be consistent with the County's General Development Plan. It is further the intent of the County that all amendments to this chapter shall also be consistent with the General Development Plan. Should this chapter become inconsistent with the General Development Plan because of amendments to that Plan, it is the intent of the County that this chapter be amended within a reasonable time to bring it into conformance with such Plan.

Comprehensive Review Provisions

The text of this chapter shall be comprehensively reviewed by the planning department every five (5) years after its effective date. This review shall include, but not be limited to, consistency with the comprehensive plan, and applicability to current land use and development techniques.

The planning department shall forward recommendations for text amendments to this chapter to the Planning Commission for public hearing. Proposed amendments and the recommendations of the planning director and Planning Commission shall be transmitted to the County Board of Supervisors for public hearing and final action.

Conflicting Provisions

This chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare. If any provision of this chapter conflicts with any other provision of this chapter, and other section of this Code, or any applicable state or federal law, the more restrictive provision shall apply.

Relief from Other Provisions

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any zoning ordinance previously in effect or any other local state or federal ordinance or statute.

Severability of Provisions

If any section, subsection, clause, or phrase of this chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this chapter.

ARTICLE II DEFINITIONS

WORD USAGE

For the purpose of this ordinance certain terms and words are hereby defined:
(a) Words used in the present tense shall include the future tense.
(b) Words in the singular number include the plural number, and words in the plural number include the singular number.
(c) The word "building" shall include the words "structure" and "premises".
(d) The word "shall" is mandatory.
(e) The word "may" is permissive.
(f) The word "person" includes a firm, organization, association, partnership, trust, company, or corporation as well as an individual.
(g) The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or "occupied".
(h) The word "lot" includes the words "plot", "tract", or "parcel".

DEFINITIONS

1. **ACCESSORY BUILDING:** A subordinate building which is incidental to and customary in connection with the principal building or use and located on the same lot.

2. **ACCESSORY USE:** A subordinate use which is incidental to and customary in connection with the principal building or use and located on the same lot.

3. **APARTMENT HOUSE:** Same as Dwelling, Multiple.

4. **BUILDING LINE:** That line, between which and the street right-of-way line, no building or part thereof, may be erected, except as provided in these regulations.

5. **BUILDING OFFICIAL**: The individual designated by the Governing Authority to administer and enforce the regulations of this Zoning Ordinance.

6. **BASEMENT:** A story having one-half or more of its height below grade.

7. **BOARDING HOUSE:** Same as Rooming house.

8. **BUILDING:** Any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicle, trailer (with or without wheels) nor any movable device, such as furniture, machinery, or equipment.

9. **BUILDING, HEIGHT OF:** The vertical distance from the grade (as defined herein) to the highest point of the coping of a flat roof, or to the top deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

10. **CELLAR:** Same as Basement.

11. **CHURCH:** A building used principally for religious worship, but the word church shall not include or mean an undertakers chapel, funeral building, religious educational institution or parochial school or day care center.

12. **CLINIC:** A facility wherein professional services concerning personal health of humans are administered by medical doctors, dentists, chiropractors, osteopaths, optometrists, or any other such profession which may lawfully be practiced in the State of Mississippi. Persons therein shall not be lodged overnight.

13. **CLUSTER DEVELOPMENT:** A development pattern for residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space,

14. **COMMISSION:** The Planning Commission of DeSoto County, Mississippi.

15. **COMPREHENSIVE PLAN:** DeSoto 2010 General Development Plan for DeSoto County Mississippi Volumes I, II, and III.

16. **CONDITIONAL USE:** A conditional use is 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, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as conditional uses, if specific provisions for such conditional use are made in this zoning ordinance.

17. **CONDOMINIUM:** The ownership of single units in a multi-unit structure with common areas and facilities.

18. **COUNTRY STORE:** A Neighborhood type retail service establishment or general store and filling station.

19. **DAY CARE CENTER:** A place which provides shelter and personal care on a regular basis for six or more children who are not related within the third degree computed according to civil law to the operator, for four or more hours of any part of twenty-four hour day, whether such place be organized or operated for profit or not. The term "day care center" includes childcare facility, kindergarten, nurseries or any other facility that falls within the scope of the definitions set forth above, regardless of auspices.

20. **DENSITY:** The number of dwelling units per acre of gross land area.

21. DISTRICT: A section or sections of DeSoto County for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

22. DWELLING: Any building or portion thereof designed or used as the residence of one (1) or more persons, but not including a tent, cabin, travel trailer, or a room in a hotel, motel or boarding house.

23. DWELLING, SINGLE FAMILY ATTACHED: A dwelling designed for and occupied by not more than one family having a wall in common with one other dwelling unit but located on a separate lot.

24. DWELLING, SINGLE FAMILY DETACHED: A dwelling designed for and occupied by not more than one family which does not have any roof wall or floor in common with any other dwelling unit.

25. DWELLING, TWO FAMILY: A building designed for or occupied exclusively by two families living independently of each other, and being located on a single lot.

26. DWELLING, MOBILE HOME: A substantially complete factory built structure transportable in one or more sections, with or without a permanent chassis and designed to be used as a dwelling when connected to required utilities.

27. DWELLING, MULTIPLE FAMILY: A building designed or occupied by more than two families living independently of each other.

28. DWELLING UNIT: One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sleeping and bathroom facilities.

29. FAMILY: One or more individuals occupying a dwelling unit and living as a single household unit but not exceeding four unrelated persons.

30. FARM: An area of more than 10 acres located outside a recorded subdivision which is used for the growing of the usual farm products such as vegetables, fruit, trees, hay, cotton, and grain, and their storage on the area, as well as the raising thereon of the usual farm poultry and farm animals, such as horses, mules, cattle, sheep, and swine, and including dairy farms. The term "farming" includes the operating of such an area for one or more of the above uses with the necessary accessory uses for treating or storing the produce provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the extraction of minerals, the feeding of collected garbage or offal to swine or other animals or intensive livestock raising, such as commercial feed lots, large batteries of rabbit hutches, or poultry lots or coops.

31. **FARM BUILDING OR STRUCTURE:** Any building or structure upon a farm having no dwelling facilities and constituting a necessary accessory building or structure for treating, processing, storing, and assembling of farm produce or products associated with farm production, and/or the storage and maintenance of tools and/or implements involved in normal farming activities conducted on the farm.

32. **FILLING STATION OR SERVICE STATION:** Any building or premises where the principal use is for the retail sale of motor vehicle fuels, oils, or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacement of motors or other major parts, bodies, or fenders of motor vehicles, or painting motor vehicles. The term does not include public garages.

33. **FLEA MARKET:** Market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

34. **FLOOR AREA:** The total number of square feet of floor space within the exterior walls of a building, not including unheated space in cellars or basements; however, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.

35. **FLOOD HAZARD BOUNDARY MAP:** An official map or plot of an area, issued or approved by the Federal Insurance Administrator, on which the boundaries of the flood-prone areas having special hazards have been drawn.

36. **FLOOD, 100-YEAR:** The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (l) percent chance of occurring each year).

37. **FLOODWAY:** The channel of a watercourse and portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the floodwater of any natural stream or river.

38. **GARAGE, PRIVATE:** An accessory building or an accessory portion of the principal building, including a carport, which is intended for and used for storing the privately owned motor vehicles, boats, and trailers of the family or families resident upon the premises, and in which no business, service or industry is carried on.

39. **GARAGE, PUBLIC:** Any building or premises, except those used as private or storage garages, used for equipping, repairing, hiring, selling, or storing motor-driven vehicles. The term repairing shall not include the rebuilding, dismantling, or storage of wrecked or junked vehicles.

40. **GARAGE, STORAGE:** Any building or premises, used for housing only motor-driven vehicles, other than trucks and commercial vehicles, pursuant to previous arrangements for storage and not open to transients, and at which automobile fuels and oils are not sold and motor driven vehicles are not equipped, repaired, hired, or sold.

41. **GOVERNING AUTHORITY:** The Board of Supervisors of DeSoto County for matters outside incorporated municipalities and the appropriate Town Board for matters inside incorporated municipalities.

42. **GRADE:** The average level of the finished surface of the ground adjacent to the exterior walls of the building, except when any wall approximately parallels and is not more than five feet from a road line, then the elevation of the road at the center of the wall adjoining the road shall be the grade.

43. **HOME OCCUPATION:** An occupation conducted in a dwelling unit.

44. **HOMEOWNERS' ASSOCIATION:** A community association which is organized in a development in which individual owners share common interests in common property such as open space or facilities, manages and maintains the common property, and enforces certain covenants and restrictions.

45. **HOTEL:** A building in which overnight lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction, to a boarding house or lodging house as herein defined.

46. **INSTITUTION:** A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

47. **JUNK YARD:** A parcel of land upon which the principal or accessory use is the accumulation of used, discarded, or worn out materials, or manufactured products, any of which may or may not be reusable or salable.

48. **JUNK CAR:** Any motor vehicle which does not have a current inspection sticker or is obviously in such condition as to be considered inoperable.

49. **KENNEL:** An establishment where dogs or other pets are boarded for compensation or bred or raised on a commercial scale.

50. **LOADING SPACE:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

51. **LODGING HOUSE:** Same as Rooming house.

52. **LOT:** For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public right-of-way, public road, public street or approved private driveway, and shall consist of a single lot of record or a portion of a lot of record.

53. LOT, AREA: The total area within the lot lines of a lot including land area within easements and excluding any street rights-of-way.

54. LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and double frontage lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated in this ordinance.

55. LOT, CORNER: A lot abutting upon two or more streets or roads at their intersection.

56. LOT, DEPTH OF: The mean horizontal distance between the front and rear lot lines.

57: LOT, DOUBLE FRONTAGE: A lot having frontage on two non-intersecting roads, as distinguished from a corner lot.

58. LOT LINES: The property lines bounding the lot.

59. LOT LINE, FRONT: The property line separating the lot from a street right-of-way. In the case of a corner lot each line separating such lot from the street shall be considered a front lot line.

60. LOT LINE, REAR: The lot line opposite and most distant from the front lot line of the lot. In the case of a corner lot the line opposite the front of the house shall be considered the rear lot line.

61. LOT LINE, SIDE: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is considered a front lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

62. LOT OF RECORD: A lot or parcel of land, the deed or plat of which has been recorded in the office of the Chancery Clerk of DeSoto County, in compliance with all regulations and ordinances of DeSoto County at the time of its recording.

63. LOT WIDTH: The width of a lot at the building line. Buildable width is the width of lot left to be built upon after the side yards are provided.

64. LOUNGE, BAR OR TAVERN: A business which serves liquor, beer, or wine to be consumed on the premises without a meal and which may also provide entertainment in the form of live or recorded music, bands, singers, piano players, dancing, floor shows and the like.

65. MOBILE HOME PARK: A single lot area where two or more mobile homes can be or are intended to be parked, designed, or intended to be used as living facilities for two or more families.

66. **MOTEL, MOTOR COURT, MOTOR LODGE, OR TOURIST COURT:** Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designated, used or intended wholly or in part for the accommodation of overnight lodging of automobile transients.

67. **NON-CONFORMING USE:** Any building or land lawfully occupied by a use at the time of passage of this ordinance or amendment thereto which does not conform after the passage of this ordinance or amendment thereto with the use regulations or dimension regulations of the district in which it is situated. Uses established after the passage of this ordinance which are in violation of this ordinance are illegal uses and shall not be given the status of nonconforming uses.

68. **NURSING HOME:** A home for the aged or infirmed, in which three or more persons not of the immediate family are received, kept, or provided with food and shelter or care, for compensation, but not including hospitals, clinics, or similar institutions.

69. **PARKING SPACE:** An area enclosed, intended for the purpose of storing one automobile and which shall be not less than nine feet wide and 20 feet long.

70. **PATIO:** An uncovered area, improved with concrete, brick, or other hard surface, adjacent to a dwelling and used by occupants of the dwelling for leisure time activities but not used for vehicle parking or storage.

71. **PUBLIC SERVICE FACILITY:** Any facility necessary with the operation and/or maintenance of a local governmental unit or a public utility as defined by the laws of the State of Mississippi.

72. **PREMISE(S):** A lot, together with all buildings and structures thereon.

73. **PREFABRICATED BUILDING:** A substantially completed permanent structure of which the structural or sub-assemblies are constructed off site, transported to the site and erected on a permanent foundation.

74. **RESTAURANT:** An establishment where complete meals are prepared, served and where beverages are customarily served to be consumed with the meal. These activities are primarily within the principal building.

75. **RESTAURANT, CARRY OUT:** An establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared ready-to-eat foods intended primarily to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or not encouraged.

76. **RESTAURANT, DRIVE-IN:** An establishment where food is sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building, often in a motor vehicle on the

site.

77. **RETAIL-SERVICE TRUCK ROUTE CENTER:** An establishment engaged in transporting goods to other business enterprises, including parking and repair of vehicles used in providing such service.

78. **ROADSIDE STAND:** A temporary structure with a floor area of not more than 400 square feet, enclosed, or partially enclosed, and so designed and constructed that the structure is easily portable.

79. **ROOMING HOUSE:** A building or place where lodging is provided (or which is equipped regularly to provide lodging by pre-arrangement for definite periods), for compensation, for five or more, but not exceeding 12 individuals, not open to transient guests, in contra-distinction to hotels open to transients including group houses and halfway houses.

80. **SHOPPING CENTER:** A group of commercial establishments, planned, developed, owned, and managed as a unit, with off street parking provided on the property.

81. **SIGNS:** (See Sign Regulation Definitions)

82. **STORY:** That portion of a building, other than a basement or cellar, included between the surface of any floor and surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

83. **STORY, HALF:** A space under a sloping roof or in a basement in which not more than 60 percent of the floor area is finished off for use.

84. **STREET OR HIGHWAY:** A public right-of-way which affords the principal means of access to abutting property.

85. **STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.

86. **STRUCTURAL ALTERATION:** Any change except those required by law, that would alter the life of the supporting members of a building or structure, such as the bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other resolutions.

87. **TERRACE:** Same as Patio.

88. **TOWN HOUSE:** A single-family dwelling forming one of a group or series of three or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement or cellar to roof, and having roofs which may extend from one of the dwelling units to another.

89. TRAVEL PARK: A lot or parcel of land upon which five or more spaces are occupied or intended for occupancy by recreational vehicles designed for travel, recreation, and vacation uses.

90. UTILITY SUBSTATION: A facility containing high voltage electrical equipment, transformers or specialized transmission facilities for gas, water, sewer or other public utilities enclosed in a single area and connected to a transmission network.

91. VARIANCE: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

92. WIRELESS COMMUNICATION FACILITIES: Wireless Communication Facilities shall include all buildings, cabinets, structures and facilities, including generating and switching stations, repeaters, antennas, transmitters, receivers, towers, relating to the low power mobile voice transmission, data transmission, video transmission, and radio transmission, or wireless transmission; accomplished by linking a wireless network of radio wave transmission devices (including, but not limited to wire, cable, fiber optics, laser, microwave, radio, satellite, portable phones, pagers, mobile phones, or similar facilities) to conventional ground-wired communications systems (including, but not limited to telephone lines, video, and/or microwave transmission) through a series of short range, contiguous cells that are part of an evolving cell grid. This includes all facilities to aid in "personal wireless services" as defined in the Telecommunications Act of 1996, which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunication services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

93. YARD: An open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this ordinance.

94. YARD, FRONT: A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

95. YARD, REAR: A yard extending the full width of the lot between a main building and the rear lot line.

96. YARD, SIDE: A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.

97. ZERO LOT LINE: A development approach in which a building is located on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

ARTICLE III DISTRICTS AND BOUNDARIES

1. In order to classify, regulate and restrict the location of businesses, trades, industries, residences, and other land uses and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings hereafter erected, reconstructed, or altered; to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings, DeSoto County, Mississippi, is hereby divided into 30 districts. The use, height, and area regulations are uniform in each district, and said districts shall be known as:

BASE DISTRICTS – AGRICULTURAL

A Agricultural District
A-R Agricultural-Residential District

BASE DISTRICTS – RESIDENTIAL

R-40 Residential Single-Family District (Low Density)
R-30 Residential Single-Family District (Low Density)
R-20 Residential Single-Family District (Low Density)
R-15 Residential Single-Family District (Low Density)
R-12 Residential Single-Family District (Medium Density)
R-10 Residential Single-Family District (Medium Density)
R-8 Residential Single-Family District (Medium Density)
R-6 Residential Single-Family District (Medium Density)
RM-8 Multiple-Family Residential District (High Density)
RM-6 Multiple-Family Residential District (High Density)

BASE DISTRICTS – OFFICE AND COMMERCIAL

C-R Rural Commercial District
C-1 Neighborhood Commercial District
C-2 Highway Commercial District
C-3 General Commercial District
O Office District

INDUSTRIAL DISTRICTS

M-1 Light Industrial
M-2 Heavy Industrial

OVERLAY AND PLANNED DISTRICTS

PO Planned Office Park District
PB Planned Business District
RO Residential Overlay District
PUD Planned Unit Development District
F Flood Control District
AHR Airport Height Use Regulation District

2. A base district designation shall apply to each lot or site within the County and its planning jurisdiction. A site must be in one (1) base district. An overlay district designation may be applied to any site or any portion thereof, in addition to a base district designation. More than one (1) overlay district may apply to the same portion of a site.

3. The boundaries of these districts are indicated upon the Zoning District Maps of DeSoto County, Mississippi, which maps are made a part of this ordinance. The said Zoning District Maps of DeSoto County, Mississippi, and all the notations, references, and other matters shown thereon shall be as much a part of this ordinance as if the notations, references, and other matters set forth by said Zoning District Maps were all fully described herein; which Zoning District Maps are properly attested and are on, file with the Chancery Clerk of DeSoto County, Mississippi.

4. All territory which may hereafter become a part of the unincorporated area of DeSoto County by revision of corporate boundaries of any village, town, or city, shall remain in its existing municipal classification until such time as such classification may be changed by amendment to the Zoning Ordinance as provide by law.

5. Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Zoning District Maps accompanying and made a part of this ordinance. The following rules shall apply:

   a) Where a boundary line is given a position within a street, road or alley, it shall be deemed to be in the center of the street, road, or alley; and if the actual location of such street, road, or alley varies from the location as shown on the Zoning District Map, then the actual location shall control.

   b) Where a boundary line is shown as approximately following municipal, county, or state boundaries, it shall be construed to follow such boundaries.

   c) Where a boundary line is indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water, it shall be construed to follow such centerline.

   d) Where a boundary line is shown as being located a specific distance from a street or road line or other physical feature, this distance shall control.

   e) Where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated mainline track.

   f) In unsubdivided areas where district boundaries as shown on the Zoning District Maps do not coincide or approximately coincide with street lines, alley lines, or lot lines, and no dimensions are shown, the location of such district boundary lines shall be determined by the use of the scale appearing on the Zoning District Maps.

ARTICLE IV COMPLIANCE WITH REGULATIONS

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

1. No building shall be erected, converted, placed, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose and in the manner permitted in the district in which the building or land is located.

2. No land required for yards, open spaces, or off-street parking or loading spaces about an existing building or any building hereafter erected or structurally altered shall be considered as required yard of lot area for more than one building.

3. Every building hereafter erected or structurally altered shall be located on an approved lot and in no case shall there be more than one main building on one lot except as otherwise provided in the ordinance.

4. No building shall be erected or structurally altered to the extent specifically provided herein after except in conformity with the off-street parking and loading regulations of this ordinance.

5. The provisions of these regulations shall be considered the minimum requirements for the promotion of the public health, safety, morals, comfort and welfare. Where provisions of the regulations of this ordinance impose greater restrictions than those of any statute, other ordinance or regulations, the provisions of the regulations of this ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this ordinance, the provision of such statute, other ordinance or regulation shall be controlling.

ARTICLE V AGRICULTURAL DISTRICTS

1. "A" AGRICULTURAL DISTRICT

A. Purpose:

(a) To provide area for agricultural and rural uses within the County area.
(b) To encourage a vigorous agricultural industry within the County's zoning jurisdiction.
(c) To ensure that urban/suburban development occurs contiguous to existing urbanized or urbanizing areas.
(d) To prevent premature urban development in area which are not adequately served by public facilities.

B. Permitted Uses:

(1) Any forms of agriculture and forestry activities, but excluding feed lots and sales or auction yards and barns and other similar intensive farming operations limited elsewhere in this ordinance
(2) Single family dwellings
(3) Boat docks, private
(4) Children's camps on sites of 40 acres or more
(5) Churches
(6) Country clubs
(7) Fish camps, hunting clubs not operated as a commercial enterprise
(8) Golf courses, except miniature courses or driving ranges
(9) Greenhouses and nurseries
(10) Home occupations:
  (a) No person other than members of the family residing on the premises shall be engaged in such occupation.
  (b) 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 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
  (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
  (d) 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 the conduct of such home occupation shall be met off street and other than in a required front yard.
  (e) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single family residence.

(f) In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

(g) No wholesale or retail establishment shall be permitted unless it is conducted entirely by mail or telephone and does not involve the receipt, sale, shipment, delivery or storage of merchandise on or from the premises, provided, however, that articles produced by members of the immediate family residing on the premises may be stored upon the premises.

(h) There shall be no storage outside a principal building or accessory structure of equipment or materials used in the home occupation.

(i) The home occupation shall be conducted entirely within the principal residential building or in a private garage accessory thereto.

(j) There shall be no group instruction in connection with the home occupation.

(11) One mobile home on sites of three acres or more located a minimum of one hundred (100) feet from a side property line.

(12) Model homes including sales offices located within developing subdivisions to be used for the promotion of original sales of lots and houses within that subdivision only.

(13) Parks and forest preserves

(14) Public schools

(15) Public service facilities

(16) Radio & television towers, antennas, earth stations, or wireless communication facilities which are co-located on existing facilities, or do not exceed 35' in height

(17) Roadside stands for the display or sale of agricultural products raised, produced and processed on the premises.

(18) Saddle clubs, stables and riding academies

(19) Accessory uses as provided in ARTICLE X

(20) Utility Substations

(21) Surface Mining Operation (to include the mining or extraction of any organic or inorganic material excluding sand or gravel), provided that:

(a) A designated route for all hauling and trucking activity is approved by the DeSoto County Road Manager

(b) A bond is posted by the party obtaining the use permit and/or the party mining such minerals, naming DeSoto County as the insured, beneficiary or Obligee, in an amount to be determined by the DeSoto County Road Manager or his designee to guarantee the following:

- The pit shall be reclaimed within six (6) months after excavation is completed, which reclamation shall included, but not be limited to, satisfying all MDEQ requirements and all banks having not more than a 3 to 1 slope
- All county roads, which are a part of the designated haul route, or are otherwise traveled by those parties while hauling the excavated materials, shall be properly cared for to deter dust and damage and, within six (6) months after excavation is completed, will be returned to county specifications and/or original road condition prior to project and subject to DeSoto County Road Manager's evaluation and determination

(c) Adequate measures are in place on the site of operation that assure that dust and other airborne products of the operation shall be controlled in such a way that neighboring parcels shall not be disturbed or otherwise bothered by said operations.
(d) No material shall be extracted within fifty (50) feet of any property line.
(e) No material shall be extracted below road grade within one hundred (100) feet of a of road centerline.
(f) All Surface Mining permits mandated by the Mississippi Department of Environmental Quality (MDEQ) shall be obtained prior to issuance of Use and Occupancy Permit (UNO) by the Planning Commission

C. Conditional Uses

The following uses may be permitted, if approved by the Board of Adjustment in accord with the procedures and under the conditions set forth in area regulations and the parking regulations for similar uses set out elsewhere in this ordinance.

(1) Airports, landing strips, and agricultural flying services provided they comply with the regulations of the Federal Aviation Administration.
(2) Asphalt Plants provided that:
(a) The plant is operated in conjunction with and on the same property as a gravel mining operation;
(b) That the asphalt processing is conducted no closer than three hundred (300) feet of any adjacent property line, or five hundred (500) feet of any existing residential or commercial structure;
(c) That a bond is posted by the party conducting the asphalt processing to guarantee that county roads will be properly cared for and returned to county specifications as required by the County Engineer;
(d) That all plant discharges must comply with individual environmental standards as determined by the County Engineer;
(3) Auction Yards or barns
(4) Beauty shops provided not more than one person is employed, and, not more than one sign with a maximum area of 4 (four) square feet is erected.
(5) Carnival
(6) Commercial radio, television stations
(7) Cotton gins and commercial grain elevators provided that the minimum site size be not less than 20 acres
(8) Country Stores
(9) Day care centers
(10) Extraction of minerals, including sand and gravel, provided that:
(a) A designated route for all hauling and trucking activity is approved by the DeSoto County Road Manager
(b) A bond is posted by the party obtaining the conditional use permit and/or the party mining such minerals, naming DeSoto County as the insured, beneficiary or Obligee, in an amount to be determined by the DeSoto County Road Manager or his designee to guarantee the following:

- The pit shall be reclaimed within six (6) months after excavation is completed, which reclamation shall included, but not be limited to, satisfying all MDEQ requirements and all banks having not more than a 3 to 1 slope
- All county roads, which are a part of the designated haul route, or are otherwise traveled by those parties while hauling the excavated materials, shall be properly cared for to deter dust and damage and, within six (6) months after excavation is completed, will be returned to county specifications and/or original road condition prior to project and subject to DeSoto County Road Manager's evaluation and determination

(c) No material shall be extracted within 100 feet of the centerline of any county road or within 50 feet of any property line

(d) No washing of gravel shall be permitted unless a filtration system, approved by the county engineer, is provided to prevent pollution of nearby streams

(e) All gravel mining permits mandated by the Mississippi Department of Environmental Quality (MDEQ) shall be obtained prior to issuance of Use and Occupancy Permit (UNO) by the Planning Commission

(f) Adequate measures are in place on the site of operation that assure that dust and other airborne products of the operation shall be controlled in such a way that neighboring parcels shall not be disturbed or otherwise bothered by said operations.

(11) Feeding lots, hog farms, rabbit hutches, and similar intensive farming operations

(12) Flea Markets

(13) Commercial guest ranches, hunting, and fishing resorts, and incidental facilities, Including swimming pools, restaurants, incidental retail sales and services, and personal services, provided they are located on sites containing not less than 50 acres.

(14) Hospitals, nursing homes, veterinary clinics, dog kennels and educational, religious, and philanthropic institutions on sites of not less than five (5) acres, provided not more than 20% of the site area may be occupied by the buildings.

(15) Marinas, yacht clubs, boat houses, and accessory bait shops and snack bars

(16) Motels, resorts, and incidental facilities, including swimming pools, restaurants, incidental retail sales and services, and personal services, provided they are located on sites containing not less than four acres.

(17) Mobile home parks, provided that a site plan meeting the following criteria is submitted with the application:

(a) Each lot provided for the occupancy of a single trailer or mobile home unit shall have an area of not less than 5,000 square feet and a width of not less than 50 feet. No trailer, structure, addition, or appurtenance thereto shall be located less than 10 feet from the nearest adjacent lot boundary.

(b) All sewage disposal facilities and water supply facilities must be approved by the State Board of Health. Regular garbage and refuse pickup service must be provided at each trailer court. Permanent facilities for washing and laundering may be required to meet the State Board of Health requirements. Adequate storm water drainage must be provided before occupancy and in a manner not to be objectionable to adjacent property owners. No site subject to flooding shall be

approved.

(c) All vehicular road entrances must be approved by the County Engineer for safety access. Each trailer site shall abut a hard surfaced driveway, roadway, or street of not less than 30 feet in width, and which shall have unobstructed access to a public highway or street. Space between trailers may be used for parking of motor vehicles if the space is hard surfaced and clearly designated at least 5 feet from the nearest adjacent lot boundary. When such off-street parking spaces are provided, the driveway, roadway, or street serving the lot shall not be less than 24 feet in width. A street plan satisfactory to the Board of Adjustment must be approved prior to construction with streets paved and culverts in place before occupancy.

(d) Electrical facilities provided to each lot must meet the National Electrical Code requirements. Trailer courts having 10 or more trailer lots must provide an overhead street or night light operating at night. One streetlight must be provided for each 10 trailer lot spaces, or portion thereof within the court.

(e) Each trailer court providing more than four trailer spaces must provide suitable, fenced playground area of not less than 300 square feet for each trailer space.

(f) In approving a trailer court site, there maybe imposed such reasonable requirements as to screening and other features of the development as are deemed necessary to protect adjacent property and prevent objectionable conditions. A twenty five foot landscaped area shall be provided around the entire perimeter of a mobile home park adjacent to any residential dwelling district.

(g) After completion of improvements and prior to opening the mobile home park, a final plat shall be submitted in accordance with County Subdivision Regulations. Such plats need not be recorded in the Chancery Clerk's office, but must be approved by the Board of Adjustment and Board of Supervisors and filed in the plat book in the Planning Commission Office.

(h) Each mobile home shall be provided with anchors and tie downs such as cast in place concrete "deadman" eyelets imbedded in concrete slabs, screw augers, arrowhead anchors or other devices to be used to stabilize the mobile home.

(i) Skirting shall be provided around the perimeter of each mobile home.

(18) A mobile home on sites of less than three (3) acres provided that a legitimate hardship exists which necessitates the use of a mobile home. On parcels of three (3) acres or more, a second or additional mobile home requires a family hardship.

(19) New cemeteries or enlargement of existing cemeteries

(20) Privately operated outdoor recreational facilities which are not allowed as a permitted use above, including but not limited to riding stables, lakes, swimming pools, tennis courts, stock car race tracks, motor cross, and miniature golf courses, provided they are located on sites containing not less than five acres

(21) Private schools

(22) Rock concerts

(23) Restaurants when seventy-five percent of the establishments business is derived from the sale of meals and non-alcoholic beverages prepared on site and there is not less than a fifty person seating capacity

(24) Sanitary land fills

(25) Sewage treatment facilities

(26) Sawmills, provided they are on sites containing not less than five (5) acres

(27) Small assembly or manufacturing uses, auto, truck and farm equipment repair shops and accessory uses provided not more than two persons are employed, no noise, glare, heat, vibration, smoke, dust, or other noxious influence can detected at the property line, not more than one sign with a maximum square footage of five (5) square feet is erected, and, provided that all work and storage will be in a completely enclosed building. Vehicles waiting to be repaired or waiting to he picked up may be parked behind the building, but not for a period exceeding 48 hours. Also, not more than five vehicles may be parked outside the building at any time.

(28) Utility Substations

(29) Wells, gas, and oil including drilling and extraction.

(30) Lodges and Private Clubs

(31) Expansion of Non-conforming uses

(32) Bed and Breakfast Homes under the following site development standards:

(a) Minimum Lot Size of 1.5 acres,

(b) Minimum Residence Size of 2500 square feet with a maximum of four guest rooms

(c) Off street parking shall be provided at 1.3 spaces per guest room in addition to the normal parking for the dwelling;

(d) DeSoto County Health Department approval;

(e) Guest activities shall be in keeping with the normal activities of an overnight visiting guest;

(f) Retail merchandising is to be clearly incidental to the primary purpose of overnight lodging, including, but not limited to, meals, souvenir crafts, mementos, and personal items;

(g) The length of guest stays shall not exceed eight (8) days;

(h) There may be one unlighted sign of no more than six square feet;

(i) The application must be accompanied by a site plan which describes the property, the general layout of the site including the location of natural features and improvements, along with the proposed pattern of use of the property, a description of the composition, lettering style, and color scheme of any proposed sign consistent with the character of the principal structure.

(33) Radio & television towers, antennas, earth stations, or wireless telecommunications facilities which are not co-located on existing facilities, or do exceed 35' in height with the following guidelines:

A. Site plan, developed by an engineer or surveyor, certified by the state of Mississippi, showing the following:

1. Six (6) copies of the site plan, drawn at a scale of 1" = 100';
2. Proposed & existing roads within 100' of property;
3. Proposed landscaped buffer areas & planting screens;
4. Proposed curb cuts, drives & parking areas;
5. Grading & drainage plans which show existing & proposed topography;
6. Building lines and all structures on the site & within 250' of the tower location;
7. The zoning designation for the site and all adjoining properties;
8. The names of the owners of all adjoining properties;

9. A vicinity map which shows the location of the proposed site within the county including township, section, & range;
10. Certification that the boundaries have been surveyed and are true and correct, and that all encroachments, easements, and rights-of-way are shown; and a north arrow and graphic scale.

B. Written authorization from the property owner to apply for the permit;

C. A letter from an engineer certified by the state of Mississippi stating that the proposed wireless communication facility meets or exceeds the standards of the American National Standards Institute (ANSI) for professionally acceptable radio frequency emissions;

D. Letters from an engineer certified by the state of Mississippi stating that the proposed wireless communication facility has been designed and constructed to meet seismic requirements established by the DeSoto County Building Department;

E. A letter from a structural engineer certified by the state of Mississippi stating that the proposed wireless communication facility is able to withstand winds of 70 miles per hour with 1/2 inch radial ice, as per the ANSI Standards, and/or 130 MPH wind gusts, whichever is greater;

F. A letter of intent committing the tower owner and any successors to allow shared use of the tower, and listing the criteria required for successful co-location on the tower;

G. The site plan must demonstrate how the shared facilities would potentially be situated on proposed sites. Towers and/or structures shall be designed for multi-tenants on the initial installation, i.e. designed for two sets of a fully sectored antenna arrays if under 130' in height, three arrays if 130' in height or greater;

H. Written statements that the proposed tower complies with regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC) and all applicable government authorities, or that the tower is exempt from those regulations;

I. Evidence the applicant that all alternatives to construction have been exhausted. This evidence must include, but is not limited to the following:

1. A study showing any towers within 1/2 mile radius to the site;
2. A detailed statement as to why any existing towers were not usable;
3. Where the applicant's adjacent existing towers are, and how this site fits into the network being developed;

J. Mailing labels with names and addresses for all property owners within 1320' of the site for notification cards to be sent by the Board of Adjustment staff;

K. Commencement of Work: no site preparation until after approval

L. Height: Maximum height of 200 feet

M. Lighting: As required by FAA or other governmental authority

N. Setbacks: Center of tower shall be at least 75% of tower height from edge of No-Build Zone

O. No-Build Zone: There will be a marked "No-Build Zone" equal 75% of the height of the tower designated on the site to ensure no more buildings will be placed on the site near the tower;

P. Fencing: At least 6' security fence (chainlink is acceptable) surrounding outer perimeter of ground site;

Q. Landscaping: At least 15 foot bufferyard around the outside of the fence; planted with large deciduous or evergreen trees planted on a 20' center; also, shrubbery between the trees on an 8' center of the weeping privet type

R. Abandonment: Any tower that is not operated for a continuous period of six months shall be considered abandoned and the owner of such tower shall remove it within 90 days after receiving notice from the County. If the tower is not removed within that 90 days period, the governing body may order the tower removed and removal may be at the expense of the owner of the tower or the property where the tower is located;

(34) Any forms of small-scale agricultural activities which involve processing of raw agricultural materials produced on-site into a finished product which is different from the raw materials. Also included herein is small-scale storage on-site and incidental retail sales and services provided that the site is not less than 10 acres, provided not more than 5,000 sq. ft. of the site area may be occupied by the buildings.

D. Site Development Regulations: Each site in the "A" District shall be subject to the following site development regulations:

Regulator	Requirement
Minimum Lot Area	1.5 Acres
Lot Width	100 Feet (minimum)
Site Area/Unit	1.5 Acres
Floor Area Ratio	No Restriction
Building Height	35 Feet (maximum)
Maximum Overall Density (Site)	0.67 Units/Gross Acre

Minimum Building Setbacks	Single Family Detached	All Other Uses
Front Yard	50	50
Side Yard	15	30
Street Side Yard	35	35
Rear Yard	40	40

Minimum lot area for any lot which contains a mobile home as a dwelling unit shall be three (3) acres, unless a conditional use permit is granted as provided in Article V, l, b., (11).

Subdivisions recorded prior to the date of adoption of these regulations which have restrictive covenants with less yard requirements than these regulations will use the minimum yard requirements specified in the restrictive covenants.

2. "A-R" AGRICULTURAL-RESIDENTIAL DISTRICT

A. Purpose. The "A-R" District is intended to encourage very low-density residential uses in an agricultural setting in the outlying parts of the County's zoning jurisdiction. The low-density residential development is intended to occur generally on unsubdivided tracts of land whereon public water supply and a sanitary sewer service is impractical. The densities of the "AR" District are intended to discourage "leap frog" development into these areas and to ensure that such development occurs adjacent to previously urbanized areas.

In the "A-R" Single Family Residential District a building or premises shall be used only for the following purposes:

B. Permitted Uses:

(1) Agriculture activities but excluding feed lots and sales, auction yards and auction barns
(2) Single family dwellings
(3) Churches
(4) Country club
(5) Home occupations subject to the standards defined under the "A" Agricultural District Model home, including sales offices, located within developing subdivisions to be used for the promotion of original sales of lots and houses within that subdivision only.
(6) Radio and television towers, antennas, earth stations, or wireless communication facilities which are co-located on existing facilities, or do not exceeding 35 feet in height
(7) Schools, public
(8) Public service facilities
(9) Accessory buildings and uses as provided in Article X
(10) Mining or extraction of any organic or inorganic material excluding sand and gravel as provided for under Article V, Section 1, paragraph B, number (21).

C. Conditional Uses:

The following uses may be permitted if approved by the Board of Adjustment, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance:

(1) Day care centers
(2) Hospitals, nursing homes, and educational philanthropic, or religious institutions on sites of not less than five acres, provided not more than 20 percent of the site area may be occupied by the buildings,
(3) New cemeteries and enlargement of existing cemeteries.
(4) Parking lots located within 300 feet of a "C" District
(5) Private clubs and lodges
(6) Privately operated lakes, swimming pools, and tennis courts intended for public use, provided that they are located on sites containing not less than five acres
(7) Private schools

(8) Radio and television towers, antennas, earth stations, or wireless communication facilities, exceeding 35 feet in height, with the guidelines listed under Article V, 1, C, (33) – Agricultural Conditional Uses

(9) Restaurants when seventy-five percent of the establishments business is derived from the sale of meals and non-alcoholic beverages prepared on site and there is not less than a fifty person seating capacity (not to be included as a condition use in all other residential zones)

(10) Wells, gas, and oil including drilling and extraction

(11) Mobile homes located a minimum of one hundred (100) feet from a side property line, provided that a legitimate hardship exists which necessitates the use of a mobile home provided such application is made prior to December 31, 2014.

(12) Extraction of minerals, including sand and gravel as provided for under Article V, Section 1, paragraph "c", number 10, provided such application is made prior to December 31, 2014.

(13) Application for renewal of any existing conditional use in "AR" zone approved prior to the adoption of this Ordinance using the same provisions of the prior ordinance under which it was originally approved.

(14) Golf Courses

(15) Nurseries and Greenhouses (not to be included as a condition use in all other residential zones)

(16) Bed and Breakfast Homes under the following site development standards:

(a) Minimum Lot Size of 1.5 acres,

(b) Minimum Residence Size of 2500 square feet with a maximum of four guest rooms

(c) Off street parking shall be provided at 1.3 spaces per guest room in addition to the normal parking for the dwelling,

(d) DeSoto County Health Department approval,

(e) Guest activities shall be in keeping with the normal activities of an overnight visiting guest,

(f) Retail merchandising is to be clearly incidental to the primary purpose of overnight lodging, including, but not limited to, meals, souvenir crafts, mementos, and personal items,

(g) The length of guest stays shall not exceed eight (8) days,

(h) There may be one unlighted sign of no more than six square feet,

(i) The application must be accompanied by a site plan which describes the property, the general layout of the site including the location of natural features and improvements, along with the proposed pattern of use of the property, a description of the composition, lettering style, and color scheme of any proposed sign consistent with the character of the principal structure.

(17) Veterinary Clinics & Veterinary Hospitals.

D. Site Development Regulations: Each site in the "A-R" District shall be subject to the following site development regulations.

Regulator	Requirement
Minimum Lot Area	1.5 Acres
Lot Width	90 Feet (minimum)
Site Area/Unit	1.5 Acres
Floor Area Ratio	No Restriction
Building Height	35 Feet (maximum)
Maximum Overall Density (Site)	1.0 Units/Gross Acre

Minimum Building Setbacks	Single Family Detached	All Other Uses
Front Yard	50	50
Side Yard	15	30
Rear Yard	35	40

Subdivisions recorded prior to the date of adoption of these regulations, which have restrictive covenants with less yard requirements than these regulations will use the minimum yard requirements specified in the restrictive covenants.

ARTICLE VI RESIDENTIAL DISTRICTS

The residential districts included in this chapter are intended to achieve one (1) or more of the following objectives:

(a) To reserve an adequate supply of appropriately located area for residential development, consistent with the County's Land Use Plan and with sound standards of health, safety, and welfare.
(b) To implement the County's Land Use Plan by establishing clear, delineated areas for future residential growth at varying densities and housing styles.
(c) To promote flexibility in the design and development of housing, while maintaining high standards of design and ensuring neighborhood compatibility.
(d) To encourage the conservation of established neighborhoods in the County.
(e) To assure adequate light, air, privacy, and open space to residents of housing in the County.

1. "R-40" RESIDENTIAL SINGLE-FAMILY DISTRICT (LOW DENSITY)

A. Purpose: The R-40 District is intended to provide for low-density residential neighborhoods, characterized by single-family, detached dwellings on large lots with supporting community facilities. This district is appropriate for established parts of the County where it serves to preserve low-density environments. Also, this district can be utilized in newly developing low density areas where buffers can not provide sufficient transitions between land uses, and for areas in which environmental considerations preclude the platting of smaller lots.

B. Permitted Uses:

(1) Single Family Dwellings
(2) Churches
(3) Country Club
(4) Model home including sales offices located within developing subdivisions o be used for the promotion of original sales of lots and houses within that subdivision only.
(5) Radio and television towers, or antennas, or earth stations not exceeding 35 feet in height
(6) Schools, public
(7) Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature.
(8) Home occupations subject to the standards defined under "A" Agricultural District
(9) Accessory buildings and uses as provided in Article X
(10) Public service facilities

C. Conditional uses:

The following uses may be permitted, if approved by the Board of Adjustment, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

(1) The conditional uses shall be the same as in the "AR" Agricultural Residential District
(2) Private schools
(3) Radio and television towers, or antennas or earth stations exceeding 35 feet in height.
(4) Expansion of nonconforming uses

D. Site Development Regulations: Each site in the "R-40" District shall be subject to the following site development regulations.

Regulator	Requirement
Minimum Lot Area	40,000 square feet (minimum)
Lot Width	100 Feet (minimum)
Site Area/Unit	40,000 square feet
Floor Area Ratio	No Restriction
Building Height	35 Feet (maximum)
Maximum Overall Density (Site)	1.1 Units/Gross Acre

Minimum Building Setbacks	Single Family Detached	All Other Uses
Front Yard	40	50
Interior Side Yard	15	25
Street Side Yard	30	30
Rear Yard	30	35

2. "R-30" RESIDENTIAL SINGLE-FAMILY DISTRICT (LOW DENSITY)

A. Purpose: The R-30 District is intended to provide for low-density residential neighborhoods, characterized by single-family, detached dwellings on large lots with supporting community facilities. This district is appropriate for established parts of the County where it serves to preserve low-density environments. Also, this district can be utilized in newly developing low density areas where buffers can not provide sufficient transitions between land uses, and for areas in which environmental considerations preclude the platting of smaller lots.

B. Permitted Uses:

(1) Single Family Dwellings
(2) Churches
(3) Country Club
(4) Model home including sales offices located within developing subdivisions o be used for the promotion of original sales of lots and houses within that subdivision only.
(5) Radio and television towers, or antennas, or earth stations not exceeding 35 feet in height
(6) Schools, public
(7) Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature.
(8) Home occupations subject to the standards defined under "A" Agricultural District
(9) Accessory buildings and uses as provided in Article X
(10) Public service facilities

C. Conditional Uses: The following uses may be permitted, if approved by the Board of Adjustment, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

(1) The conditional uses shall be the same as in the "AR" Agricultural Residential District
(2) Private schools
(3) Radio and television towers, or antennas or earth stations exceeding 35 feet in height.
(4) Expansion of nonconforming uses

D. Site Development Regulations: Each site in the "R-30" District shall be subject to the following site development regulations.

Regulator	Requirement
Minimum Lot Area	30,000 square feet (minimum)
Lot Width	80 Feet (minimum)
Site Area/Unit	30,000 square feet
Floor Area Ratio	No Restriction
Building Height	35 Feet (maximum)
Maximum Overall Density (Site)	1.5 Units/Gross Acre

Minimum Building Setbacks	Single Family Detached	All Other Uses
Front Yard	40	50
Interior Side Yard	15	25
Street Side Yard	30	30
Rear Yard	30	35

3. "R-20" RESIDENTIAL SINGLE-FAMILY DISTRICT (LOW DENSITY)

A. Purpose: The R-20 District is designed to provide suitable areas for low density residential development where appropriate urban services and facilities are provided or where the extension of such services or facilities will be physically and economically facilitated. Generally, this district will be characterized by single-family, detached dwellings and other structures as are accessory thereto. These districts also include community facilities, public utilities, and open uses which specifically serve the residents of these districts, or which are benefited by and compatible with a residential environment.

B. Permitted Uses:

(1) Single Family Dwellings
(2) Churches
(3) Country Club
(4) Model home including sales offices located within developing subdivisions o be used for the promotion of original sales of lots and houses within that subdivision only.
(5) Radio and television towers, or antennas, or earth stations not exceeding 35 feet in height
(6) Schools, public
(7) Public parks, playgrounds, recreational and community facilities and buildings of a non- commercial nature.
(8) Home occupations subject to the standards defined under "A" Agricultural District
(9) Accessory buildings and uses as provided in Article X
(10) Public service facilities

C. Conditional Uses: The following uses may be permitted, if approved by the Board of Adjustment, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

(1) The conditional uses shall be the same as in the "AR" Agricultural Residential District
(2) Private schools
(3) Radio and television towers, or antennas or earth stations exceeding 35 feet in height.
(4) Expansion of nonconforming uses

D. Site Development Regulations: Each site in the "R-20" District shall be subject to the following site development regulations.

Regulator	Requirement
Minimum Lot Area	20,000 square feet (minimum)
Lot Width	75 Feet (minimum)
Site Area/Unit	20,000 square feet
Floor Area Ratio	No Restriction
Building Height	35 Feet (maximum)
Maximum Overall Density (Site)	2.5 Units/Gross Acre

Minimum Building Setbacks	Single Family Detached	All Other Uses
Front Yard	30	40
Side Yard	15	15
Street Side Yard	20	20
Rear Yard	25	30

4. "R-15" RESIDENTIAL SINGLE-FAMILY DISTRICT (LOW DENSITY)

A. Purpose: The R-15 District is designed to provide suitable areas for low density residential development where appropriate urban services and facilities are provided or where the extension of such services or facilities will be physically and economically facilitated. Generally, this district will be characterized by single-family, detached dwellings and other structures as are accessory thereto. These districts also include community facilities, public utilities, and open uses which specifically serve the residents of these districts, or which are benefited by and compatible with a residential environment.

B. Permitted Uses:

(1) Single Family Dwellings
(2) Churches
(3) Country Club
(4) Model home including sales offices located within developing subdivisions o be used for the promotion of original sales of lots and houses within that subdivision only.
(5) Radio and television towers, or antennas, or earth stations not exceeding 35 feet in height
(6) Schools, public
(7) Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature.
(8) Home occupations subject to the standards defined under "A" Agricultural District
(9) Accessory buildings and uses as provided in Article X
(10) Public service facilities

C. Conditional Uses: The following uses may be permitted, if approved by the Board of Adjustment, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

(1) The conditional uses shall be the same as in the "AR" Agricultural Residential District
(2) Private schools
(3) Radio and television towers, or antennas or earth stations exceeding 35 feet in height.
(4) Expansion of nonconforming uses

D. Site Development Regulations: Each site in the "R-15" District shall be subject to the following site development regulations.

Regulator	Requirement
Minimum Lot Area	15,000 square feet (minimum)
Lot Width	65 Feet (minimum)
Site Area/Unit	15,000 square feet
Floor Area Ratio	No Restriction
Building Height	35 Feet (maximum)
Maximum Overall Density (Site)	3.0 Units/Gross Acre

Minimum Building Setbacks	Single Family Detached	All Other Uses
Front Yard	30	40
Side Yard	8/20	15
Street Side Yard	15	15
Rear Yard	20	25

5. "R-12" RESIDENTIAL SINGLE-FAMILY DISTRICT (MEDIUM DENSITY)

A. Purpose. The "R-12" District is designated to provide suitable areas for medium density residential development where complete urban services and facilities are provided or when the extension of such services or facilities will be physically and economically facilitated. Generally, this district will be characterized by single-family, detached dwellings, except when otherwise permitted in a residential overlay district, and such other structures as are accessory thereto. This district is intended, also, to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of this district, or which are benefited by and compatible with a residential environment.

B. Permitted Uses:

(1) Single Family Dwellings
(2) Churches
(3) Country Club
(4) Model home including sales offices located within developing subdivisions o be used for the promotion of original sales of lots and houses within that subdivision only.
(5) Radio and television towers, or antennas, or earth stations not exceeding 35 feet in height
(6) Schools, public
(7) Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature.
(8) Home occupations subject to the standards defined under "A" Agricultural District
(9) Accessory buildings and uses as provided in Article X
(10)Public service facilities

C. Conditional Uses: The following uses may be permitted, if approved by the Board of Adjustment, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

(1) The conditional uses shall be the same as in the "AR" Agricultural Residential District
(2) Private schools
(3) Radio and television towers, or antennas or earth stations exceeding 35 feet in height.
(4) Expansion of nonconforming uses

D. Site Development Regulations: Each site in the "R-12" District shall be subject to the following site development regulations.

Regulator	Requirement
Minimum Lot Area	12,000 square feet (minimum)
Lot Width	60 Feet (minimum)
Site Area/Unit	12,000 square feet
Floor Area Ratio	0.4
Building Height	35 Feet (maximum)
Maximum Overall Density (Site)	3.6 Units/Gross Acre

Minimum Building Setbacks	Single Family Detached	All Other Uses
Front Yard	25	30
Side Yard	5/15 Total	12
Street Side Yard	15	15
Rear Yard	20	25

E. Additional Regulations

(1) Site Plan Approval Required: For any development designated in the R-12 District, an overall site development plan and text presenting the information defined in Article VI, Section 10, Paragraphs f, g, and h must be submitted and approved by the Planning Commission and governing authority prior to issuance of building permits.

(2) Use of Zero Lot Line in Single-Family Detached in R-12 Residential Overlay District: Within a common development, one (1) interior side yard may be equal to zero for single-family detached residential use, subject to the provisions of Article VI, Section 10, of this chapter and the following additional regulations:

(a) The side yard opposite to the zero yard must equal at least twenty (20) feet.

(b) The normal side yard setback, as designated in the minimum setbacks for the R-12 District, must be maintained adjacent to any lot with an existing structure not within the common development, or not otherwise designated for zero lot line use.

(c) An easement providing for maintenance of the zero lot line facade is filed with the County Register of Deeds, and the County Building Permits Department at the time of application for a building permit.

(d) The total number of single-family attached and zero lot line units, in aggregate, within a common development shall not exceed forty (40) percent of the total number of units proposed within the development (as shown on the approved site plan).

(3) Single-Family Attached in the R-12 Residential Overlay District: Within a common development, single-family attached residential is permitted, subject to the provision of Article VI, Section 7, Paragraph E, of this chapter and the following additional regulations:

(a) The side yard opposite the common wall must be equal to twenty (20) feet.

(b) The total number of single-family attached and zero lot line units, in aggregate, within a common development shall not exceed forty (40) percent of the total number of units proposed within the development (as shown on the approved site plan).

6. "R-10" RESIDENTIAL SINGLE-FAMILY DISTRICT (MEDIUM DENSITY)

A. Purpose: The "R-10" District is designated to provide suitable areas for medium density residential development where complete urban services and facilities are provided or when the extension of such services or facilities will be physically and economically facilitated. Generally, this district will be characterized by single-family detached dwellings, except when otherwise permitted in a residential overlay district, and such other structures as are accessory thereto. This district is intended, also, to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of this district, or which are benefited by and compatible with a residential environment.

B. Permitted Uses:

(1) Single Family Dwellings
(2) Churches
(3) Country Club
(4) Model home including sales offices located within developing subdivisions o be used for the promotion of original sales of lots and houses within that subdivision only.
(5) Radio and television towers, or antennas, or earth stations not exceeding 35 feet in height
(6) Schools, public
(7) Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature.
(8) Home occupations subject to the standards defined under "A" Agricultural District
(9) Accessory buildings and uses as provided in Article X
(10)Public service facilities

C. Conditional Uses: The following uses may be permitted, if approved by the Board of Adjustment, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

(1) The conditional uses shall be the same as in the "AR" Agricultural Residential District
(2) Private schools
(3) Radio and television towers, or antennas or earth stations exceeding 35 feet in height.
(4) Expansion of nonconforming uses

D. Site Development Regulations: Each site in the "R-10" District shall be subject to the following site development regulations.

Regulator	Requirement
Minimum Lot Area	10,000 square feet (minimum)
Lot Width	55 Feet (minimum)
Site Area/Unit	10,000 square feet
Floor Area Ratio	No Restriction
Building Height	35 Feet (maximum)
Maximum Overall Density (Site)	4.5 Units/Gross Acre

Minimum Building Setbacks	Single Family Detached	All Other Uses
Front Yard	25	25
Interior Side Yard	5	25
Street Side Yard	10	10
Rear Yard	20	20

E. Additional Regulations

(1) Site Plan Approval Required: For any development designated in the R-10 District, an overall site development plan and text presenting the information defined in Article VI, Section 10, Paragraphs f, g, and h, must be submitted and approved by the Planning Commission and governing authority prior to issuance of building permits.

(2) Use of Zero Lot Line in Single-Family Detached in R-10 Residential Overlay District: Within a common development, one (1) interior side yard may be equal to zero for single-family detached residential use, subject to the provisions of Article VI, Section 10, E, of this chapter and the following additional regulations:

(a) The side yard opposite to the zero yard must equal at least sixteen (16) feet.

(b) The normal side yard setback, as designated in the minimum setbacks for the R-10 District, must be maintained adjacent to any lot with an existing structure not within the common development, or not otherwise designated for zero lot line use.

(c) An easement providing for maintenance of the zero lot line facade is filed with the County Register of Deeds, and the County Building Permits Department at the time of application for a building permit.

(d) The total number of single-family attached and zero lot line units, in aggregate, within a common development shall not exceed forty (40) percent of the total number of units proposed within the development (as shown on the approved site plan).

(3) Single-Family Attached in the R-10 Residential Overlay District:

Within a common development, single-family attached residential is permitted, subject to the provision of Article VI, Section 7, Paragraph E, of this chapter and the following additional regulations:

(a) The side yard opposite the common wall must be equal to sixteen (16) feet.

(b) The total number of single-family attached and zero lot line units, in aggregate, within a common development shall not exceed forty (40) percent of the total number of units proposed within the development (as shown on the approved site plan).

7. "R-8" RESIDENTIAL SINGLE-FAMILY DISTRICT (MEDIUM DENSITY)

A. Purpose. The "R-8" District is intended to provide medium density residential neighborhoods with single-family characteristics, while also allowing considerable latitude in the physical design of housing. Generally, this district will permit single-family detached and attached residential and town houses, except when otherwise permitted in a residential overlay district, and such other structures as are accessory thereto. This district is intended, also, to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of this district, or which are benefited by and compatible with a residential environment.

B. Permitted Uses:

(1) Single Family Dwellings
(2) Churches
(3) Country Club
(4) Model home including sales offices located within developing subdivisions o be used for the promotion of original sales of lots and houses within that subdivision only.
(5) Radio and television towers, or antennas, or earth stations not exceeding 35 feet in height
(6) Schools, public
(7) Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature.
(8) Home occupations subject to the standards defined under "A" Agricultural District
(9) Accessory buildings and uses as provided in Article X
(10)Public service facilities

C. Conditional Uses: The following uses may be permitted, if approved by the Board of Adjustment, in accordance with the procedures and under the conditions set forth in Article X IV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

(1) The conditional uses shall be the same as in the "AR" Agricultural Residential District
(2) Private schools
(3) Radio and television towers, or antennas or earth stations exceeding 35 feet in height.
(4) Expansion of nonconforming uses

D. Site Development Regulations: Each site in the "R-8" District shall be subject to the following site development regulations.

Regulator	Requirement
Minimum Lot Area	8,000 square feet (minimum)

Lot Width	45 Feet (minimum)
Site Area/Unit	8,000 square feet
Floor Area Ratio	No Restriction
Building Height	35 Feet (maximum)
Maximum Overall Density (Site)	5.5 Units/Gross Acre

Minimum Building Setbacks	**Single Family Detached**	**Single Family Attached**	**All Other Uses**
Front Yard	25	20	25
Side Yard	5/10 Total	10 feet on yard opposite common wall	10
Street Side Yard	10	10	10
Rear Yard	20	20	25

E. Additional Regulations

(1) Site Plan Approval Required: For any development designated in the R-8 District, an overall site development plan and text presenting the information defined in Article VI, Section 10, Paragraphs f, g, and h, must be submitted and approved by the Planning Commission and governing authority prior to issuance of building permits.

(2) Use of Zero Lot Line in Single-Family Detached in R-8 District: Within a common development, one (1) interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:

(a) The side yard opposite to the zero yard must equal at least 16 feet.

(b) The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development, or not otherwise designated for zero lot line use.

(c) An easement providing for maintenance of the zero lot line facade is filed with the County Register of Deeds and the County Building Permits Department at the time of application for a building permit.

(3) Single-Family Attached in the R-8 District: The side yard opposite to the common wall must be equal to at least eight (8) feet.

(4) Townhouse/Condominium Residential in the R-8 District: Townhouse/condominium residential is permitted in this district, subject to the following additional regulations:

(a) A maximum of six (6) townhouse units may be attached in any one (1) townhouse structure.

(b) The site area per unit for any common townhouse development must equal at least eight thousand (8,000) square feet.

(c) The minimum size for any townhouse lot sold individually shall be four thousand (4,000) square feet.

(d) The minimum width for any townhouse lot sold individually shall be twenty (20) feet.

(e) The maximum floor area ratio shall be computed for the entire common development and for each individual lot within the development. A single lot within the common development cannot exceed the maximum floor area ratio of 0.4 (0.4 square feet of building area per one (1) square foot of site/lot area).

8. "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT (MEDIUM DENSITY)

A. Purpose. The "R-6" District is intended to provide medium density residential neighborhoods with single-family characteristics, while also allowing considerable latitude in the physical design of housing. Generally, this district will permit single-family detached and attached residential and townhouses, except when otherwise permitted in a residential overlay district, and such other structures as are accessory thereto. This district is intended, also, to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of this district, or which are benefited by and compatible with a residential environment.

B. Permitted Uses:

(1) Single Family Dwellings
(2) Churches
(3) Country Club
(4) Model home including sales offices located within developing subdivisions o be used for the promotion of original sales of lots and houses within that subdivision only.
(5) Radio and television towers, or antennas, or earth stations not exceeding 35 feet in height
(6) Schools, public
(7) Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature.
(8) Home occupations subject to the standards defined under "A" Agricultural District
(9) Accessory buildings and uses as provided in Article X
(10) Public service facilities

C. Conditional Uses: The following uses may be permitted, if approved by the Board of Adjustment, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

(1) The conditional uses shall be the same as in the "AR" Agricultural Residential District
(2) Private schools
(3) Radio and television towers, or antennas or earth stations exceeding 35 feet in height.
(4) Expansion of nonconforming uses

D. Site Development Regulations: Each site in the "R-6" District shall be subject to the following site development regulations.

Regulator	Requirement
Minimum Lot Area	6,000 square feet (minimum)
Lot Width	40 Feet (minimum)
Site Area/Unit	6,000 square feet
Floor Area Ratio	0.6
Building Height	35 Feet (maximum)
Maximum Overall Density (Site)	7.0 Units/Gross Acre

Minimum Building Setbacks	Single Family Detached	Single Family Attached	All Other Uses
Front Yard	20	20	25
Side Yard	5/8 Total	10 feet on yard opposite common wall	10
Street Side Yard	5	10	10
Rear Yard	20	20	25

E. Additional Regulations

(1) Site Plan Approval Required: For any development designated in the R-6 District, an overall site development plan and text presenting the information defined in Article VI, Section 10, Paragraphs f, g, and h, must be submitted and approved by the Planning Commission and governing authority prior to issuance of building permits.

(2) Use of Zero Lot Line in Single-Family Detached in R-6 District: Within a common development, one (1) interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:

The side yard opposite to the zero yard must equal at least 16 feet.

The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development, or not otherwise designated for zero lot line use.

An easement providing for maintenance of the zero lot line facade is filed with the County Register of Deeds and the County Building Permits Department at the time of application for a building permit.

(3) Single-Family Attached in the R-6 District: Single-family attached residential is permitted in this district, subject to the following additional regulation:

The side yard opposite of the common wall must be equal to at least eight (8) feet.

(4) Townhouse/Condominium Residential in the R-6 District: Townhouse/condominium residential is permitted in this district, subject to the following additional regulations:

(a) A maximum of six (6) townhouse units may be attached in any one (1) townhouse structure.

(b) The site area per unit for any common townhouse development must equal at least six thousand (6,000) square feet.

(c) The minimum size for any townhouse lot sold individually shall be three thousand (3,000) square feet.

(d) The minimum width for any townhouse lot sold individually shall be twenty (20) feet.

(e) The maximum floor area ratio shall be computed for the entire common development and for each individual lot within the development. A single lot within the common development cannot exceed the maximum floor area ratio of 0.6 (0.6 square feet of building area per one (1) square foot of site/lot area).

9. "RM-8" RESIDENTIAL MULTIPLE FAMILY DISTRICT (HIGH DENSITY)

A. Purpose. The "RM-8" District is designated to provide locations for low density, multiple family housing in the approximate range of 8 to 12 dwelling units per gross acre of site area. It is not the intent of this ordinance, however, to restrict in number the dwelling units contained in a building, provided there is sufficient site area and open space on a lot relative to the number of dwelling units thereon. Generally, this district will be characterized by residential structures each containing a multiple number of dwelling units. The RM-8 District applies to areas in which a mix of single-family and multiple-family housing is appropriate to create a unified urban neighborhood; transitional areas between lower and higher intensity uses; developing areas of multiple-family housing where sufficient urban facilities are available or where such facilities will be available prior to development. This district is intended also to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of this district, or which are benefited by and compatible with a residential environment.

B. Permitted Uses:

(1) Single Family Dwellings
(2) Churches
(3) Country Club
(4) Model home including sales offices located within developing subdivisions o be used for the promotion of original sales of lots and houses within that subdivision only.
(5) Radio and television towers, or antennas, or earth stations not exceeding 35 feet in height
(6) Schools, public
(7) Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature.
(8) Home occupations subject to the standards defined under "A" Agricultural District
(9) Accessory buildings and uses as provided in Article X
(10)Public service facilities

C. Conditional Uses: The following uses may be permitted, if approved by the Board of Adjustment, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

(1) The conditional uses shall be the same as in the "AR" Agricultural Residential District
(2) Private schools
(3) Radio and television towers, or antennas or earth stations exceeding 35 feet in height.
(4) Expansion of nonconforming uses

D. Site Development Regulations: Each site in the "RM-8" District shall be subject to the following site development regulations.

Regulator	Requirement

Minimum Lot Area	5,000 square feet (minimum)
Lot Width	40 Feet (minimum)
Site Area/Unit	3,700 square feet
Floor Area Ratio	0.8
Building Height	35 Feet (maximum)
Maximum Overall Density (Site)	12.0 Units/Gross Acre

Minimum Building Setbacks	**Single Family Detached**	**Single Family Attached**	**All Other Uses**
Front Yard	20	20	25
Side Yard	3/8 Total	10 feet on yard opposite common wall	10
Street Side Yard	8	10	10
Rear Yard	20	20	25

E. Additional Regulations

(1) Site Plan Approval Required: For any development designated in the RM-8 District, an overall site development plan and text presenting the information defined in Article VI, Section 10, Paragraphs f, g, and h, must be submitted and approved by the Planning Commission and governing authority prior to issuance of building permits.

(2) Use of Zero Lot Line in Single-Family Detached in RM-8 District: Within a common development, one (1) interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:

(a) The side yard opposite to the zero yard must equal at least 10 feet.

(b) The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development, or not otherwise designated for zero lot line use.

(c) An easement providing for maintenance of the zero lot line facade is filed with the County Register of Deeds and the County Building Permits Department at the time of application for a building permit.

(3) Single-Family Attached in the RM-8 District: Single-family attached residential is permitted in this district, subject to the following additional regulation:

(a) Minimum lot area is six thousand (6,000) square feet for an entire structure and three thousand (3,000) square feet for any one (1) dwelling unit sold individually.

(b) Minimum lot width shall be sixty (60) feet for an entire structure and thirty (30) feet for any one (1) dwelling unit sold individually.

(c) The side yard opposite to the common wall must be equal to at least eight (8) feet.

(4) Townhouse/Condominium Residential in the RM-8 District:
Townhouse/condominium residential is permitted in this district, subject to the following additional regulations:

(a) A maximum of six (6) townhouse units may be attached in any one (1) townhouse structure.

(b) The site area per unit for any common townhouse development must equal at least five thousand (5,000) square feet.

(c) The minimum size for any townhouse lot sold individually shall be two thousand (2,000) square feet.

(d) The minimum width for any townhouse lot sold individually shall be twenty (20) feet.

(e) The maximum floor area ratio shall be computed for the entire common development and for each individual lot within the development. A single lot within the common development cannot exceed the maximum floor area ratio of 0.8 (0.8 square feet of building area per one (1) square foot of site/lot area).

10. "RM-6" RESIDENTIAL MULTIPLE-FAMILY DISTRICT (HIGH DENSITY)

A. Purpose. The "RM-6" District is designated to provide locations for higher density, multiple family housing in the approximate range of 10 to 15 dwelling units per gross acre of site area. It is not the intent of this ordinance, however, to restrict in number the dwelling units contained in a building, provided there is sufficient site area and open space on a lot relative to the number of dwelling units thereon. Generally, this district will be characterized by residential structures each containing a multiple number of dwelling units. The RM-6 District applies to areas in which a mix of single-family and multiple-family housing is appropriate to create a unified urban neighborhood; transitional areas between lower and higher intensity uses; developing areas of multiple-family housing where sufficient urban facilities are available or where such facilities will be available prior to development. This district is intended also to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of this district, or which are benefited by and compatible with a residential environment.

B. Permitted Uses:

(1) Single Family Dwellings
(2) Churches
(3) Country Club
(4) Model home including sales offices located within developing subdivisions o be used for the promotion of original sales of lots and houses within that subdivision only.
(5) Radio and television towers, or antennas, or earth stations not exceeding 35 feet in height
(6) Schools, public
(7) Public parks, playgrounds, recreational and community facilities and buildings of a non-commercial nature.
(8) Home occupations subject to the standards defined under "A" Agricultural District
(9) Accessory buildings and uses as provided in Article X
(10) Public service facilities

C. Conditional Uses: The following uses may be permitted, if approved by the Board of Adjustment, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

(1) The conditional uses shall be the same as in the "AR" Agricultural Residential District
(2) Private schools
(3) Radio and television towers, or antennas or earth stations exceeding 35 feet in height.
(4) Expansion of nonconforming uses

D. Site Development Regulations: Each site in the "RM-6" District shall be subject to the following site development regulations.

Regulator	Requirement

Minimum Lot Area	4,000 square feet (minimum)
Lot Width	40 Feet (minimum)
Site Area/Unit	3,000 square feet
Floor Area Ratio	1.00 maximum
Building Height	70 Feet (maximum)
Maximum Overall Density (Site)	5.0 Units/Gross Acre

Minimum Building Setbacks	**Single Family Detached**	**Single Family Attached**	**All Other Uses**
Front Yard	20	20	25
Side Yard	3/8 Total	10 feet on yard opposite common wall	10
Street Side Yard	8/12 Total	10	10
Rear Yard	20	20	25

E. Additional Regulations

(1) Site Plan Approval Required: For any development designated in the RM-6 District, an overall site development plan and text presenting the information defined in Article VI, Section 10, Paragraphs f, g, and h, must be submitted and approved by the Planning Commission and governing authority prior to issuance of building permits.

(2) Use of Zero Lot Line in Single-Family Detached in RM-6 District: Within a common development, one (1) interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:

(a) The side yard opposite to the zero yard must equal at least 10 feet.

(b) The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development, or not otherwise designated for zero lot line use.

(c) An easement providing for maintenance of the zero lot line facade is filed with the County Register of Deeds and the County Building Permits Department at the time of application for a building permit.

(3) Single-Family Attached in the RM-6 District: Single-family attached residential is permitted in this district, subject to the following additional regulation:

(a) Minimum lot area is six thousand (6,000) square feet for an entire structure and three thousand (3,000) square feet for any one (1) dwelling unit sold individually.

(b) Minimum lot width shall be sixty (60) feet for an entire structure and thirty (30) feet for any one (1) dwelling unit sold individually.

(c) The side yard opposite to the common wall must be equal to at least eight (8) feet.

(4) Townhouse/Condominium Residential in the RM-6 District: Townhouse/Condominium residential is permitted in this district, subject to the following additional regulations:

(a) A maximum of six (6) townhouse units may be attached in any one (1) townhouse structure.

(b) The site area per unit for any common townhouse development must equal at least four thousand (4,000) square feet.

(c) The minimum size for any townhouse lot sold individually shall be fifteen hundred (1,500) square feet.

(d) The minimum width for any townhouse lot sold individually shall be twenty (20) feet.

(e) The maximum floor area ratio shall be computed for the entire common development and for each individual lot within the development. A single lot within the common development cannot exceed the maximum floor area ratio of 1.0 (1.0 square feet of building area per one (1) square foot of site/lot area).

(5) For any two family, townhouse, multi-family, or residential condominium development, an overall SITE DEVELOPMENT PLAN and text presenting the information defined in Paragraph d below must be submitted for approval by the Planning Commission and Governing Authority prior to issuance of building permits.

(6) The site development plan is intended to demonstrate to the Planning Commission the character and objectives of the proposed development in adequate detail for the Planning Commission to evaluate the effect the proposed development would have on the community, and determine what provisions, if any, should be included as part of the plan and be binding on the use and development of the subject property.

(7) The filing of a Site Development Plan shall constitute an agreement by the owner and applicant, their heirs, successors, and assigns that if the Development Plan is approved by the Governing Authority, building permits for improvement of such property shall be issued only when in conformance with the binding elements of the site development plan as approved by the Planning Commission and the Governing Authority for said property in question. Such plan shall be strictly complied with and be enforceable in the same manner as the Zoning District Regulations.

F. Site Development Plan Elements

(1) Existing topography, with a contour interval not greater than five (5) feet unless specifically waived by the Planning Commission.

(2) Vicinity Map with measurements to existing streets.

(3) Boundary description, including area and bearings and dimensions of all property lines.

(4) Lot size and location, height, floor area, number of dwelling units, and arrangement of proposed and existing buildings.

(5) Proposed use of the structures on the subject property.

(6) Existing tree masses, streams, flood plains, and other natural forces.

(7) Provisions for general landscaping, screening, buffering, recreational, and open space areas. Reference should be made to Plates A, B, C for screening between multifamily developments and adjacent uses.

(8) Proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space.

(9) The location, arrangement, and dimensions of:

(a) Existing and proposed streets and driveways.

(b) Adjacent streets

(c) Sidewalks

(d) Parking areas, including the number of off-street parking spaces

(e) Points of ingress and egress

(f) Off-street loading area

(g) Other vehicular, bicycle, or pedestrian right-of-ways

(10) Provisions for handling surface water drainage and other utilities information such as proposals for water and sewer service, fire hydrants, street lighting, gas electricity, telephone service, and similar information including location and dimensions.

(11) Proposed stages of development, if applicable, and the anticipated time required to develop each stage.

(12) The developer shall also submit sketches of the plan for the entire development, including perspective drawings as necessary, showing the relationship of uses, streets, driveways, parking areas, buildings, open space, the general character of the proposed development and any other necessary plans to insure that their construction shall conform to DeSoto County building regulations.

(13) Relation to the County Comprehensive Plan, land uses in the surrounding area and to the Site Development Plan.

G. Site Development Plan - Minimum Standards

(1) Area Requirements: The minimum required lot area shall be 9,000 square feet, for the first dwelling unit, 12,000 square feet, for the second dwelling unit and the third dwelling unit, and 2,800 square feet, for each additional dwelling unit over three.

(2) Height and Yard Requirements: Front, side, and rear yard requirements, as well as height requirements, arc listed on the Chart of Regulations.

(3) Off-Street Parking: A minimum of two off-street hard surface parking spaces per dwelling unit shall be required.

(4) Street widths and improvements must conform to the requirement established by the Governing Authority.

(5) A minimum total area of 10% of the gross residential area shall be set aside as parks and playgrounds. Of this 10% a maximum of one-half may be covered with water. A maximum of 5% of the area designated to be parks and playgrounds may be covered with structures to be used in the recreational use of the area. Parks and playgrounds must be suitably improved for their intended use but parks and playgrounds containing natural features clearly worthy of preservation may be left unimproved.

(6) Drainage Provisions: A means of on-site drainage shall be provided to control storm water run-off so that surface waters will be properly disposed of without adversely affecting neighboring properties through erosion, flooding and other drainage problems. Drainage provisions shall be made to the satisfaction and requirements of the County Engineer and the Governing Authority.

(7) All required improvements are to be installed and maintained by the developer unless other arrangements approved by the Governing Authority are made.

(8) The Governing Authority may require other special improvements, as they are required if they are deemed reasonable and essential.

H. Site Development Plan - Scope of Planning Commission Review

The Planning Commission shall consider, but not be limited to the following factors in review of the site development plan:

(1) The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, floodplains, soils, air quality, scenic views and historic sites.

(2) The provision of safe and efficient vehicular and pedestrian transportation both within the development, and the community.
(3) The provision of sufficient open space to meet the needs of the proposed development.
(4) The provision of-adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.
(5) The compatibility of the overall site design (location of buildings, parking lots, screening, general landscaping) and the land use within the existing area and projected future development of the area.
(6) The existence and/or provision of adequate community facilities to serve the proposed development (i.e. water, sewerage, schools, streets, etc.).
(7) Conformance of the site development plan with the Comprehensive Plan and any other applicable requirements of the Zoning Ordinance.

RESIDENTIAL ZONE DISTRICTS
SITE DEVELOPMENT REGULATIONS

Zone Dist.	Required Site Area Per Dwelling Unit	Minimum Lot Area For Single Family Detached	Minimum Yard Requirements (ft.) Front	Rear	Side	Maximum Building Height	Maximum Floor Area Ratio	Maximum Density (du / acre)
A	1.5 acre	1.5 acre*	50	40	15	35 Feet	NA	0.67
A-R	1.5 acre	1.0 acre*	50	35	15	35 Feet	NA	1.0
R-40	40,000 S.F.	40,000 S.F.	40	30	15	35 Feet	NA	1.1
R-30	30,000 S.F.	30,000 S.F.	40	30	15	35 Feet	NA	1.5
R-20	20,000 S.F.	20,000 S.F.	30	25	15	35 Feet	NA	2.2
R-15	15,000 S.F.	15,000 S.F.	30	20	8 / 20**	35 Feet	NA	2.9
R-12	12,000 S.F.	12,000 S.F.	25	20	5 / 15**	35 Feet	0.30	3.6
R-10	10,000 S.F.	10,000 S.F.	25	20	5	35 Feet	0.32	4.3
R-8	8,000 S.F.	8,000 S.F.	25	20	5	35 Feet	0.40	5.5
R-6	6,000 S.F.	6,000 S.F.	20	20	5 / 8 **	35 Feet	0.60	7.2
RM-8	3,700 S.F.	5,000 S.F.	20	20	3 / 8 **	35 Feet	0.80	12.0
RM-6	3,000 S.F.	4,000 S.F.	20	20	3 / 8 **	70 Feet	1.00	15.0

* In subdivisions having three lots or less and central water, the minimum lot size may be 1 acre

** The sum of all required side yards shall be a minimum of twenty (20) feet, fifteen (15) feet, and eight (8) feet respectively.

See Article 5, Section 6 d(3), 7 d(3), 8 d(3) & (4) and 9 d(3) & (4) for additional regulations regarding single-family attached and townhouse developments yard requirements.

Other Provisions:
In the C-3 and M district, buildings may be erected to ten stories or 120 feet provided that any building that exceeds 35 feet in height shall be set back from all required yard lines one foot for each foot the building exceeds 35 feet in height.

2. Height limitations shall not apply to:
   chimneys, steeples, cooling towers, elevator bulkheads, radio & television towers, antennas & wireless communication facilities, fire towers, monuments, stage towers, scenery lofts, water tanks, silos, grain elevators, farm buildings, and necessary mechanical appurtenances.
   (B) Storage buildings are exempt from the story limitation but not the number of feet.
   (C) If a public building, church, temple, hospital, institution, or school, is set back an additional distance over the required setback, its height may be increased one foot over the its height limitation for each foot of additional setback.
3. On double frontage lots and corner lots, the required front yard shall be provided on both streets.
4. In a commercial lot abutting a residential district, there shall be provided a side yard equal to that required in the residential district.

5. In the “A” district, there may be more than one residential structure located on a lot provided that:
   the structures are situated so as to meet the yard requirements of an actual subdivision;
   all property is vested in a single ownership.
6. Miscellaneous Requirements:
   In the RM-6, RM-8, C, and M districts, there may be two or more related buildings on a lot provided that the required yards are maintained and buildings that are parallel or within 45 degrees of being parallel are separated by a horizontal distance that is equal to the height of the highest building.
   Front yards in all districts must remain open to the sky and unobstructed from the ground upward except for the projection from the buildings permitted by this ordinance;
   When a street upon which lot fronts have an existing right-of-way less than that designated in the General Plan, consultation shall be made with the County Engineer to determine the building setback line which accounts for the proposed right-of-way of the street.
7. Yard Exceptions:
   On lots of record which do not meet minimum width requirements, the side yard may be reduced to ten percent of the lot width but not less than tree feet;
   Sills, belt course, cornices, and ornament features may project a maximum of two feet into a required yard;
   Open fire escapes, fireproof outside stairways, and balconies opening on fire towers, and the ordinary projections of chimneys into a rear yard for a distance of not more than three and one-half feet when so placed as not to obstruct light and ventilation, may be permitted by the Building Official;
   Terraces or patios which are uncovered and not above the level of the first floor may project into the required yard, provided these projections be located at least two feet from an adjacent property line;
   Where a garage is entered from an alley, it must be a minimum of 10 feet from the alley line;
   Gasoline pumps and service islands must be back a minimum of 35 feet from the street or right-of-way line. The front edge of a service station canopy sheltering service islands must be set back a minimum of 20 feet from the street right-of-way line;
   The use of any yard area for the accumulation of used, discarded, or worn out materials or manufactured products which may or may not be reusable or salable is expressly prohibited. Likewise, junk cars as defined herein are expressly prohibited from being located in any yard areas.
8. No building permits shall be issued for a building or facility on a lot approved by DeSoto County unless the sewage there from shall be collected and treated by a central system or unless the DeSoto County Health Department approves in writing the use of septic tank and disposal field on the lot.

ARTICLE VII COMMERCIAL DISTRICTS

1. "C-1" NEIGHBORHOOD COMMERCIAL DISTRICT

A. Purpose: The purpose of this district is to provide for retail shopping for everyday needs and personal services to serve the surrounding residential areas. The height of buildings and open spaces surrounding the district will not adversely affect nearby residences. Generally, the districts are located at the intersections of major streets within residential areas. In the "C-1"Neighborhood Commercial District, a building shall be limited to an area up to 10,000 square feet and the premises shall be used only for the following purposes.

B. Permitted Uses:

(1) Accessory dwelling unit
(2) Art or photo studio
(3) Bakery, retail
(4) Barber or beauty shop
(5) Cleaning pickup station
(6) Day care center
(7) Doctor or dentist offices
(8) Drug store
(9) Financial services, banks, savings and loan associations
(10) Flower or plant store
(11) Grocery store
(12) Indoor recreation center, arcade with video, pinball machines but excluding theaters, bowling alleys, skating rinks
(13) Music or dancing academy
(14) Nursery school
(15) Offices
(16) Photo-finishing, pick up station
(17) Post office or postal facility
(18) Public Service Facilities
(19) Print shops
(20) Radio and television towers, antennas, earth stations or wireless communication facilities, which are
(21) co-location, or do not exceed 35 feet in height
(22) Repair and service shops for repair and servicing of bicycles, electrical, radio, television appliances, keys and similar articles
(23) Restaurant and carryout restaurant
(24) Retail shops, other
(25) Self service laundry and dry cleaning facilities
(26) Veterinary clinic where there are no open kennels
(27) Accessory uses as provided in Article X.
(28) Convenience Store

C. Conditional uses: The following uses may be permitted, if approved by the Board of Adjustment, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations set out elsewhere in this ordinance.

(1) Churches
(2) Club, lodge, country club
(3) Schools, public or private
(4) Gas pumps as an accessory use to a convenience store
(5) Car Wash
(6) Theaters but not drive-in theaters
(7) Temporary use of prefabricated buildings or mobile homes for any permitted or conditional uses listed above other than accessory buildings.
(8) Radio and television towers, antennas, earth stations, or wireless communication facilities, which are not a co-location, or do exceed 35 feet in height.
(9) Expansion of non-conforming uses

D. Off-street parking and loading shall be prescribed in Article XV, Minimum area, yard, and height requirements which govern any use in this district are listed on the Chart of Regulations, unless otherwise regulated in this Article.

2. "C-2" HIGHWAY COMMERCIAL DISTRICT

A. Purpose: The purpose of this district is to provide for retail and service outlets serving not only nearby residential areas, but distant areas as well and especially the needs of through highway traffic. The districts are primarily located along heavily traveled, state and federal highways. In the "C-2" Highway Commercial District, a building or premises shall be used only for the following purposes:

B. Permitted uses:

(1) Any use permitted in the "C-1" Neighborhood Commercial District
(2) Aluminum can collection centers with no machinery processing or outside storage
(3) Animal and veterinary clinics with no open kennels
(4) Bus terminal or service facility
(5) Cleaning establishment
(6) Club, lodge, country club
(7) Contractors storage, indoor
(8) Crop, soil preparation, agricultural services
(9) Department or discount store
(10) Farm implement and heavy equipment sales and repair establishments
(11) Farm or feed stores including accessory storage of liquid or solid fertilizers
(12) Flea markets, indoor
(13) Greenhouse or nursery
(14) Hotel, motel or motor lodge
(15) Indoor shooting gallery
(16) Lawn, tree or garden service
(17) Lumberyard
(18) Mobile home sales, service repair and storage facilities including camping trailers, tents and touring vans but not including a mobile home park or trailer park and not allowing storage of damaged mobile homes,
(19) Motor vehicle sales, service and repair. Salvage or junk, and any major repair or storage of equipment or materials or damaged vehicles shall be completely concealed from surrounding properties and no more than five (5) shall be stored on the property at any one time.
(20) Mortuary or funeral home
(21) Parking, automobile parking lot or garage
(22) Photo finishing
(23) Plumbing shop
(24) Print shop
(25) Processing and manufacturing incidental to a retail establishment but which create no noticeable obnoxious effects to surrounding property owners or tenants.
(26) Public service facility
(27) Public garage
(28) Radio or TV studio
(29) Radio and television towers, antennas, earth stations or wireless communication facilities, which are a co-location, or do not exceed 35 feet in height
(30) Recreation center, arcade with video, pinball games

(31) Restaurant, drive-in or otherwise
(32) Retail, service truck route center
(33) Filling station
(34) Schools, public and private
(35) Telephone service or switching center
(36) Used car, trailer, boat sales, recreation vehicles, campers sales and storage lots with the following guidelines:
  (a) Hard surface parking areas will be provided for all areas in the front of the building;
  (b) No placement of vehicles in any road right-of-way;
  (c) Landscape screening will be provided along the exterior of the property to be approved by the Planning Commission with an emphasis on low shrubs in front and taller trees & shrubs along sides and rear;
  (d) No banners and/or signs obstructing entry or exit sight lines;
  (e) No inoperable vehicles will be located outside of an opaque screening;
  (f) Site review and approval, including lighting plan, is required by the Planning Commission;
(37) Vehicle wash
(38) Wholesale merchandising and storage warehouses not exceeding 8,000 square feet in floor area and not employing more than 10 persons on the premises at any one time.
(39) Utility Substations

C. Conditional uses: The following uses may be permitted, if approved by the Board of Adjustment in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

(1) Amusements, commercial outdoor
(2) Campground, travel trailer parks
(3) Church
(4) Contractors yard or storage, outdoor
(5) Drive-in theaters
(6) Health spas, massage parlors, reducing salons, and similar uses
(7) Flea markets (outdoor)
(8) Laboratories
(9) Liquor store
(10) Lounges, bars, taverns, and similar establishments
(11) Machine shop and sheet metal shop
(12) Mini-warehouses under the following conditions:
  (a) The site must contain a minimum, of 2 acres, but no more than 5 acres
  (b) The minimum distance between buildings shall be 20 feet, except in a turning radius, in which case the minimum distance between buildings shall be 25 feet.
  (c) One (1) parking space for each SO compartment must be provided
  (d) All driveways, parking, loading and vehicle circulation areas shall be paved
  (e) A minimum 6 foot high fence shall be erected, the composition of which shall be approved by the Board of Adjustment. A portion of the 50 foot front yard set-back

requirement for fences may be waived at the discretion of the Board of Adjustment.

(f) Only one sign, meeting the requirements of Article XII, is allowed.

(g) Only dead storage will be allowed; no transfer and storage business will be allowed.

(h) No explosives, radioactive, or other hazardous material will be stored on the premises.

(i) Other conditions deemed necessary and appropriate by the Board of Adjustment to uphold the intent of the Comprehensive Plan may be attached to any approval including but not limited to lighting, screening, landscaping, architectural design, and live-in managers.

(j) Along with the conditional use application the applicant must submit to the Board of Adjustment Staff a development plan showing the proposed buildings in relation to the property, ingress and egress, and architectural drawings of the buildings.

(13)Printing and publishing establishments

(14)Radio and television towers, antennas, earth stations, or wireless communication facilities, which are not a co-location, or do exceed 35 feet in height.

(15)Wrecker services and temporary storage of junk cars provided:

All junk cars are completely concealed from all surrounding property.

Fences shall be solid board and of uniform construction and color.

Vehicles shall be only stored temporarily and no parts shall be removed.

(16)Temporary use of prefabricated buildings or mobile homes for any permitted or conditional uses listed above other than accessory buildings.

(17)Expansion of non-conforming uses

(18) Taxi Service

D. Minimum area, yard and height requirements which govern any use in this district are listed on the Chart of Regulations unless otherwise regulated in this Article.

3. "C-3" GENERAL COMMERCIAL DISTRICT

A. Purpose: The purpose of this district is to protect and improve older business districts in established communities and to encourage the development of new shopping areas serving wide areas and offering a wide range of goods and services. This district is to serve as the major shopping, retail center of the community. More uses and taller structures are permitted than in the other business districts; no setbacks are required except where they adjoin residential districts. In the "C-3" General Commercial District, a building or premises shall be used only for the following purposes:

B. Permitted Uses:

(1) Any use permitted in the "C-1" Neighborhood Commercial District without restrictions on floor area including all listed conditional uses of the "C1" Neighborhood Commercial Districts.
(2) Aluminum can collection center with no processing or outside storage
(3) Animal and veterinary services with no open kennels
(4) Bus terminal
(5) Cleaning establishment
(6) Club, lodge
(7) Crop, soil preparation, agricultural services
(8) Department or discount store
(9) Greenhouse or nursery
(10)Hotels, motel or motor lodge
(11)Indoor recreation centers including bowling alleys, skating rinks
(12)Laboratories, research, experimental or testing
(13)Lawn, tree or garden service
(14)New car dealerships
(15)Mortuary, funeral home
(16)Offices and office buildings
(17)Parking, automobile parking lot or garages
(18)Photo finishing
(19)Plumbing shop
(20)Print shop
(21)Printing and publishing establishments
(22)Processing and manufacturing incidental to a retail establishment
(23)Radio or TV station
(24)Radio and television towers, antennas, earth stations or wireless communication facilities, which are a co-location, or do not exceed 35 feet in height
(25)Recreation center, arcade with video, pinball games
(26)Filling station
(27)Schools, public or private
(28)Telephone service or switching center
(29)Accessory buildings or uses as provided in Article X.
(30)Utility Substations

C. Conditional Uses:

The following uses may be permitted, if approved by the Board of Adjustment, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

(1) Lounges, bars, taverns, liquor stores, and similar establishments
(2) Temporary use of prefabricated buildings or mobile homes for any permitted or conditional uses listed above other than accessory buildings.
(3) Outdoor recreational uses
(4) Radio and television towers, antennas, earth stations, or wireless communication facilities, which are not a co-location, or do exceed 35 feet in height.
(5) Expansion of non-conforming uses

D. Minimum area, yard, and height requirements which govern any use in this district are listed on the Chart of Regulations unless otherwise regulated in this Article.

4. "0" OFFICE DISTRICT

A. Purpose: The purpose of this district is to permit offices including administrative, executive professional, research, limited commercial uses in areas when the premises adjoins an existing business, planned business or industrial district. Such uses shall be established only when they would act as a buffer between residential and non-residential uses located along highways, major roads and/or when such uses would abut a non-residential use. In the "0" Office District, a building or premises shall be used only for the following purposes:

B. Permitted Uses:

(1) Banks, other financial services
(2) Barber or beauty shop
(3) Doctor, dental offices
(4) Offices
(5) Public services facilities

C. Conditional Uses: The following uses may be permitted, if approved by the Board of Adjustment, in accordance with the procedures and under the conditions set forth in Article XIV, provided such conditional uses shall comply with the height and area regulations arid with the parking regulations set out elsewhere in this ordinance.

(1) Churches
(2) Radio or TV studio
(3) Retail shops, sales and services such as bookstore, florist shop, photographers studio and others with a maximum floor area not to exceed 2,500 square feet of floor area.
(4) Small scale research laboratories not to exceed 2,500 square feet of floor area.
(5) Expansion of non-conforming uses

D. Minimum area, yard, and height requirements which govern any use in this district are listed on the Chart of Regulations unless otherwise regulated in this Article.

5. Commercial Chart of Regulations

COMMERCIAL ZONE DISTRICTS
SITE DEVELOPMENT REGULATIONS

Zone District	Required Site Area Per Building	Minimum Lot Area	Minimum Yard Requirements (feet) Front	Rear	Side	Maximum Building Height	Maximum Floor Area Ratio
C-1	None	None	50	20*	None	35 Feet/ 2 Stories	NA
C-2	None	None	50	20*	None	35 Feet/ 2 Stories	NA
C-3	None	None	50	20*	None	35 Feet/ 2 Stories	NA
O	None	None	50	5*	20	35 Feet/2 Stories**	NA

* On a lot abutting a residential district there shall be the same side yard as required in the residential district. No building shall be located nearer than 50 feet to a road right-of-way.

** In the C-3 district, buildings may be erected to ten stories or 120 feet provided that any building that exceeds 35 feet in height shall be set back from all required yard lines one foot for each foot the building exceeds 35 feet in height.

ARTICLE VIII INDUSTRIAL DISTRICTS

1. "M-1" LIGHT INDUSTRIAL DISTRICT

A. Purpose: The purpose of this district is to provide for a wide variety of light manufacturing establishments including assembling, processing, storage, and distributing activities. No new residential development would be permitted except for watchmen and caretaker dwelling units. The districts should adjoin good highways and access to railroads is also desirable. In the"M-1" Light Industrial District, a building or premises shall be used only for general light industrial, warehousing, and other uses, including certain open or enclosed storage of products, materials, and vehicles, and including the following uses and any similar uses which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from other uses listed in this section, such listed uses being generally wholesale establishments, service industries, and light industries that manufacture, process, store and distribute goods and materials, and are, in general, dependent on raw materials refined elsewhere and manufacture, compounding, processing, and packing, as specified, of the following products or similar products.

B. Permitted Uses:

(1) Aluminum can processing and recycling center
(2) Convenience store
(3) Dwellings for resident watchmen and caretakers employed on the premises
(4) Farms and farm dwellings
(5) Nursery and greenhouse for growing or propagation of plants, trees and shrubs
(6) Wholesale merchandising or storage warehouses with or without accessory retail sales and offices.
(7) Compounding of cosmetics, toiletries, drugs, and pharmaceutical products
(8) Photographic processing or blueprinting
(9) Printing or publishing
(10) Manufacture or assembly of medical and dental equipment, drafting, optical, and musical instruments, watches, clocks, toys, games, and electrical or electronic apparatus
(11) Manufacture or assembly of boats, bolts, nuts, screws, and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery, and hardware products, sheet metal products, and vitreous enameled metal products.
(12) Manufacture of food products, including beverage blending or bottling, bakery products, candy manufacture, dairy products, and ice cream, fruit, and vegetable processing and canning, packing and processing of meat and poultry products, but not distilling or brewing of beverages or slaughtering of poultry or animals.
(13) Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing, and fabrics, printing, and finishing of textiles and fibers into fabric goods
(14) Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of similar nature
(15) Generally those light manufacturing uses similar to those listed above which do not create any more danger to health and safety in surrounding areas and which do not

create any more or offensive noise, vibration, smoke, dust, lint, odor, heat, or glare than that which is generally associated with light industries of the type specifically permitted

(16)Auditorium or lecture hall, recreation facilities primarily for employees in the district

(17)Banks, drive-in or otherwise

(18)Transportation terminal for air, rail, truck, or water transportation

(19)Radio, television towers, antennas, earth stations, or wireless communications facilities, with the guidelines listed under Article V, 1, C, (33)---Agricultural Conditional Uses

(20)Restaurants

(21)Utility Substations

(22)Concrete mixing plants with the following guidelines:

(a) Hard surface parking areas will be provided for all areas in the front of the building;

(b) No placement of vehicles in any road right-of-way;

(c) Landscape screening will be provided along the exterior of the property to be approved by the Planning Commission with an emphasis on low shrubs in front and taller trees & shrubs along sides and rear;

(d) No banners and/or signs obstructing entry or exit sight lines;

(e) Site review and approval, including lighting plan, is required by the Planning Commission.

C. Conditional Uses

(1) Temporary use of prefabricated buildings or mobile homes for any permitted or conditional use listed above other than accessory buildings.

D. Minimum area, yard and height requirements which govern any use in this district are listed on the Chart of Regulations unless otherwise regulated in this Article.

2. "M-2" HEAVY INDUSTRIAL DISTRICT

A. Purpose: The purpose of this district is to provide for all types of industrial activities except that those potentially hazardous would be permitted only after review by the Governing Authority and assurance of the protection of public interest and surrounding persons and property. The district is located so as to be accessible to both highways and railroads and, where practicable, locations along water ways are utilized. In the"M-2" Heavy Industrial District, a building or premises shall be used only for the following purposes:

B. Permitted Uses:

(1) Any use permitted in the "M-l" Light Industrial District

C. Conditional Uses

(1) Any manufacturing, industrial, or storage use not in conflict with any ordinance of DeSoto County regulating nuisances and not specifically listed below in this section as conditional industrial uses permitted by the Governing Authority.

(2) Manufacturing, processing or storage of chemicals, petroleum, coal and allied products

(a) Acids and derivatives
(b) Acetylene
(c) Ammonia
(d) Carbide
(e) Caustic soda
(f) Cellulose and cellulose storage
(g) Chlorine
(h) Coke oven products including fuel gas) and oven products' storage
(i) Creosote
(j) Distillation, manufacture, or refining of coal, tar, asphalt, wood and bones
(k) Explosives (including ammunition and fire works) and explosives' storage
(l) Fertilizer (organic)
(m) Fish oils and meal
(n) Glue, gelatin (animal)
(o) Hydrogen and oxygen
(p) Lamp black, carbon black, and bone black
(q) Nitrating of cotton or other materials
(r) Nitrates (manufactured and natural) of an explosive nature, and storage
(s) Petroleum, gasoline, and lubricating oil refining, and wholesale storage
(t) Plastic materials and synthetic resins
(u) Potash
(v) Pyroxyline
(w) Rendering and storage of dead animals, offal, garbage, or waste products
(x) Turpentine and resin
(y) Wells, gas, and oil

(3) Clay, stone, and glass products

(a) Brick, firebrick, refractories, clay, and vitreous enameled products (coal fired)

(b) Cement, lime, gypsum, or plaster
(c) Minerals and earth's; quarrying, extracting, grinding, crushing, and processing

(4) Food and Beverage
(a) Fat rendering
(b) Fish curing, packing and storage
(c) Slaughtering of animals
(d) Starch manufacture
(e) Distilling and brewing of beverages

(5) Metals and metal products
(a) Aluminum powder and paint manufacture
(b) Blast furnace, cupolas
(c) Blooming mill
(d) Metal and metal ores, reduction, refining, smelting, and alloying
(e) Scrap metal reduction or smelting
(f) Steel works and rolling mill (ferrous)
(g) Wood and paper products
(h) Match manufacture
(i) Wood pulp and fiber, reduction and processing

(6) Unclassified industries and uses
(a) Hair, hides, and raw fur, curing, tanning, dressing, dyeing and storage
(b) Stockyard
(c) Junk yards and auto salvage and wrecking yards, provided, however, that all such uses shall be enclosed by a solid wall or fence of uniform construction or color at least six feet high and that material not be piled any higher than said wall or otherwise stored in such a manner as to be visible from the adjacent roadway. Burning of autos, parts, or any junk material will not be allowed at anytime.
(d) Intensive farming operating such as feed lots, hog farms, poultry lots, and rabbit hutches

(7) Temporary use of prefabricated buildings or mobile homes for any permitted or conditional uses listed above other than accessory buildings

(8) Adult entertainment including adult book stores, mini-theaters, peep shows, massage parlors, bath houses, cabaret, and similar activities provided they are at least 2500 feet from any church, school, kindergarten, day care center, funeral home, public park, residence, or youth recreation center and at least 1,000 feet from any other zone.

D. Minimum area, yard and height requirements which govern any use in this district are listed in the Chart of Regulations unless otherwise regulated in this Article

3. Industrial Chart of Regulations

INDUSTRIAL ZONE DISTRICTS
SITE DEVELOPMENT REGULATIONS

Zone District	Required Site Area Per Building	Minimum Lot Area	Min. Yard Requirements (feet) Front	Rear	Side	Maximum Building Height	Maximum Floor Area
M-1	None	None	50	10	20	35 Feet/ 2 Stories*	NA
M-2	None	None	50	25	20	35 Feet/ 2 Stories*	NA

* In the Industrial (M) districts, buildings may be erected to ten stories or 120 feet provided that any building that exceeds 35 feet in height shall be set back from all required yard lines one foot for each foot the

ARTICLE IX PLANNED AND OVERLAY DISTRICTS

1. "C-4" PLANNED COMMERCIAL DISTRICT

A. Purpose: The purpose of this district is to provide for modern, attractive, and efficient retail, personal, and professional commercial facilities with access needs which demand location along major arterial roadways. Uses permitted in this district are frequently automobile- oriented, and, as such, this district is most appropriately located along or at intersections of urban arterial or collector roadways, as identified on the Transportation Plan (1992). Also, since these corridors are major entryways and focal points in the County, landscape and buffer standards are instituted to provide commercial development which is more compatible and visually pleasing with adjacent residential areas. A preliminary site plan for the development of the entire area is required, but the development may occur in stages.

B. Permitted Uses: No specific uses are specified for C-4 Planned Commercial Zone. The applicant for a planned commercial district shall submit a list of uses which will be permitted. The planning commission may delete certain requested uses where it has been determined that the proposed use will not be compatible with surrounding area or will be in conflict with the General Development Plan of DeSoto County.

C. Prohibited Uses: Uses specifically prohibited in the C-4 Planned Commercial District shall be as follows:
(1) Adult Entertainment
(2) Night Clubs, Bars and Taverns
(3) Salvage Yards
(4) Outside Storage

D. Preliminary Site Plan Required.
The "C-4" Planned Commercial District shall be established only upon application, after public hearing as specified in the amendatory procedures of Article XVIII, and shall require an approved plan as provided below in order to provide for modern commercial centers of integrated design.

(1) Site Plan Information: A preliminary site plan shall be prepared and submitted to the Planning Commission. The preliminary site plan shall be drawn to a scale of not less than 200 feet to the inch and shall include the following information:
(a) Property boundary lines and dimensions, topography (5' contour intervals), location map.
(b) Arrangement and size of buildings and the general use of the property.
(c) Areas to be developed for parking, unloading, drives, walkways, recreation, or other uses.
(d) A general grading and landscape plan including the location of major existing growth that is to be retained. The landscape plan shall include specific information pertaining to bufferyards and required landscaped areas.

(e) General locations and types of utilities and easements including storm drainage as well as general details of all surfaced areas.
(f) Estimates of traffic volumes and movements to and from the completed project from the boundary streets.
(g) A preliminary time schedule for completion of the entire project.
(h) A statement regarding the proposed method of operating and maintaining the project.
(i) A statement of financial responsibility to assure construction of the planned district within the proposed time schedule.

E. Site Development Regulations: The following minimum development standards shall be observed in the "C-4" Planned Commercial District

Commercial District Regulator	Requirement
Minimum site size (entire development)	1.0 acre
Minimum lot area (within development)	20,000 square feet
Minimum lot width (measured at front property line)	100 feet
Maximum floor area ratio	1.0
Maximum building height	40 feet
Off—street parking	Same as Article XV of this chapter

Minimum Building Setbacks	Commercial District
Front yard (urban arterial)	50 feet
Front yard (collector)	50 feet
Side yard (along intervening street)	50 feet
Side yard ((abutting commercial district)	25 feet
Interior side yard (within site)	15 feet
Rear yard (abutting residential “planned” or zoned district	60 feet
Rear yard (abutting commercial “planned” or zoned district	15 feet

NOTE: Minimum distance between any two buildings within a site 50 feet

F. Additional Site Development Regulations

(1) Landscaped Bufferyard Requirements. In addition to the requirements of Article XI, of this chapter, the following landscape bufferyards shall be provided in the C-4 District, provided, however, that if the provisions of Article XI differ from these requirements, the more restrictive requirement shall apply.

	Minimum Width	**Minimum Landscaping**
Front lot line abutting a street designated "Urban Arterial" on the Transportation Plan	20 feet	90% landscaped area One large deciduous tree for every 50 feet of lot frontage
Front lot line abutting any other public right-of-way	15 feet	90% landscaped area One large deciduous tree for every 40 feet of lot frontage
Side lot abutting a public right -of-way	15 feet	90% landscaped area One large deciduous tree for every 40 feet of lot frontage

* ***NOTE: Landscaped area shall be defined as an area consisting of grass, shrubs, trees, flowers, ground cover, or other organic plant materials in the minimum percentage as noted. A sidewalk/bike path is only other permitted material within a landscaped area.***

(2) Additional Landscaping Requirements: In addition to the landscape material requirements provided in Article XI, and this Section, the following landscaping materials shall be required of all developments in the "C-4" district:

(a) For lots equal to twenty thousand (20,000) square feet or less in area, a minimum of one thousand (1,000) square feet of permanently landscaped area shall be provided on a lot (exclusive of the required bufferyards).

(b) For lots of greater than twenty thousand (20,000) square feet in area, a minimum of five (5) percent of the lot area shall be permanently maintained landscaped area (exclusive of the required bufferyards).

(c) For every five hundred (500) square feet of landscaped area on a lot/site, a minimum of one medium deciduous or ornamental tree shall be provided (exclusive of the required bufferyard landscape requirements).

(3) Visibility Areas at Entrances/Intersections: The design and placement of the landscaping materials within the parking areas and front lotline and side lot line bufferyards will be at the discretion of the Owner, provided, however, the landscaping shall not obstruct the view between access drives and public streets. When an access drive intersects a public street, all landscaping within the areas described below shall provide unobstructed cross-visibility at a level between thirty (30) inches and seven feet above existing street grade. The sight visibility area is defined as the area formed from the intersection point of the proposed access drive and the public right- of-way for a distance of thirty-five (35) feet in all directions from said intersection point.

(4) Traffic Access Control Standards: In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply.

(a) Maximum Width of Driveway Opening at Property Line: 35 feet

(b) Minimum Throat Length of Driveway (measured from property line to first parking aisle): 50 feet for access to "Urban Arterial," 30 feet for all other public rights-of-way.

(c) Location of Driveways: Driveways shall be so located that vehicles entering or leaving the establishment will not interfere with the free movement of traffic or create a hazard on the public right-of-way. Where feasible, they shall be located where there are not sharp curves and steep grades and where sight distance is adequate for safe traffic operation. Driveways should not be located within intersections, interchanges, or on highways immediately approaching them. They shall be so located that they will not interfere with the placement of signs, signals, or other devices that affect traffic operation.

(d) All proposed developments shall utilize the guidelines for "Access Control Requirements", Exhibit XXI, published in Chapter Five of the DeSoto County General Development Plan (1992) in the preparation of a site plan in the "C-4" district. The county engineer shall approve all driveway locations for proposed developments.

(5) Review and Approval

(a) The Planning Commission shall study the preliminary plan and supporting data and may make suggestions for changes and adjustments. After the Commission approves the preliminary plan and construction schedule, it shall submit same with a brief report to the governing authority. Whenever the governing authority approves the preliminary plan and supporting material, one copy shall be filed in the office of the Commission and one copy shall be given to the Owner. Upon receipt of the approved preliminary plan, the Owner may proceed with final plans and specifications for all or for any portion of the project that is agreed upon. The final plans and specifications shall be reviewed and approved by the Commission and transmitted to the governing authority for approval. Upon approval by the governing authority, one copy shall be filed in the Planning Commission office. No building permit shall be issued until a final plat of the proposed development, or portion thereof, is approved, filed, and recorded.

(b) Modification of Site Plan: The Planning Commission or the governing authority may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than district regulations and may include, but not be limited to, provision for additional bufferyards, landscaping and screening, installation of erosion control measures, improvement to access and circulation systems, rearrangement of structures or uses within the site, and location and character of signs and other modifications deemed necessary to ensure compatibility with the surrounding environment and to protect public health, safety, and welfare.

(c) Lapse of Approval: A site plan approval shall become void two (2) years after the date on which the approval became effective unless the applicant receives a building permit and diligently carries out construction prior to expiration of that period, or a specific time extension is requested of and approved by the governing authority. A site plan approval may establish a longer effective period as a specific condition of the application. The Planning Commission may grant one

(1) year extension of a site plan approval, provided that the applicant files a written request for an extension stating the reasons for the request prior to the date of expiration of the approval.

(d) Modification of Site Plan Approval: The Planning Commission may approve an application for modification of a previous site plan approval if it is determined that the modification does not affect findings relating to the criteria described herein, leading to the original approval.

(6) New Applications Following Denial or Revocation: No application for approval of the same or substantially the same site may be filed within one (1) year of the date of denial of a site plan review by the Planning Commission and/or the governing authority.

(7) Approval to Run with the Land: A site plan approval pursuant to these provisions shall run with the land and shall continue to be valid upon change of ownership of the site or structure that was the subject of the application.

(8) Site Plans Approved Under Prior Regulations: Any site plan approved administratively or approved by ordinance under regulations in effect before the effective date of this regulation shall be considered on approved site plan subject to any conditions imposed at the time of original approval. A pre-existing site plan approval shall be subject to the provisions of this section regarding lapse of approval, modification, or revocation.

2. "P-B" Planned Business District

A. Purpose. The purpose of the Planned Business zoning district is to foster stability and growth in light industry, research and development, and similar industries that are enhanced by access to transportation networks and that provide desirable employment opportunities for the general welfare of the community. The Planned Business Park District areas target relatively large, contiguous land areas that can be developed according to a unified plan in a high-quality, campus-like setting rather than on a lot-by-lot basis. The uses and standards in this district are intended to promote flexibility and innovation in site design and enhance the environmental quality and attractiveness of business parks in the community, enhance the natural or scenic qualities of the environment and protect the public health and safety.

Appropriate uses in the Planned Business Park are intended for the following general categories of uses: light industrial, warehousing, showroom/distribution, office uses, research and development, and related personal and professional services primarily intended to serve the employees and visitors of the PBP area. This land use classification is envisioned as a planned development area incorporating light industrial, research and development, and similar industries in a campus-like setting. Quick and effective access to major transportation networks is a pre-requisite for siting these planned areas. Overall floor are ratios for sites in this land use category should not exceed 0.50 (0.50 square feet of building floor area for every one foot of site area).

B. Permitted Uses:

(1) Auditorium or lecture hall, recreation facilities primarily for employees in the district
(2) Banks, drive-in or otherwise and other financial services
(3) Generally those light manufacturing uses which do not create any more danger to health and safety in surrounding areas and which do not create any more or offensive noise, vibration, smoke, dust, lint, odor, heat, or glare than that which is generally associated with light industries
(4) Merchandise showrooms, indoor
(5) Photographic processing or blueprinting
(6) Printing or publishing
(7) Public service facilities
(8) Research laboratories, but not outdoor testing facilities
(9) Warehouses, not including dead vehicle storage, trucking companies and moving storage companies. Mini-storage warehouses are prohibited
(10)Wholesale distribution center

C. Conditional Uses:

(1) Any of the following accessory uses within a building in a planned business park, and primarily intended to serve employees and visitors of the park:
(a) Banks or similar financial institutions;
(b) Cafeterias or restaurants, but not drive-in restaurants;
(c) Commercial retail establishments, not exceeding 5,000 square feet;
(d) Day care centers, subject to the following additional standards:

1. The property is located on a collector street, major road, minor street, or private drive that serves only nonresidential uses or zoning districts, or on a minor street within 100 feet of an intersection with a major street.
2. Screening of the play and parking areas from adjacent properties may be required.
3. The maximum number of children to be accommodated on a site shall be specified and approved.
4. The following minimum areas shall be provided for per child: 30 square feet of indoor play area, exclusive of restrooms, hallways, kitchen or office space; 30 square feet of indoor rest area; and, 50 square feet of usable outdoor play area.
5. State and local health, education, and/or fire regulations may reduce but shall not increase the number of students permitted to be enrolled.

(e) Living quarters for custodian, caretaker, or watchman;

(f) Professional and personal service establishments, including health and fitness centers,

(g) Primarily intended to serve occupants or business and research uses allowed in the Planned Business Park district.

(2) Expansion of non-conforming uses

(3) Hotel, motel

(4) Radio or television studio

D. Development Standards: All development proposed within the Planned Business District shall comply with the following specific standards:

(1) Minimum yard requirements: similar to those in M-1 zoning

(2) Maximum Building height limit: 50 feet

(3) Maximum floor area ratio (FAR): 50% the number of buildings and general location will be determined with preliminary approval

(4) Off-street parking and loading space requirements

(a) Minimum number of spaces: Off-street parking facilities must conform to county standards set out in Chapter XV of this Zoning Ordinance.

(b) Location of parking areas: Off-street parking areas shall be conveniently accessible to uses within a planned business park. Parking areas are strongly discouraged within front yards or setbacks adjacent to major streets. Parking areas shall not encroach into any required bufferyard.

(c) Internal landscaping: An area equal to 10 percent of the gross parking area shall be established and maintained within or adjacent to parking areas exclusive of the landscaping required elsewhere in this Article.

(5) Outdoor Storage of machinery, supplies, equipment and raw materials is prohibited unless the storage areas are completely screened from abutting parcels.

(6) Screening requirements

(a) Refuse containers, dumpsters, rooftop and outdoor HAVOC equipment shall be screened with vegetation, fencing or berms so they are not visible from any street or adjacent property. Buildings or structures abutting a residential zone or use shall also be appropriately screened via perimeter landscaping, as cited in bufferyard requirements.

(b) The required landscaping along major roads shall be supplemented with additional evergreen trees as needed to screen truck loading docks from the roads. This applies only where truck docks face the major roads on the final site plan.

(7) Landscaping requirement and bufferyard requirements will meet or exceed those specified for the Goodman Road Corridor.

(8) Fencing: No chainlink fencing will be allowed along major roads. Wrought iron is preferred for areas visible from major roads. Wooden and tin fences are prohibited.

(9) Lighting requirements:

(a) Lighting shall be provided in accordance with a plan designed by the appropriate utility company.

(b) Lighting for safety shall be provided at intersection, along walkways, at entryways, between buildings, and in parking areas.

(c) Lighting shall be directed downward or shielded to avoid hazards to drivers or glare on abutting residential uses or highways.

(d) Light standard shall not exceed 40' in height.

(10) Undergrounding of utility lines: All utility lines such as electric, telephone, cable television, or other similar lines must be installed underground. This requirement applies to lines serving individual sites as well as to security and street lighting within the park. However, distribution lines which service the entire site may be located above ground. All utility boxes, transformers, meters, and similar structures must be screened from public view.

(11) Access and traffic considerations

(a) Site must have access to roads on Major Road Plan; number and location of access points will be determined with preliminary approval, subject to approval by the County Engineer

(b) Planned office parks shall be accessible from the existing or proposed street network in the vicinity. At least one distinctive main gateway entrance to the park shall be provided. Access to the park shall be designed to discourage outside through traffic.

(c) Curb cuts providing access to major streets shall be spaced a minimum of 400 feet from any other curb cut.

(d) Traffic generated by occupants and users from the park shall not exceed traffic capacity standards established for the adjacent road network. A traffic impact study may be required to determine whether road improvements will be required.

(12) Circulation system requirements: Internal circulation patterns will be provided.

(13) Sign Regulations: Sign regulations shall be in accordance with the “M” zoning district designation, as described in Article XII, except that off-premise commercial & industrial signs/billboards will not be permitted, nor will portable or temporary signs be allowed.

(14) Architectural design guidelines:

(15) All buildings will be constructed of masonry, concrete tilt-up, glazed, or porcelainized materials. They should be of uniform architectural style. Metal “shed” type warehouse buildings are prohibited.

(16) The entrance or entrances to a park should receive special emphasis in design and construction. It should set the tone for the development within and should create in identity for the project at the project street frontage. Special attention should be paid

to signage, landscaping, street configuration, future transit potential and traffic circulation. At a minimum, a divided street entrance must be used at the principal entrance to the site.

(17) Preliminary and final site plan review in proposed P-B District

(18) An application for rezoning to the P-B District shall be accompanied by a preliminary site plan and text presenting the following information:

(a) Information required under subsections (1-16) above;

(b) A site plan, drawn to a scale of not less than two hundred 200) feet to the inch, including the following information:

1. Property boundary lines and dimensions, topography and location map;
2. Natural conditions, including the general location and extent of tree covers; location and extent of water courses, marshes and flood plains on or within 100 feet of the subject property; existing natural drainage patterns and soil conditions;
3. A general grading and landscape plan including the location of major existing trees and vegetation that is to be retained;
4. The general location and maximum amount of area to be devoted to common open space and to be conveyed, dedicated or reserved for parks, playgrounds, public buildings, and other common use areas;
5. General locations and types of utilities and easements including storm drainage as well as general details of all surfaced areas;
6. The approximate location and general description of type of landscaping, planting or fencing and other treatment to provide buffers to surrounding property;
7. A tabulation of maximum floor area to be constructed and the proposed maximum floor area ratio;
8. The maximum height of any building or structure;
9. A general traffic analysis, estimating the traffic volumes and movements to and from the completed project from the boundary streets;
10. A written statement generally describing the relationship of the proposed planned business park to the comprehensive plan and how the proposed park is to be designed, arranged and operated to minimize adverse impact on the neighboring properties;

(c) A preliminary time schedule for completion of the entire project. If the planned business park is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indication:

1. The approximate date when construction is expected to begin;
2. The order in which the phases of the project will be built; and
3. The minimum area and the approximate location of common open space and public improvements that will be required.

(d) A statement of financial responsibility describing what bond, credit, escrow or other assurance the applicant proposed in order to ensure the proper completion of the planned district within the proposed time schedule and required open space and improvements;

(e) A statement describing the proposed means of assuring the continued maintenance of common space or other common elements and governing the use and continued protection of the planned business park.

(f) The P-B district shall be established only upon application, after public hearing as specified in the amendatory procedures of Article XVIII, and shall require an approved preliminary site plan according to the procedures of this subsection.

(g) The planning commission shall study the preliminary site plan and supporting data and may make suggestions for changes and adjustments. After the commission approves the preliminary plan and construction schedule, it shall submit same with a brief report to the governing authority. Whenever the governing authority approves the preliminary plan and supporting material, one (1) copy shall be filed in the office of the commission and (1) copy shall be given to the owner.

(h) Effect of site plan approval: Approval of a site plan under subsection (15), above shall permit the applicant to apply for any other permits and approvals including, but not limited to, building permits, certificates of occupancy, and other permits and approvals required under the Subdivision Code and the Building Code.

(i) Period of validity: If construction of the planned business park is not started within two (2) years of the date of the final site plan approval, the governing authority may consider rezoning the site to its previous classification. The applicant, by showing good cause why he cannot adhere to the approved timetable (described in subsection (15) d, above) may seek an extension of not more than one (1) year at a time. A request for extension shall be submitted in writing to the planning commission.

(j) Amendment to approved site plan: A site plan may be amended in accordance with the procedures and standards which governed its approval.

3. "P-O" PLANNED OFFICE DISTRICT

The purpose of the P-O Planned Office District is to permit offices and associated administrative, executive, professional uses, and limited commercial retail and personal service uses in a high-quality, campus-like setting, according to a unified plan, rather than on a lot-by-lot basis. The uses and standard in this district are intended to promote flexibility and innovation in site design and enhance the environmental quality and attractiveness of office parks in the community, and assure the compatibility of the office park with adjacent land uses.

A. Permitted Uses:

(1) A planned office park, occupied by any combination of the following uses:
- (a) Offices, but not single use developments which can be located in other zoning classifications
- (b) Public buildings
- (c) Radio or TV studios, including communication towers, subject to FCC regulations
- (d) Utility structures providing services within the park, including telephone switching centers, electric transmission lines, gas piping, water pumping stations, and other necessary structures

(2) Any permitted use listed in subsection 1, above to be located in an individual building or lot within an existing planned office park

(3) Any of the following accessory uses within building in a planned office park, and primarily intended to serve employees and visitors of the park:
- (a) Cafeterias or restaurants
- (b) Commercial retail establishments, not exceeding 5,000 square feet
- (c) Banks or similar financial institutions
- (d) Day Care Centers, subject to the following additional standards:
  1. The property is located on a collector street, major road, minor street or private drive that serves only nonresidential uses or zoning districts, or on a minor street within 100 feet of an intersection major street.
  2. Screening of the play and parking areas from adjacent properties may be required.
  3. The maximum number of children to be accommodated on a site shall be specified.
  4. The following minimum areas shall be provided per child: 30 square feet of indoor play area, exclusive of restrooms, hallways, kitchen or office space; 30 square feet of indoor rest area; and 50 square feet of usable outdoor play area. State and local health, education, and/or fire regulations may reduce but shall not increase the number of students permitted to be enrolled.

(4) Living quarters custodian, caretaker or watchman

(5) Personal service establishments, including health and fitness centers, primarily intended to serve occupants or business and research uses allowed in the P-O District

(6) Restaurants, but not drive-in restaurants

B. Development Standards

All development proposed within the Planned Office District shall comply with the following specific standards:

(1) Minimum yard requirements: Except for allowable accessory uses (see Article X, paragraph 6) no building or structure shall be located within the following minimum yards:

(a) Minimum front yard abutting driveway right-of-way 40 feet

(b) Minimum front yard abutting driveway or internal street: 25 feet

(c) Minimum side and rear yard abutting property zoned or used for residential purpose: 40 feet

(d) Minimum side and rear yard abutting property zoned or used for nonresidential purpose: 25 feet

(e) Minimum frontage on public right-of-way for P-O District: 200 feet

(2) Height Limits

(a) Except as provided in subsection b of this Section: 45 ft

(b) The maximum height limitations in subsection a of this Section shall not apply to heating and ventilation equipment, communication towers or utility structures, except that no structure exceeding 45 feet shall be located within 200 feet of any property zoned or used for residential purposes.

(3) Maximum floor area ratio (FAR): The total FAR of all buildings with a P-O District shall not exceed: 0.25.

(4) Common open space requirements

(a) A minimum of 20 percent of the gross land area within a P-O District shall be set aside as common open space to provide for the recreational needs of employees and visitors of the office park.

(b) "Gross land area" shall not include parking areas, driveways, or other impervious surfaces that are not usable for the activities described in subsection c, below.

(c) Required open space shall be usable for active recreational activities, such as jogging, golf or tennis, or passive recreation uses, such as sitting, scenic viewing or lunch breaks. Open space areas shall be attractively landscaped and may contain water features, park benches, gardens, planting strips, trails, tennis courts or other recreational or landscaping amenities.

(5) Ownership and maintenance of common elements

(a) Common elements, such as undedicated streets or drives recreational and parking facilities, open space and sanitary and storm sewers, shall be either: (1) maintained by the owners of the planned business park, pursuant to a maintenance agreement approved by the County Attorney; or (2) conveyed to and maintained by a common owner or property owners association,

(b) Pursuant to covenants or maintenance agreement approved by County Attorney; or (3) conveyed to a public body if such public body agrees to accept conveyance and to maintain the open space and any buildings, structures or improvements located within it.

(c) If common elements are to be maintained by a property owners association, the developer shall establish restrictive covenants for the entire project area. The restrictive covenants must be submitted to show compliance with these district regulations, but will not be reviewed as to form, legality or methods of enforcement. Those covenants must, at a minimum:

1. Create a property owner’s association;

2. Provide for the maintenance of individual sites, common open spaces and private streets;
3. Provide for minimum development and operational standards for each site, which require adherence to local ordinances and establish uniform landscaping, signage, site design, parking and loading standards. The covenants may include additional restrictions or requirements at the discretion of the developer.

(6) Off-street parking and loading space requirements
(a) Minimum number of spaces. Off-street parking facilities must conform to county standards set out in Chapter XV of this Zoning Ordinance, or in lieu of such standards, to requirements established by the governing authority.
(b) Location of parking areas. Off-street parking areas shall be conveniently accessible to uses within a planned business park. Parking areas are strongly discouraged within front yards or setbacks adjacent to major streets.
(c) Landscaping. Parking areas shall be landscaped according to the provisions of subsection 9 below

(7) Outdoor Storage areas may be permitted as an accessory use on an individual lot with a planned office park, provided that such storage is completely screened from adjoining uses within and outside the park as well as from public rights-of-way. The screening must be effective at the time it is installed, even if plant materials are used for all or part of the screening. Access through the screening for vehicles is permitted, but is limited to one 30 foot wide location per street frontage. No outside storage areas shall be permitted within any required setback or yard. In no event may the amount of land devoted to outside storage exceed 20 percent of an individual lot area.

(8) Screening requirements: Refuse containers, dumpsters, rooftop and outdoor HAVOC equipment shall be screened with vegetation, fencing or berms so they are not visible from any street or adjacent property. Buildings or structures abutting a residential zone or use shall also be appropriately screened via perimeter landscaping, as provided in subsection 10, below.

(9) Landscaping requirements
(a) Street trees. Street trees shall be planted along all public and private streets within and adjoining any planned business park, as illustrated in "Place C" in the appendix to the Zoning Ordinance.
(b) Perimeter landscaping. Planting strips shall be provided along lot lines abutting any property zoned or used for single family residential purposes, as illustrated in "Plate A" in the appendix to the Zoning Ordinance.
(c) Parking lot landscaping. All parking lots designed for 20 or more vehicles shall be landscaped, as illustrated in "Plate B" in the appendix to the Zoning Ordinance.

(10) Lighting requirements
(a) Lighting shall be provided in accordance with a plan designed by the appropriate utility company.
(b) Lighting for safety shall be provided at intersection, along walkways, at entryways, between buildings, and in parking areas.
(c) Lighting shall be directed downward or shielded to avoid hazards to drivers or glare on abutting residential uses.

(11) Undergrounding of utility lines: All utility lines such as electric, telephone, cable television, or other similar lines must be installed underground. This requirement applies to lines serving individual sites as well as to security and street lighting within the park. However, distribution lines which service the entire site may be located above ground. All utility boxes, transformers, meters, and similar structures must be screened from public view.

(12) Access and traffic considerations

(a) Planned office parks shall be accessible from the existing or proposed street network in the vicinity. At least one distinctive main gateway entrance to the park shall be provided. Access to the park shall be designed to discourage outside through traffic.

(b) Curb cuts providing access to major streets shall be spaced a minimum of 400 feet from any other curb cut.

(c) Traffic generated by occupants and users from the park shall not exceed traffic capacity standards established for the adjacent road network. A traffic impact study may be required to determine whether road improvements will be required.

(13) Circulation system requirements: Separate circulation systems shall be provided for pedestrians, automobiles and delivery trucks.

(a) Pedestrian circulation. Sidewalks shall be provided along any roadways that are served by bus or vanpool service, and between buildings or to parking areas or transit stops. The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to protect the public safety and provide safe and convenient pedestrian routes. Except where topography makes it impracticable, sidewalks shall be appropriately designed, graded, constructed and surfaced to be readily usable by individuals in wheelchairs. Curb ramps shall be installed at all intersections and driveways to aid in wheelchair access.

(b) Automobile circulation. The street circulation system serving a planned office park shall be internally oriented.

(c) Delivery truck circulation. Truck traffic and its related circulation system shall be separated, whenever feasible from automobile and pedestrian circulation system. Separate delivery entrances and circulation routes shall be clearly identified with appropriate signage.

(d) Emergency vehicles. The street circulation system within a planned business park should be designed to ensure easy access for and maneuvering of emergency vehicles.

(14) Sign Regulations

(a) The general sign regulations of Article XII of this ordinance shall apply in P-O Districts, in addition to the following special standards.

(b) All signs within the P-O District shall be either:

1. Wall signs; or
2. Ground signs, not exceeding 6 feet in height and landscaped with at least two evergreen shrubs for each sign face. (See illustration below).
3. Maximum number: 1 ground sign at each entrance to the park, 1 wall sign or ground sign for individual uses within the park, and any number of signs needed to provide directions, identity parking areas or aid in the safe and

efficient traffic circulation within the park.

4. Maximum gross surface area of entrance sign: (48) square feet. Individual 2 x 4
5. The following sign types shall be prohibited within a P-O District: permanent off-premise signs, pole signs, portable signs, roof signs, flashing signs, banners, streamers and other attention-getting devices.
6. A uniform sign plan shall be submitted and approved for each planned office park. The uniform sign plan shall specify consistent sizes, materials and colors of signs to be used throughout the property, or shall establish a hierarchy of different types of signs, consistent for all signs in each category. The design, colors and materials used for signs shall be compatible with the buildings which the signs serve.

(15) Architectural design guidelines

(a) Buildings within a P-O District should conform to a uniform architectural style.

(b) Metal "shed" type warehouse buildings prohibited. Exteriors of natural materials, such as concrete, brick, granite, or wood, are more compatible with the purposes and character of the P-O District.

(c) The entrance or entrances to a park should receive special emphasis in design and construction. It should set the tone for the development within and should create in identity for the project at the project street frontage. Special attention should be paid to signage, landscaping, street configuration, future transit potential and traffic circulation. At a minimum, a divided street entrance must be used at the principal entrance to the site.

C. Administrative site plan review in existing P-O District

(1) An application for approval of any use listed as a permitted use in the P-O District shall be accompanied by an application form and an administrative site plan presenting the following information:

(a) The name, address and telephone number of the applicant;

(b) If different from the applicant, the name, address, and telephone number of the owner or other persons having a contractual interest in the property for which site plan approval is requested;

(c) The street address and legal description of the property;

(d) The zoning classification for the property;

(e) The proposed use of the property;

(f) A site plan drawn at the scale specified on the application form, including the following information:

1. The survey showing the property boundary lines and dimension; the gross land area of the site; available utilities; easements, roadway, rail lines and public right-of-way crossing and adjacent to the subject property;
2. The location, size and arrangement of proposed buildings and existing buildings which will remain if any, including height in stories and feet, total floor area and floor area ratio;
3. The proposed use of buildings;
4. Yard dimensions;

5. The location, dimensions and number of all circulation elements, including streets, roadways, driveways, entrances, curbs, curb cuts, parking stalls, loading spaces and access aisles, sidewalks, walkways, including slopes and gradient of streets and driveways;
6. Any proposed major regrading of the site and the general location of any significant topographical or physical features of the site, including at least water courses;
7. The location of all existing and proposed surface and subsurface drainage facilities.
8. The location, size and arrangement of all outdoor signs and lighting;
9. The location and height of fences or screen planting and the type or kind of building materials or plantings to be used for fencing or screening.
10. The location and total area of common open space and proposed uses of such open space;
11. All certificates, seals and signatures required for the recordation of documents;
12. If easements, dedications or other property rights are conveyed thereon, then in addition, the signatures of any mortgages.

(2) The building official shall approve site plans required under subsection (f), above if he finds them to be in compliance with county ordinances or resolutions. Approval by the Building Official shall not waive or modify any provisions of the Zoning Ordinance. The Building Official shall obtain a written report from the

(3) An applicant may appeal the Building Official's decision or the conditions imposed by the Building Official to the Board of Supervisors by filing as provided in Article XVI of the Zoning Ordinance.

(4) Preliminary and final site plan review in proposed P-O District

(5) An application for rezoning to the P-O District shall be accompanied by a preliminary site plan and text presenting the following information:

(a) Information required under subsection C 1, above;

(b) A site plan, drawn to a scale of not less than two hundred (200) feet to the inch, including the following information:

1. Property boundary lines and dimensions, topography and location map;
2. Natural conditions, including the general location and extent of tree covers; location and extent of water courses, marshes and flood plains on or within 100 feet of the subject property; existing natural drainage patterns and soil conditions;
3. A general grading and landscape plan including the location of major existing trees and vegetation that is to be retained;
4. The general location and maximum amount of area to be devoted to common open space and to be conveyed, dedicated or reserved for parks, playgrounds, public buildings, and other common use areas;
5. General locations and types of utilities and easements including storm drainage as well as general details of all surfaced areas;
6. The approximate location and general description of type of landscaping, planting or fencing and other treatment to provide buffers to surrounding property;

7. A tabulation of maximum floor area to be constructed and the proposed maximum floor area ratio;
8. The maximum height of any building or structure;
9. A general traffic analysis, estimating the traffic volumes and movements to and from the completed project from the boundary streets;

(c) A written statement generally describing the relationship of the proposed planned business park to the comprehensive plan and how the proposed park is to be designed, arranged and operated to minimize adverse impact on the neighboring properties;

(d) A preliminary time schedule for completion of the entire project. If the planned business park is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indication:

1. The approximate date when construction is expected to begin;
2. The order in which the phases of the project will be built; and
3. The minimum area and the approximate location of common open space and public improvements that will be required

(e) A statement of financial responsibility describing what bond, credit, escrow or other assurance the applicant proposed in order to ensure the proper completion of the planned district within the proposed time schedule and required open space and improvements; and

(f) A statement describing the proposed means of assuring the continued maintenance of common space or other common elements and governing the use and continued protection of the planned business park.

(g) Plans submitted in accordance with paragraph (3) 15 & 16

(6) The P-O district shall be established only upon application, after public hearing as specified in the amendatory procedures of Article XVIII, and shall require an approved preliminary site plan according to the procedures of this subsection.

(7) The planning commission shall study the preliminary site plan and supporting data and may make suggestions for changes and adjustments. After the commission approves the preliminary plan and construction schedule, it shall submit same with a brief report to the governing authority. Whenever the governing authority approves the preliminary plan and supporting material, one (1) copy shall be filed in the office of the commission and (1) copy shall be given to the owner.

(8) Effect of site plan approval: Approval of a site plan under subsections above shall permit the applicant to apply for any other permits and approvals including, but not limited to, building permits, certificates of occupancy, and other permits and approvals required under the Subdivision Code and the Building Code.

(9) Period of validity: If construction of the planned office park is not started within two (2) years of the date of the final site plan approval, the governing authority may consider rezoning the site to its previous classification. The applicant, by showing good cause why he cannot adhere to the approved timetable (described in subsection above) may seek an extension of not more than one (1) year at a time. A request for extension shall be submitted in writing to the planning commission.

(10) Amendment to approved site plan: A site plan shall be amended in accordance with the procedures and standards which governed its approval, except for minor deviations, including but not limited to:

(a) A less than 5% increase in the floor area;

(b) A less than 10% decrease in required parking spaces or common open space;

(c) The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan for:

1. Less than 25 feet for site plans of less than 2 acres;
2. Less than 50 feet for site plans of 2-8 acres;
3. Less than 100 feet for site plans of 8-20 acres;
4. Less than 150 feet for site plans of more than 20 acres; or

(d) The correction of drafting errors on the approved site plan.

4. RESIDENTIAL OVERLAY DISTRICT

A. The purposes of the Residential Overlay District are:

(1) To Encourage a variety and flexibility in land development and land use for residential areas consistent with the General Development Plan and the orderly development of DeSoto County.

(2) Provide a framework within which an effective relationship of different land uses and activities can be planned on a total basis.

(3) Provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.

(4) Provide a means of developing areas with special physical features to enhance natural beauty and other attributes.

(5) Encourage the efficient use of those public facilities required in connection with new residential development.

(6) Encourage innovations in urban/suburban design and the application of sound design principles.

B. Approved Residential PUDs Applicability to the Residential Overlay District: Any project lawfully approved under the provisions of the Planned Unit Development zone (Article V, Section 14, of the previous zoning ordinance) are hereby approved under their original conditions and are hereby made an overlay of the zoning map of DeSoto County as a part of this Ordinance. Provided, however, any alterations or amendments to the residential portions of these projects shall be under the terms, standards, and procedures as set forth in this Article.

C. Consistency with the General Development Plan of DeSoto County: No Residential Overlay District shall be approved by either the DeSoto County Planning Commission or the governing authority unless the master development plan of the proposed overlay district is in accord with the General Development Plan of DeSoto County or elements, thereof.

D. Relationship to the Subdivision Regulations: The uniqueness of each proposal for a Residential Overlay District may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs, and other standards may be subject to modification from the specifications established in the subdivision regulations adopted by the DeSoto County Planning Commission. Modifications may be incorporated only with the approval of the Planning Commission as a part of its review of the master development plan for a Residential Overlay District and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval by the Planning Commission of master development plan.

E. Architectural Design: When the governing authority has established architectural design as an integral part of the master development plan and stipulates architectural design principles and/or specific architectural design details, such principles and/or details shall be made a part of the master development plan and all zoning permits for the Residential

Overlay District.

F. Application Process:

(1) Concept Review: Prior to application for a Residential Overlay District, the prospective applicant shall submit a concept plan to the planning department and consult with the planning director regarding the proposed development. The concept plan shall include:

(a) A general land use plan showing site design, proposed uses, and related planning and development data.

(b) A general plan for public facilities, showing approximate location of public and private streets, pedestrian ways, other circulation features, utilities, and community facilities.

(2) The planning director shall advise the applicant of the project's conformance with the General Development Plan (1992) and shall provide other comments on land use, transportation, environmental, and other issues within ten (10) days of the concept discussion.

(3) Preliminary Site Development Plan: The application for a Residential Overlay District shall include a preliminary site development plan containing the following information:

(a) A tract map showing site boundaries, street lines, lot lines, easements, proposed dedications or vacations, existing tree masses, streams, floodplain, etc.

(b) Land use plan designating specific uses for the site and establishing site development regulations, including setbacks height, building coverage, impervious coverage, density, and floor area ratio requirements.

(c) Site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; signs and other significant visual features; and typical landscape plans.

(d) The landscape plan shall specify landscaping in public or community open spaces or bufferyard areas, as required by Article XI, or as otherwise specified.

(e) The plan shall identify plants by their common names. Final plans shall include scientific names, quantities, sizes, and spacing.

(f) A circulation plan, including location of existing and proposed vehicular, pedestrian, bicycle, and other circulation facilities, and location and general design of parking and loading facilities.

(g) A public services and utilities plan providing requirements for and provision of all utilities, sewers, storm water, and other facilities needed to serve the site.

(h) A topographic map and site grading plan showing existing and proposed contours in no greater than five-foot intervals. USGS topographic maps may be used for topographic data where site specific data is unavailable.

(i) Schematic architectural plans and elevations sufficient to indicate building height, bulk, materials, and general architectural design.

(j) A proposed development schedule.

(k) A proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance, and preservation of common open space.

(l) A traffic impact study, if required by the County planning director, engineer, or Planning Commission.

(4) Adoption of a Residential Overlay District shall be in accordance with a rezoning procedures shall be in accordance with Article XVIII of this ordinance. Following the initial rezoning procedure, the proposed development shall follow all applicable procedures and requirements governing the subdivision of land. No building permit shall be issued until a final plat of the proposed development, or portion thereof, is approved, filed and recorded. No building designed or intended to be used, in whole or in part, for commercial purposes shall be constructed prior to the construction of less than 25% of the dwelling units proposed in the plan, or construction of 100 dwelling units, whichever is smaller. If construction of the "PUD" District is not started within two years of the date of approval, the Board of Supervisors may consider rezoning the site to its previous classification.

(5) Final Approval of the Planning Commission of a Proposed Residential Overlay District. The governing authority's concurrence with the approval of a preliminary master development plan of a Residential Overlay District shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission of the Residential Overlay District shall be subject to the following procedures and requirements:

(a) After the preliminary approval of a Residential Overlay District, the landowner may make application to the Planning Commission for final approval of the Residential Overlay District or portion thereof provided that the proposed final master development plan is in substantial conformance with the substance of the preliminary approval by the Planning Commission and the governing authority.

(b) The final master development plan shall include all information contained in the preliminary master development plan receiving preliminary approval plus the following: the location of water, sewerage, and storm water drainage facilities; detailed building and landscape plans; plans for street improvements, and grading and earth moving plans showing existing and proposed topography at 2-foot contour intervals. The final master development plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development.

(c) The proposed final master development plan shall follow all applicable procedures and requirements governing the subdivision of land, and no building permit shall be issued for the project until a final plat of the proposed development, or portion thereof, is approved, filed, and recorded.

(6) Final Planning Commission Action. Upon receipt of an application for final approval of a Residential Overlay District, the Planning Commission shall examine the final master plan and determine whether it substantially conforms to all applicable criteria and standards, and whether it substantially conforms in all respects to the previously approved preliminary master development plan. The Planning Commission may impose such conditions of approval as are in its judgement necessary to ensure conformity to the applicable criteria and standards.

G. Residential District Overlay Amendment Procedure.

Major amendments to the preliminary master plan must be submitted to the Planning Commission for a recommendation and approved by the governing authority. Major amendments include:

(1) An increase in the density of the development;
(2) Substantial changes in circulation or access;
(3) Substantial changes in the mix of dwelling unit types included in the project;
(4) Substantial changes in grading or utility provision;
(5) Substantial changes in the mixture of land uses;
(6) Reduction in approved open space, landscaping, and bufferyards;
(7) Substantial changes in architectural or site design features of the development; and
(8) Any other change that the planning director finds is a major divergence from the approved development plan. All other changes in the development plan shall be considered revisions to the approved plan and may be approved in the application for final master development plan by the Planning Commission.

H. Permitted Uses in the Residential Overlay District

(1) Within a Residential Overlay District applied to the following base zone districts, the uses permitted in Residential Overlay District shall be the same as those permitted in the underlying
   (a) Uses permitted in the underlying base zone district
   (b) Single-family attached units and townhouse structures containing no more than six (6) single-family dwelling units each, provided that the standards for overall density and composition of dwelling types, as defined in Article V, Section 5, Paragraph D, and Section 6, Paragraph D, respectively, are not exceeded.

I. Minimum Site Area:

The minimum area of any Residential Overlay District is 3 acres. This minimum may be waived by the Planning Commission or governing authority if it determines the development of a site is impossible without Residential Overlay District designation, and that such designation is consistent with the General Development Plan.

J. Required Setbacks and Bufferyards: The required minimum building setbacks and lot widths are not restricted, provided that the maximum density of the Residential Overlay District is not exceeded. However, the provisions of Article XI, (Transitional Bufferyards and Easement Setbacks) shall apply to all Residential Overlay Districts**.**

K. Off-Street Parking Requirements: In the following Residential Overlay Districts, accessory off-street parking shall be provided as follows:

Base Zone	Required Off-Street Parking Requirements
AR, R-40, R-30, R-20, R-15	One space per dwelling unit
R-12, R-10, R-8, R-6, RM-8, RM-6	One space for a single-family detached dwelling unit and one and one-half spaces for each additional dwelling unit.

L. Relationship to the Surrounding Residential Neighborhood Residential:

Overlay District developments shall be harmonious and not conflict with the surrounding residential neighborhood. It shall be so planned, designed, and constructed so as to avoid undue traffic congestion in the surrounding residential area and provide a satisfactory relationship of land uses in connection with the surrounding area. Use of landscaping, screening, open space, and the placement of buildings shall be accepted land use planning tools by which this harmonious relationship can be created.

M. Site Development Regulations for Residential Overlay Districts Exclusively Involving Single-Family Detached Subdivisions.

(1) The maximum lot coverage for each dwelling unit (including accessory buildings) shall be a percentage of the lot area and the maximum overall density shall be in terms of the number of dwelling units per gross acre of all the area within the Residential Overlay District.

(2) A maximum building height of 35 feet (measured from an average ground elevation) may be permitted.

(3) Lot creation shall be taken from net usable square feet, which shall be derived by subtracting from the gross square footage of the Residential Overlay District, the required amount of open space, and the actual amount of street right-of-way or street easement required. The remaining net area shall be usable land for proper lot layout.

(4) If a Residential Overlay District embraces more than one (1) zoning district, thus permitting different minimum lot sizes, then the lot sizes and commensurate lot coverage shall be in conformity with the requirements of the district in which the lot lies. If the lot subdivision process yields lots crossing district boundaries, the lot size and lot coverage may be an average of the applicable district requirements, weighted proportioned to the percent of the lot area within each district.

(5) The maximum permitted overall density, minimum open space and recreation space for the overall project, minimum lot size and maximum lot building cover for individual lots shall be as indicated in the following table entitled "Density and Bulk Regulations for Overlay Districts for Single-Family Units on Individual Lots"

N. Site Development Regulations for Residential Overlay District with Mixed Building Types

These regulations shall apply to a Residential Overlay District when the proposed development contains a combination of two (2) or more of the following building types:-Detached buildings each containing only one dwelling unit;-Townhouses or similar one-family semi-attached or attached buildings each containing only one dwelling unit;-Buildings each containing more than three (3) dwelling units.

(1) The maximum overall densities for Residential Overlay District developments shall be in terms of the number of dwelling units per gross acre of all the area within said development.

(2) The maximum floor area ratio shall be in terms of a ratio of total floor area per total site area within said development.

(3) Yard requirements for Residential Overlay Districts are waived and the following minimum controls shall be applied:

(a) The minimum total recreation area (that part of the outdoor, open space area which is a relatively contiguous area for recreation purposes) shall be provided at no less than minimum ratio of recreation area per total site area.

(b) If a Residential Overlay District development embraces one or more base zoning districts which require different maximum permitted densities, recreation areas and floor area ratios, these values shall be calculated separately for each distinct district, and a weighted average of each of these values shall be applied to the development.

SITE DEVELOPMENT REGULATIONS FOR RESIDENTIAL OVERLAY DISTRICTS OF SINGLE FAMILY UNITS ON INDIVIDUAL LOTS				
Base Zone District	Maximum Permitted Density Per Gross Acre	Required Open Space	Permitted Lot Coverage	Minimum Lot Size (square feet)
AR	1.0	10%	30%	30,000
R-40	1.5	10%	30%	23,000
R-30	2.0	10%	35%	16,000
R-20	3.125	10%	40%	10,500
R-15	3.5	12%	40%	9,060
R-12	4.3	15%	40%	6,775
R-10	5.2	15%	43%	5,450
R-8	6.5	18%	43%	4,170
R-6	8.6	20%	43%	3,250

* **NOTE: Required Bufferyard acreage (as defined in Article XI) can be used as required open space, provided the bufferyard is designated as common open space and is maintained in reasonable order by the owners organization.**

SITE DEVELOPMENT REGULATIONS FOR RESIDENTIAL OVERLAY DISTRICTS OF DEVELOPMENTS WITH MIXED BUILDING TYPES				
Base Zone District	Maximum Permitted Density Per Gross Acre	Maximum Recreation al	Maximum F.A.R.	Minimum Lot Area for Single Family Detached Units (S.F.)
R-12	4.3	20%	.38	6775
R-10	5.2	22%	.40	5450
R-8	6.5	25%	.50	4170
R-6	8.6	25%	.75	3250
RM-8	15.0	28%	1.0	NA
RM-6	18.0	30%	1.25	NA

* **NOTE: For additional regulations regarding site development in the R-12 and R-10, Residential overlay districts, see Article VI, Sections 5 and 6, respectively.**

5. THE "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

The purpose of the Planned Unit Development District is to provide for the development of planned total communities that provide a full range of residential types as well as certain commercial, office or light industrial uses designed to serve the inhabitants of the districts consistent with the Comprehensive Plan. For purposes o£ this ordinance a Planned Unit Development shall be a tract of land at least 4 acres in area, under single, corporation, firm, partnership or association ownership, planned and developed as an integrated unit, in a single development operation or a programmed series of development operations and according to an approved Preliminary Site Plan.

A. Preliminary Site Plan Required

The "PUD" District shall be established only upon application, after public hearing as specified in the amendatory procedures of Article XVIII and shall require an approved Preliminary Site Plan which when zoning is granted will govern the development of the land and all development plans thereof.

B. Minimum District Area: The minimum area for a "PUD" District shall be 4 acres.

C. Permitted Uses

A list of permitted uses within each Planned Unit Development must be submitted with the application for establishment of the District and the preliminary site plan and must be approved by the Planning Commission and Governing Authority upon application by the owner of the property.

D. Procedures

An application for rezoning to "PUD" District shall be accompanied by a Preliminary Site
(1) Plan and text presenting the following information:
(2) Proposed land uses and population densities
(3) Proposed primary circulation pattern
(4) Proposed parks and playgrounds
(5) Delineation of the units or phases to be constructed together with a proposed timetable
(6) Proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space,
(7) Relation to the County Comprehensive Plan, land uses in the surrounding area and to the general plan of the PUD.

Rezoning procedures shall be in accordance with Article XVIII of this ordinance. Following the initial rezoning procedure, the proposed development shall follow all applicable procedures and requirements governing the subdivision of land. No building permit shall be issued until a final plat of the proposed development, or portion thereof, is approved, filed and recorded. No building designed or intended to be used, in whole or in part, for commercial purposes shall be constructed prior to the construction of less than 25% of the dwelling units proposed in the plan, or construction of 100 dwelling units,

whichever is smaller. If construction of the "PUD" District is not started within two years of the date of approval, the Board of Supervisors may consider rezoning the site to its previous classification.

The applicant, by showing good cause why he cannot adhere to the proposed timetable described in D. (5), may seek an extension of not more than one (1) year at a time. A request for extension shall be submitted in writing to the Planning Commission.

E. Review Standards: The site plan must provide for and conform entirely to the following standards and requirements:

(1) In order to encourage ingenuity, imagination, and high quality design, regulations on residential areas will not specify minimum lot area per dwelling unit but will limit density in residential areas to 5 families per acre in single family dwellings or 20 families per acre in multifamily dwellings. This will allow clustering of dwellings to provide maximum open space.

(2) Street widths and improvements, thereof, as well as off street parking facilities must conform to county standards or in lieu of such standards, to requirements established by the Governing Authority

(3) Provisions for water supply, sanitary sewers, storm water drainage, and connections shall be made to the satisfaction and requirements of the Governing Authority and the appropriate State authority

(4) All improvements are to be installed and maintained by the developer unless other arrangements approved by the Governing Authority are made.

(5) The Governing Authority may require other special improvements as they are required if they are deemed reasonable and essential, and may require t hat appropriate deed restrictions to be filed enforceable by the Governing Authority for 20 years.

(6) A minimum total area of 10% of the gross residential area shall be set aside as parks and playgrounds. Of this 10%, a maximum of one half may be covered with water. A maximum of 5% of the area designated to be parks and playgrounds may be covered with structures to be used in the recreational use of the area. Parks and playgrounds must be suitably improved for its intended use but parks and playgrounds containing natural features clearly worthy of preservation may be left unimproved.

(7) The developer shall also submit sketches of the plat-for the entire project showing the relationship of uses, street patterns, open space and the general character of the proposed development, including a schematic drawing illustrating a typical segment of the development.

(8) After approval, filing, and recording of the plan, a building permit may be issued in accordance with the approved plan.

6. THE FLOOD CONTROL DISTRICT

The purpose of this district is to permit certain non-intensive uses in areas which are subject to periodic flooding and to protect such areas from other types of development except where adequate assurance is given that the development will be protected from flooding. The DeSoto County Flood Plain Management Ordinance shall apply to the properties located in this district. The regulations hereinafter set forth in this section shall apply to the property located in this district. District boundaries will be delineated by the Administrator of the Federal Flood Insurance Program on the Flood Hazard Boundary Map or where applicable from the Corps of Engineers Study along with water surface elevations for the one hundred (100) year flood which will be used to determine to what level structures will be elevated or flood proofed. The Flood Control District shall overlay other districts on land located in the flood plains as shown on the Zoning District Map which is a part of this ordinance. Such regulations qualify or supplement, as the case may be, the regulations of the "A", "R", "0", "C", or "M" Districts in which such property is located.

7. AIRPORT HEIGHT USE REGULATION DISTRICT

The purpose of this district is to regulate and restrict the height of structures and objects of natural growth, and otherwise regulate use of property, in the vicinity of the Memphis International Airport and the Olive Branch Municipal Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein and referring to the Zoning Map which is incorporated in and made a part of this ordinance. The district shall overlay other zone districts on land included within the airport hazard zone as shown on the Zone District Map which is a part of this ordinance.

A. Definitions: For purposes of this section, certain terms used herein shall be interpreted as follows:

AIRPORT - Means Memphis International Airport and Olive Branch Municipal Airport

AIRPORT ELEVATION - Memphis International 1 Airport - 339.51 Feet Above mean sea level. Olive Branch Municipal Airport - 401 Feet Above mean sea level

APPROACH, TRANSITIONAL HORIZONTAL, AND CONICAL ZONES- These zones are set forth in Section B

CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

HAZARD TO AIR NAVIGATION - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT - For the purpose of determining the height limits in all zones set forth in this section and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HORIZONTAL SURFACE - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

NONCONFORMING USE - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this section.

NON-PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section **1.3.**

PRECISION INSTRUMENT RUNWAY - A runway having existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout or any other planning document.

PRIMARY SURFACE - A surface longitudinally centered on a runway when the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in Section b. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

RUNWAY - A defined area on an airport prepared for landing and take-off of aircraft along its length.
STRUCTURE- An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smoke-stacks, earth formation, and overhead transmission lines.
TRANSITIONAL SURFACES - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
TREE - Any object of natural growth.

B. Airport Zones:

In order to carry out the provisions of this District there are hereby created and established certain zones which include all land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Memphis International and Olive Branch Municipal Airports. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(1) Runway Larger Than Utility With A Visibility Minimum As Low As 3/4 Mile Non-precision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(2) Precision Instrument Runway Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(3) Transitional Zones - The transitional zones are the areas beneath the transitional surfaces.

(4) Horizontal Zone - The horizontal zone is established by swinging arcs of 10,000 feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(5) Conical Zone - The Conical Zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

C. Airport Zone Height Limitations: Except as otherwise provided in this District, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this District to a height in excess of the applicable height herein

established for each of the zones in question as follows:

(1) Runway Larger Than Utility With a Visibility Minimum As Low as 3/4 Mile Non-precision Instrument Approach Zone - Slopes thirty- four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(2) Precision Instrument Runway Approach Zone - Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline,

(3) Transitional Zones - Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 489.51 feet above mean sea level - Memphis International Airport and 551 feet above mean sea level - Olive Branch Municipal Airport. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface, Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

(4) Horizontal Zone - Established at 150 feet above the airport elevation or at a height of:
Memphis International Airport - 489.51 feet above mean sea level
Olive Branch Municipal Airport - 551 feet above mean sea level.

(5) Conical Zone - Slopes twenty (0) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of:
Memphis International Airport -689.51 feet above mean sea level
Olive Branch Municipal Airport - 751 feet above mean sea level

(6) Excepted Height Limitations - Nothing in this District shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land except when the height exceeds the airport zone height limitations established for such zone in this District.

D. Use Restrictions:

(1) Notwithstanding any other provisions of this District, no use may be made of land or water within any zone established by this District in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(2) Adjacent residential zoning shall take into account expected noise levels and their effect on residential development in terms of Federal Housing Programs.

(3) The regulations hereinafter set forth in this section apply to property located within the Airport Approach Zones for a length of 5,080 feet beginning 200 feet outward from the end of the runway and extending outward , ending at a point 5,280 feet from the end of the runway on the extended centerline of the runway. A building or premises may be used for any purposes permitted by the use regulations of the zone district in which the property is located except the following:

(a) Apartments
(b) Hospitals
(c) Hotels
(d) Institutions of religious, educational, correctional nature
(e) Motels
(f) Nursing or convalescent homes
(g) Places of public assembly
(h) Radio or televisions transmitting stations
(i) Theaters
(j) Townhouses
(k)Schools

E. Marking and Lighting: The owner of any structure or tree which exceeds the height limits established by this District shall permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the owner.

ARTICLE X ACCESSORY BUILDINGS AND USES

Accessory buildings and uses are permitted when in accordance with the following:

1. **Residential properties are limited to:**
   (a) Private garages and storage buildings
   (b) Vegetable and flower gardens, and fruit and nut trees, for use by members of the family residing on the premises and not for commercial purposes.
   (c) Raising and keeping of small animals and fowl, but not on a commercial basis or on a scale creating objectionable conditions noticeable from neighboring property.
   (d) Tennis Courts, swimming pools, garden houses, pergolas, ornamental gates, barbecue ovens, fireplaces, and similar uses customarily accessory to residential uses.

2. **Fences, walls, and hedges**
   (a) In residential districts in a yard that adjoins a public street, fences, walls and hedges may not exceed 3 feet in height except in a designated rear yard on a double frontage lot
   (b) In the Office Commercial Zones, fences in yards adjoining streets are not allowed.
   (c) In Agricultural and Industrial Zones, no restrictions on fences.

3. **In Commercial Districts** (C), there may be storage buildings not exceeding 40% of the floor area of the primary structure on the premises and parking lots.

4. **Temporary buildings for construction purposes** are permitted in any district as accessory buildings during the time of construction. Permits shall be issued for not over one year and subject to annual renewal.

5. **Accessory or temporary buildings** shall not be used for dwelling purposes except as a conditional use approved by the Board of Adjustments with the following conditions:
   (a) approved for a maximum of three years;
   (b) has an outer covering of wood, vinyl, or brick;
   (c) meets all building codes as related to traditional houses;
   (d) contains a minimum of five windows; and
   (e) should look similar in appearance to a house.

6. **Accessory buildings not exceeding 20 feet in height** may be located in a rear yard but may not exceed 50 percent of the floor area of the principal structure nor occupy more than 30 percent of a rear yard. Any accessory building closer than 10 feet to a main building shall be considered as a part of the main building and shall be provided with the side and rear yards required for the main buildings. An accessory building more than 10 feet from the main building may not be erected within five feet of a side lot line, or ten feet of a rear lot line, but must be located at least 59 feet from any street right-of-way except in the designated rear yard of a double frontage lot.

The allowed size of Accessory Buildings is as follows:

Permitted Size as a Percentage of the Floor Area of thePrincipal Structure	
Lot Size	**Principal Structure**
1.5 acres	50%
2.5 acres	75%
3.5 acres	100%
4.5 acres	125%

8. **Disk, video earth television receiving stations** are permitted in all districts.

ARTICLE XI BUFFERYARD REQUIREMENTS

1. **Purpose:** The bufferyard and screening provisions are included in this chapter to improve the physical appearance of the community; to improve the environmental performance of new development by contributing to the abatement of heat, glare, or noise and by promoting natural percolation of storm water and improvement of air quality; to buffer potentially incompatible land uses from one another; and to conserve the value of property and neighborhoods with the County.

2. **Applicability:** The provisions of this article shall apply to all new development on each lot, site, or common development upon application for a building permit, except for the following:
   (1) Reconstruction or replacement of a lawfully existing use or structure following casualty loss.
   (2) Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures or the location and design of parking facilities or other site improvements.
   (3) Additions or enlargements of existing uses or structures, except surface parking, which increase floor area or impervious coverage by less than twenty (20) percent. Where such additions or enlargements are twenty (20) percent or greater, these provisions shall apply only to that portion of the lot, site, or common development where the new development occurs.

3. **Conflicts.** Any conflict between this section and another chapter of this chapter shall be resolved in favor of the more restrictive provision.

4. **Definitions.** The following definitions shall be used for terms contained within this article:
   (1) Bufferyard: A landscaped area provided to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.
   (2) Landscaped Area: That area within the boundaries of a given lot consisting primarily of plant material, including, but not limited to, grass, trees, shrubs, flowers, vines, ground cover, and other organic plant materials. Inorganic materials, such as brick, stone, or aggregate, may be used within landscaped areas, provided that such material comprises no more than thirty-five (35) percent of the area of the required landscaped area. Flat concrete or asphalt, other than walkways five (5) feet or less in width, may not be used within a required landscaped area.
   (3) Tree: A woody plant having at least one (1) well-defined trunk or stem and a more or less definitely formed crown, usually attaining a mature height of at least eight (8) feet.

5. **General Standards**
   (1) **Location and Design**: Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffers shall not be located on any portion of an existing, dedicated, or reserved public or private street or right-of-way. The bufferyard is normally calculated as parallel to the property line. However, the planning director may permit design variations in the bufferyard; but, in no case, shall the average depth of the bufferyard be less than that required of this article. Average depth shall be measured at the two end points of the buffer and two additional points that are

approximately one-third of the total linear distance from the end point. At his/her sole discretion, the planning director may determine that these measuring points do not represent a fair approximation of the average depth of the buffer, and he/she may include additional measuring points to provide a more definitive approximation of the average depth of a proposed bufferyard. Where a required drainage, utility, or other easement is partially or wholly within a required bufferyard, the developer shall design the buffer to minimize plantings within the required easement.

The planning director, the Planning Commission, and the governing authority may require additional bufferyard area or additional plantings of the developer in such instances to ensure that the screening purpose of the bufferyard is maintained.

(2) **Use of Bufferyards**: A bufferyard may be used for some forms of passive recreation. It may contain pedestrian, bike, or equestrian trails, provided that:

1. No required plant material is eliminated.
2. The total depth/width of the bufferyard is maintained.
3. All other regulations of this chapter are met. In no event, however, shall the following uses be allowed in bufferyards: accessory buildings, sheds, garages, playfields, stables, swimming pools, tennis courts, or similar active recreation uses.

(3) **Ownership of Buffers**: Bufferyards may remain in the ownership of the original owner/developer (and assigns) of a developing property. Bufferyards may be subjected to deed restrictions and subsequently be freely conveyed. They may be transferred to any consenting grantees, such as owners associations, adjoining land owners, a park district, the County, or any conservation group, provided that any such conveyance adequately guarantees the protection of the bufferyard for the purposes of this article.

6. Determination of Bufferyard Requirements: To determine the type of bufferyard required between two adjacent parcels, the following procedure shall be followed:

(1) Identify the zoning classification of the proposed development by referring to Table 1.

(2) Identify the zoning classification and status of development (undeveloped vs. platted and/or developed) of each adjoining property, including properties located across an intervening street, by referring to Table 1.

(3) Determine the bufferyard requirements for those, side, rear, and front lines or portion thereof on the subject development parcel by referring to Table 1 in this section and the additional requirements of this section. Existing plant material may be counted as contributing to the total bufferyard requirement. The bufferyards specified are to be provided on each lot or parcel independent of adjoining uses or adjoining bufferyards.

(4) Should a developed parcel increase in intensity or zoning classification from a given zoning district to a more intense zoning district (e.g., from R-20 to R-12, from C-1 to C-3), the Planning Commission shall, during the site plan or subdivision review process, determine if additional bufferyard is needed and, if so, to what extent and type.

7. Additional Bufferyard Provisions: In addition to the requirements provided in this section, the following bufferyard provisions shall apply to proposed development parcels. In general, the owner, developer, or operator of a proposed use within a development parcel shall install and maintain a landscaped bufferyard on his/her lot, site, or common development, as set forth in this section.

(1) *Parcels with Intervening Major Street:* When an arterial or collector street (as identified on the Transportation Plan for DeSoto County, 1993) separates adjacent development parcels requiring a bufferyard, the required bufferyard shall be the greater of one-half of the required bufferyard set forth in Table 1 of this article or fifteen (15) feet. Relief from this provision may be recommended by the Planning Commission.

(2) *Parcels with Intervening Local Street:* When a local street (as identified on the Transportation Plan for DeSoto County, 1992) or any other public right-of-way separates adjacent development parcels requiring a bufferyard, the required bufferyard shall be the greater of two-thirds of the required bufferyard set forth in Table 1 of this article, or twelve (12) feet.

(3) *Railroad right-of-ways:* Any lot or site which is adjacent to an active railroad right-of-way shall be exempt from any bufferyard requirement along the common property line with such right-of-way.

(4) *Lot Size Compatibility Provision:* For any residential development parcel, including parcels located in a Residential Overlay District, along a common property line of an adjacent developed and/or platted residential use, the following provisions may be applied in lieu of the requirements of Table 1 of this article:

(a) No bufferyard shall be required if the average lot size of a development parcel's contiguous lots is equal to or exceeds the average lot size of an adjacent, developed, residential use (measured by averaging the lot sizes of platted lots contiguous to the proposed development parcel).

(b) The required bufferyard shall be reduced to ten (10) feet, if the average lot size of a development parcel's contiguous lots is equal to or exceeds eighty (80) percent of the average lot size of an adjacent, developed residential use (measured by averaging the lot sizes of platted lots contiguous to the proposed development parcel).

(5) *Bufferyards for Residential Overlay Districts:* Subject to the provisions of this article for all proposed residential overlay districts, the required bufferyard along a common property line shall be the greater of one and one-half times the required width in Table 1 (utilizing the adjacent tract's zoning as the determinant) or twenty (20) feet.

(6) On any lot or development parcel platted before March 2, 1994, which requires the provision of a bufferyard and has a dimension perpendicular to such bufferyard of less than two hundred (200) feet, such bufferyard may be reduced to no less than twenty-five (25) percent of the applicable dimension. The landscaped area screening standards of this section shall apply to any lot or parcel using this bufferyard reduction provision.

(7) *Table of Bufferyard Requirements.* The table on page 96 shall be used to determine the bufferyard requirements of a development parcel which is adjacent to a developed and/or platted property, site, or common development.

(8) ***Transitional Bufferyard Landscaped Area and Minimum Width Regulations General Design Standards:*** The following general provisions shall apply to the design and construction of transitional bufferyards as defined herein:

(a) The layout, design, and arrangement of the prescribed numbers and types of landscape materials within a bufferyard shall be in accordance with this section.

(b) In those bufferyards which require the construction of a berm, wall, or similar opaque barrier, at the height prescribed in the specific bufferyard design type standards in this section, shall be provided which visually screens the potentially offensive development parcel uses from the adjacent properties as follows:

1. A masonry wall, a minimum of three (3) feet in height, of a design approved by the planning director.
2. A hedge-like screen or a random or informal screen plantings of broadleaf evergreen shrubs or approved deciduous plant material, capable of providing a substantially opaque barrier and attaining a minimum height of four (4) feet within three (3) years of planting. Hedges shall be planted initially at minimum spacings and sizes to adequately provide a substantially opaque barrier within two years of planting.
3. A landscaped earth berm with a maximum slope of 3:1, rising no less than two and one-half (2.5) feet above the existing grade at the lot line separating the development parcel from adjacent properties. Landscape materials to be included on the berm are identified in this section. Any combination of these methods that achieves the cumulative minimum height prescribed in each bufferyard type.

BUFFERYARD REQUIREMENTS

ZONING OF ADJACENT PLATTED or DEVELOPED PROPERTY

Zoning of Developing Tract	RESIDENTIAL												COMMERCIAL							
	A	AR	R40	R30	R20	R15	R12	R10	R8	R6	RM8	RM6	P0	C1	C2	C3	C4	PB	M1	M2
A	*	*	15	15	20	25	25	30	30	30	35	35	35	30	35	35	35	35	40	50
AR	*	*	*	10	15	20	25	25	30	30	35	35	30	30	35	35	35	35	40	50
R-40	15	*	*	*	20	20	25	25	30	30	35	35	30	30	30	30	30	35	40	50
R-30	15	10	*	*	*	15	15	20	25	25	30	35	30	30	30	30	30	35	40	50
R-20	20	15	20	*	*	*	15	15	20	20	25	35	30	30	30	30	30	35	40	50
R-15	25	20	20	15	*	*	*	15	20	20	20	30	30	30	30	30	30	35	40	50
R-12	25	25	25	15	15	*	*	*	15	20	20	30	30	30	30	30	30	35	40	50
R-10	30	25	25	20	15	15	*	*	*	15	20	30	30	30	30	30	30	35	40	50
R-8	30	30	30	25	20	20	15	*	*	*	20	25	25	25	30	30	30	35	40	50
R-6	30	30	30	25	20	20	20	15	*	*	15	15	25	25	30	30	30	35	40	50
RM8	35	35	35	30	25	20	20	20	20	15	*	10	20	20	0	30	30	30	35	50
RM6	35	35	35	35	35	30	30	30	25	15	10	*	20	20	30	30	30	30	35	50
P0	30	30	30	30	30	30	30	30	25	25	20	20	10	15	15	15	15	20	20	30
C1	30	30	30	30	30	30	30	30	25	25	20	20	15	10	15	15	15	20	30	30
C2	35	35	30	30	30	30	30	30	30	30	30	30	15	15	10	10	10	15	20	25
C3	35	35	30	30	30	30	30	30	30	30	30	30	15	15	10	10	10	15	20	25
C4	35	35	30	30	30	30	30	30	30	30	30	30	15	15	10	10	10	15	20	25
M1	40	40	40	40	40	40	40	40	40	40	35	35	20	30	20	20	20	15	10	10
M2	50	50	50	50	50	50	50	50	50	50	50	50	30	30	25	25	25	25	10	10

* No bufferyard required.

Note: Bufferyard requirements stated above are in terms of the average width of the bufferyard along a common boundary of an adjacent development and/or platted property. Consult all other paragraphs of this section for additional provisions and landscape screening requirements of the bufferyard.

(9) ***Transitional Bufferyard Design Types:*** Transitional bufferyards of the following types shall be provided in the situations as identified by the entries in Table 1 of this section:

(a) **Bufferyard Type "10":** Transitional bufferyard Type 10 shall consist of a strip of landscaped area, a minimum of ten (10) feet wide, landscaped as follows:

1. Residential Bufferyards: One medium evergreen tree (ultimate height 20-40') for every fifteen (15) feet planted on triangular staggered spacing, PLUS one large deciduous tree (ultimate height 50+ feet) for every sixty (60) linear feet measured along the common property line.
2. Commercial Bufferyard: One large deciduous tree (ultimate height 50+ feet) for every sixty (60) linear feet, PLUS a group of two (2) small deciduous or ornamental trees (spaced at 30 feet on centers) for every sixty (60) linear feet (planted) between the large deciduous trees.

(b) **Bufferyard Type "15":** Transitional bufferyard Type 15 shall consist of a strip of landscaped area, a minimum of fifteen (15) feet wide, landscaped as follows:

1. Residential Bufferyards: One medium evergreen tree (ultimate height 20-40') for every fifteen (15) feet planted on triangular staggered spacing, PLUS one large deciduous tree (ultimate height 50+ feet) for every sixty (60) linear feet measured along the common property line.
2. Commercial Bufferyard: One large deciduous tree (ultimate height 50+ feet) for every sixty (60) linear feet, PLUS a group of two (2) small deciduous or ornamental trees (spaced at 30 feet on centers) for every sixty (60) linear feet (planted) between the large deciduous trees.

(c) **Bufferyard Type "20":** Transitional bufferyard type 20 shall consist of a strip of landscaped area, a minimum of twenty (20) feet wide, landscaped as follows: one large deciduous tree (ultimate height 50+ feet) for every seventy-five (75) linear feet, PLUS a group of three (3) medium evergreen trees (planted on 15 feet triangular staggered spacing) and one small deciduous or ornamental tree (planted 15 feet from evergreens) for every seventy-five (75) linear feet.

(d) **Bufferyard Type "25":** Transitional bufferyard type 25 shall consist of a strip of landscaped area, a minimum of twenty-five (25) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with the requirements of Paragraph 8, A, 2, a, of this section, to a minimum height of six (6) feet, PLUS one large deciduous tree (ultimate height 50+ feet) for every sixty (60) linear feet, PLUS a group of two (2) small deciduous or ornamental trees (spaced 30 feet on center) for every sixty (60) linear feet measured along the opaque barrier. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.

(e) **Bufferyard Type "30":** Transitional bufferyard type 30 shall consist of a strip of landscaped area, a minimum of thirty (30) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with the requirements of Paragraph 8, A, 2, a, of this section, to a minimum height of six (6) feet, PLUS one medium evergreen tree (ultimate height 20-40 feet) for every fifteen (15) feet planted on triangular staggered spacing, PLUS one large deciduous tree (ultimate height 50+ feet) for every sixty (60) linear feet measured along the opaque barrier. The landscape materials shall be planted on the side of

the opaque barrier which abuts the less intense zoning district or development.

(f) **Bufferyard Type "35":** Transitional bufferyard type 35 shall consist of a strip of landscaped area, a minimum of thirty-five (35) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with the requirements of Paragraph 8, A, 2, a, of this section, to a minimum height of six (6) feet, PLUS one medium evergreen tree (ultimate height 20-40 feet) for every fifteen (15) feet planted on triangular staggered spacing, PLUS one small deciduous or ornamental tree for every eighty (80) linear feet, PLUS one large deciduous tree (ultimate height 50+ feet) for every eighty (80) linear feet measured along the opaque barrier. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.

(g) **Bufferyard Type "40":** Transitional bufferyard type 40 shall consist of a strip of landscaped area, a minimum of forty (40) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with the requirements of Paragraph 8, A, 2, a, of this section, to a minimum height of ten (10) feet, PLUS one medium evergreen tree (ultimate height 20-40 feet) for every fifteen (15) feet planted on triangular staggered spacing, PLUS one small deciduous or ornamental tree for every eighty (80) linear feet, PLUS one large deciduous tree (ultimate height 50+ feet) for every eighty (80) linear feet measured along the opaque barrier. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.

(h) **Bufferyard Type "50":** Transitional bufferyard type 50 shall consist of a strip of landscaped area, a minimum of fifty (50) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with the requirements of Paragraph 8, A, 2, a, of this section, to a minimum height of ten (10) feet, PLUS one medium evergreen tree (ultimate height 20-40 feet) for every ten (10) feet planted on triangular staggered spacing, PLUS one small deciduous or ornamental tree for every eighty (80) linear feet, PLUS one large deciduous tree (ultimate height 50+ feet) for every eighty (80) linear feet measured along the opaque barrier. The landscape materials shall be planted on the side of the opaque barrier which abuts the less intense zoning district or development.

(10) *Additional Bufferyard Provisions*. The following additional provisions shall apply to the design standards for required bufferyard landscaping:

(a) Preservation of healthy existing tree vegetation within a required bufferyard is strongly encouraged. Preservation of each healthy existing tree, of species and size (at least four and one-half inches caliper) approved by the planning director, shall count as one tree towards the fulfillment of the landscape requirements of this section.

(b) A development parcel may continue to comply with the bufferyard and screening requirements in effect at the time of issuance of its initial building permit, regardless of whether an adjacent lot, site, or common development is rezoned to a less intense district which requires additional bufferyards or screening.

(11) *Performance Bonding*

(a) If, at the time of an application for a certificate of occupancy, any required landscaping has not been installed, the developer or owner of a development parcel must submit surety (by bond, certificate of deposit), letter of credit, or other security approved in writing by the County attorney) satisfactory to the County, in the amount of the value of a bona fide contract to install such landscaping, times 1.15 percent. Such a contract must be reviewed and approved by the permits and inspections division.

(b) The developer or owner shall grant the County permission to enter upon the land to install required landscaping if this has not been done within twelve (12) months of the effective date of the certificate of occupancy. The County shall release any bond or other arrangement immediately when the permits and inspections division verifies that required landscaping has been installed.

ARTICLE XII SIGN REGULATIONS

1. DEFINITIONS:

1. **SIGN:** Any identification, description, illustration, or device illuminated or non-illuminated which is affixed to or represented directly or indirectly upon a building, structure, or land, and which directs attention to a product, service, place, activity, person, institution, or business. Signs erected by an authorized public agency for the purpose of directing traffic or providing information are not affected by these regulations, National and state flags, when properly displayed, are not considered a sign under these regulations.

2. **SIGN AREA:** The total area of the space to be used for advertising purposes, including the spaces between open-type letters and figures, including the background structure, or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double faced sign shall be allowed the total area of a single faced sign on each face.

3. **ADVERTISING DEVICE:** Banners affixed on poles, wires or ropes, and streamers, wind operated devices, flashing lights, and other similar devices.

4. **BENCH SIGN:** A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

5. **DIRECTORY SIGN:** Any sign on which the names and indications of occupants or the use of the building is given. This shall include office buildings and church directories.

6. **GROUND SIGN:** Any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial and reading matter when such sign is supported by two or more uprights, posts, or braces affixed in the ground and not attached to any part of a building.

7. **MARQUEE SIGN:** Any sign affixed to a marquee over the entrance to a building and supported from the building,

8. **PORTABLE SIGN:** A sign, usually of a temporary nature, but not permanently affixed to the ground or to a building or structure.

9. **POST SIGN:** Any letter, word, model sign, device or representation used in the nature of an advertisement or announcement not attached to a building and which is supported by a single stationary pole or post.

10. **PROJECTING SIGN:** A sign which is attached to and projects more than 12 inches from the face of a wall of a building.

11. **ROOF SIGN:** Any sign erected, constructed, or maintained upon the roof of any building or any wall sign which extends more than 36 inches above the roof line or parapet wall of a building.

12. **TEMPORARY SIGN:** Ground signs advertising future use or development of property with a sign area per face not exceeding one hundred (100) square feet, not remaining more than six months on the property on which it is located and not more than one sign per parcel of land and located not closer than one (l) foot from the right-of-way.

13. **TRAFFIC DIRECTIONAL SIGN:** Any sign which aids the flow of traffic.

14. **WALL SIGN:** Any sign or poster on any surface or plane that may be affixed to the front, side or rear wall of any building. Any sign on a window which exceeds more than twenty (20) percent of the window area is considered a wall sign.

2. SIGN REQUIREMENTS FOR PERMANENT SIGNS BY ZONE DISTRICT

The following sign regulations by districts are intended to include every district in DeSoto County. The districts are as defined by the zoning ordinance and official zoning map. Only permanently located signs described herein will be permitted in each particular district, except for public signs and City, State and Federal historic markers.

A. ***Agricultural District:*** This section shall apply to the district in the zoning ordinance known as the Agricultural District.

(1) Allowable Signs: Signs advertising activities conducted on the property, except for Home Occupations as provided for under Article V, Section 1, "B", 10 (c).

(2) Size: Signs shall not exceed one-hundred (100) square feet per face or a total of two hundred (200) square feet for all signs on the property.

(3) Location:

(a) Signs shall not be erected within one hundred (100) feet of road intersections.

(b) There shall not be more than one sign within each one hundred (100) lineal feet of highway frontage.

(c) Signs shall be located at least forty (40) feet from the centerline of any road and shall not exceed thirty-five (35) feet in height.

B. ***Residential Districts:*** This section shall apply to all districts designated by the zoning ordinance as Agricultural-Residential, Overlay, or Planned Unit Development.

(1) Allowable Signs:

(a) Ground mounted subdivision identification signs

(b) Signs for schools, churches, hospitals, nursing homes and day care centers

(2) Size

(a) Ground Mounted Subdivision Identification Sign. The actual subdivision name shall (letters and spaces between letters) be limited to twenty-five (25) square feet on one side and in no case shall the total subdivision name exceed fifty (50) square feet.

(b) Signs for schools, churches, hospitals, nursing homes and day care centers. The sign area for one face shall not exceed a total of thirty-five (35) square feet. In no case shall the total sign area exceed seventy five (75) square feet.

(3) Location:

(a) Ground mounted subdivision identification signs shall be set back a minimum ten (10) feet from the right-of-way. The setback requirement may be reduced by the Planning Commission providing the height of the sign does not exceed 3' - 0".

(b) Signs for schools, churches, hospitals, nursery homes and day care centers shall be located on the property and set back a minimum of one (1) foot from the right-of-way.

(4) Height:

(a) Ground Mounted Subdivision Identification Signs shall be a maximum of six (6) feet as measured from surrounding grade.

(b) All other signs shall not exceed fifteen (15) feet as measured from surrounding grade.

C. ***Office District (O) and Neighborhood Commercial District (C-1):*** This section shall apply to the districts in the zoning ordinance known as the Office and Neighborhood Commercial.

(1) Allowable Signs:

(a) Wall Signs

(b) Ground Mounted Signs

(c) Post signs

(d) Directories

(e) Temporary Signs

(2) Size:

(a) The maximum total sign area of a wall sign shall be fifty (50) square feet, or one (1) square foot for each lineal foot of building wall or lease space on which the sign is erected, whichever results in the smaller sign area.

(b) Ground Mounted Signs, post signs and directories shall not exceed fifty (50) square feet per face per street frontage and total sign area shall not exceed one hundred (100) square feet total for all faces.

(c) The total sign area allowed will not exceed 1 1/2 square feet per foot of lineal frontage, the frontage being determined by the principle entrance to the premises and on only one side of the lot.

(3) Location

(a) Wall signs shall not project more than twelve inches from the face of the building.

(b) Ground mounted, post and directory signs shall be set back a minimum of one (1) foot from the right-of-way.

(c) There shall not be more than one (1) ground mounted, directory or post sign per 100 feet. The separation of ground mounted, directory or post signs on adjoining lots shall include a minimum distance one-hundred (100) feet between signs. In instances where an individual property owner does not own sufficient land to meet the minimum separation distance between signs, one sign will be allowed on this property at a location as remote from existing signs as possible.

(4) Height: The height of all signs shall not exceed twenty (20) feet.

D. ***Commercial Districts:*** This section shall apply to all districts designated by the zoning ordinance as Highway Commercial (C-2), General Commercial (C-3), and Planned Commercial (C-4).

(1) Allowable Signs:

(a) Roof Signs
(b) Wall Signs
(c) Ground Mounted Signs
(d) Post Signs
(e) Marquee Signs
(f) Awning Signs
(g) Directories
(h) Bench Signs
(i) Projecting Signs
(j) Temporary Signs

(2) Size:

(a) The total square footage of all signs shall not exceed two (2) square feet per foot of lineal frontage, the frontage being determined by the principle entrance to the premises and on only one side of the lot. Double faced signs shall not be counted twice.
(b) Wall, roof, marquee and awning signs shall not exceed one hundred and twenty five (125) square feet. The maximum sign area for wall and roof signs may be increased one (1) square foot for each additional two (2) feet of building setback.
(c) Ground mounted signs, post signs, and directories shall not exceed one hundred (100) square feet.
(d) Bench signs shall not exceed twelve (12) square feet in area.
(e) Projecting signs shall not exceed fifteen (15) square feet in area.

(3) Location:

(a) Wall signs shall not extend beyond the surface of the building more than twelve (12) inches.
(b) Projecting signs shall not extend more than five (5) feet from the building into the front yard.
(c) Ground mounted, bench signs, directories and post signs shall be at least one (1) foot from the right-of-way.
(d) There shall not more than one ground mounted, bench sign, directory or post sign per 100 feet. The separation of ground mounted, post or directory signs on adjoining lots shall include minimum distance of one hundred (100) feet between signs. In instances where an individual property owner does not own sufficient land to meet the minimum separation distance between signs, one sign will be allowed on this property at a location as remote from existing signs as possible.
(e) Marquee signs may extend eight (8) feet into a front yard. A marquee shall not be less than eleven (11) feet above the ground at its lowest level. A sign may be placed upon a marquee provided such sign does not extend more than three (3)

feet above nor one foot below such marquee.

(4) Height:

(a) Projecting signs shall not be less than eight (8) feet in height from the pavement line.

(b) Maximum height not to exceed thirty-five (35) feet.

D. ***Industrial Districts:*** This section shall apply to all districts designated by the zoning ordinance as Light Industrial (M-1) and Heavy Industrial (M-2).

(1) Allowable Signs: All signs permitted under the "C" Commercial Districts.

(2) Size: No sign shall exceed four hundred (400) square feet in area.

(3) Location:

(a) Not more than one ground or post sign shall be erected for each five hundred (500) feet of highway frontage. However, not more than one off premises sign shall be erected for each one-quarter mile of road frontage.

(b) No ground mounted or post sign exceeding one hundred (100) square feet may be erected within six hundred sixty (660) feet of the intersection of two (2) state or federal highways.

(4) Height: Signs shall not exceed thirty-five (35) feet in height.

(5) Construction and Maintenance: All ground or post signs over 100 square feet in size shall be of single pole, steel construction.

3. EXEMPT SIGNS

The following types of signs are exempted from all the provisions of this Article and shall be allowed in addition to all other signs allowed by this article. Any signs which exceed the provisions of this section shall comply to the other sections of this Article.

1. Public Signs: Signs erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, danger signs, and traffic signs.

2. Historical Markers: Historical markers as recognized by Local, State, or Federal authorities.

3. Name plates mounted on buildings or mail boxes not exceeding one (1) square foot in size.

4. Traffic directional signs not exceeding four (4) square feet in size and located at least one (1) foot from the right-of-way.

5. Signs in or on windows not exceeding twenty (20) percent of the window area.

6. Advertising sale or lease of real estate - the sign area of one face shall not exceed twelve (12) square feet in the Agricultural District. In no case shall the total sign area of all signs on total project exceed twenty-five (25) square feet. In all other districts the sign area of one face shall not exceed eight (8) square feet. In no case shall the total sign area of all signs on the property exceed sixteen (16) square feet. Sign shall be located at

least one (1) foot from the right-of-way.

7. Political signs; provided however, that any such political signs shall not be allowed to be displayed prior to ninety (90) days before the primary, runoff, or general election, in which the candidate who displays the sign is running, and must be removed no later than seven (7) days following said primary, runoff, or general election. In addition, there is no size limitation to political signs and, in no event, shall political signs be located in a place that blocks or otherwise imperils public safety.

8. One portable sign per commercial establishment not exceeding eight (8) square feet and located at least one (1) foot from the right-of-way.

9. Signs for Home Occupations as allowed in Article V Section 1-B (10) (c).

4. ILLUMINATION

Illuminated signs shall adhere to the following provisions and restrictions in addition to those requirements stated in this Article.

(a) Signs shall not have blinking, flashing or other illuminating devices which change light intensity, brightness or color. Beacon lights are not permitted. Automatic changing signs displaying time, temperature, date or electronically controlled message centers are permitted.

(b) The light for or from any illuminated sign shall be so shaded, shielded or directed that the light intensity will not be objectionable to surrounding areas.

(c) No colored lights shall be use on any sign at-any location in any manner so as to be confused with or construed as traffic control devices.

(d) Neither direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

5. PROHIBITED SIGNS

The following types of signs are prohibited under this Article.

1. Portable signs are prohibited except as provided for in Paragraph 3.

2. Signs or devices which by color, location, or design resemble or conflict with traffic control signs or devices are prohibited.

3. Signs attached to, suspended from or painted on any vehicle which is regularly parked on any street or private property to display, demonstrate, advertise or attract the attention of the public.

4. Signs which contain pulsating lights or strobe lights.

6. INSPECTION, REMOVAL AND SAFETY

(a) All signs may be inspected periodically by the Building Official for compliance with this Article.

(b) All signs and components there of shall be kept in good repair and in safe, neat, clean, and attractive condition.

(c) The Building Official shall give written notice for the removal of any permanent sign erected or maintained in violation of this Article. Upon failure to comply with this notice, the Building Official shall take legal action to enforce compliance with this ordinance. The Building Official may remove a sign immediately and without notice if the sign presents an immediate threat to the safety of the public. Any sign removal shall be at the expense of the property owner.

7. PERMITS

All permanent signs permitted under this Article except those signs exempt in Section 3 of this Article shall require a permit which shall bc obtained prior to erection of the sign.

8. NONCONFORMING SIGNS

In instances where a sign is nonconforming to any of the requirements of this ordinance, such sign and any supporting structure other than a building may be allowed although such sign does not conform to the provisions hereof. No such nonconforming sign may be enlarged or altered in any way which increases its nonconformity. No sign which has been damaged 50 percent or more of its fair market value, shall be restored except in conformity with the regulations of this ordinance. However, any sign which is prohibited by this ordinance and was also prohibited by the previous DeSoto County Zoning Ordinance adopted April 16, 1973, shall be discontinued and removed.

9. ENFORCEMENT

(a) The DeSoto County Building Official is directed to enforce all of the provisions of this Article.

(b) Any person aggrieved by any interpretation or order of the Building Official may appeal to the Board of Adjustment. The Building Official shall take no further action on the matter pending the Board of Adjustment's decision, except for unsafe signs which present an immediate and serious danger to the public as provided in Section 6 of this Article.

ARTICLE XIII NONCONFORMING USES

It is the intent of this ordinance to permit nonconforming lots of record and nonconforming uses of land and structures to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

1. Nonconforming lots of record. In any district any use which is permitted may be allowed on any single lot of record at the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails 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 the 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 Adjustment.

2. Nonconforming use of land not enclosed by buildings. Where open land is being used for a nonconforming use, such use shall not be extended or enlarged either on the same or adjoining property.

3. Nonconforming use of buildings. Except as otherwise provided herein, the lawful use of a building existing at the effective date of this ordinance may be continued although such use does not conform to the provisions hereof. Expansion of non-conforming Uses as a Conditional use in each zone, with Conditional Use being regulated through the Board of Adjustment on a per case basis. If no structural alterations are made, a nonconforming use of a building may be hereafter extended throughout a building which was lawfully and manifestly arranged or designed for such use at the time of the enactment of the ordinance.

4. Discontinuance of nonconforming uses. No building or land or portion thereof used in whole or in part for a nonconforming use, which remains idle or unused 'for a continuous period of one year, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which it is located.

5. Destruction of a nonconforming use. No building which has been damaged by any cause whatsoever to the extent of more than 50 percent of the fair market value of the building immediately prior to damage, shall be restored except in conformity with the regulations of the ordinance, and all rights as a nonconforming use are terminated. If a building is damaged by less than 50 percent of the fair market value, it may be repaired or reconstructed to its original size and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within 12 months of the date of such damage.

6. Intermittent use. The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a non-conforming use and the existence of nonconforming use on a part of a lot or tract shall not be construed to establish a

nonconforming use on the entire lot or tract.

7. Existence of a nonconforming use. In cases, of doubt, and on specific questions raised, whether a nonconforming use exists shall be a question of fact and shall be decided by the Governing Authority after public notice and hearing and receipt of the report and recommendation of the Board of Adjustment.

8. Change of nonconforming use. If no alterations are made, any nonconforming use of a structure and premises, may be changed to another nonconforming use provided that the Board of Adjustment shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Such request shall follow the same administrative course as application for a conditional use.

9. Nonconforming uses not validated. A nonconforming use in violation of a provision of the ordinance which this repeals shall not be validated by the adoption of this ordinance.

ARTICLE XIV CONDITIONAL USES

Subject to the provisions of Sections 1 and 2 of this Article, the Board of Adjustment may by resolution grant a conditional use for the uses enumerated as conditional uses in any district as herein qualified and shall impose appropriate conditions and safeguards including a specified period of time for the use to protect the Comprehensive Plan and conserve and protect property and property values in the neighborhood.

1. Applications for conditional use for uses authorized by this ordinance shall be made to the Board of Adjustment. A public hearing shall be held, after giving at least 15 days notice of the hearing in an official paper specifying the time and place for said hearing. The Board of Adjustment will investigate all aspects of the application giving particular regard to whether such building use will: Substantially increase traffic hazards or congestion. Substantially increase fire hazards. Adversely affect the character of the neighborhood. Adversely affect the general welfare of the county. Overtax public utilities or community facilities. Be in conflict with the Comprehensive Plan. If the findings by the Board of Adjustment relative to the above subjects are that the county would benefit from the proposed use and the surrounding area would not be adversely affected, then such permits shall be granted.

2. Any proposed conditional use shall otherwise comply with all the regulations set forth in this ordinance for the district in which such use is located.

3. All applications for conditional use within one mile of another jurisdiction will be referred to the planning commission of the jurisdiction prior to final decision.

ARTICLE XV REQUIRED OFF-STREET PARKING AND LOADING

1. When any building or structure is hereafter erected, structurally altered, or converted for any of the uses listed below, the following off-street parking spaces shall be provided:

(a) For single-family dwellings, two spaces per dwelling unit; for multi-family dwellings, two spaces per dwelling unit.

(b) For cabins and camps, one space for each two beds, but not less than one space for each cabin or other habitable facility

(c) For places of public assembly, including auditoriums, theaters, and music auditoriums of churches, one space for each four seats provided.

(d) For schools, two spaces for each classroom, plus one for each 10 seats in the auditorium or gymnasium.

(e) For institutions, clubs, lodges, and other public and semi-public buildings, one space for each 300 square feet of floor area.

(f) For commercial uses:

1. Retail sales and services - 1 space per 200 square feet of gross floor area.
2. Office buildings, banks, business and professional services: 1 space per 300 square feet of gross floor area.
3. Commercial recreation facilities and restaurants: 1 space per 100 square feet of gross floor area.
4. Hotels and motels: 1 space per unit
5. Warehouses: 1 space per 1,000 square feet of gross floor area.

(g) For industrial uses, one space for each 1.3 employees of the maximum number employed on the premises at any one time or on the combined shifts,

2. The foregoing requirements are subject to the following general rules and exceptions:

(a) In the "R" District, no parking of motor vehicles shall be allowed in any front yard, except in a paved driveway.

(b) No major recreational equipment such as boats and boat trailers, travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, and the like, shall be parked or stored on any front yard in any "R" District except in a paved driveway.

(c) Junk vehicles, recreation equipment, and trailers of any kind or type without current inspection stickers shall not be parked or stored on any residentially zoned property other than incompletely enclosed buildings.

(d) No truck rated more than 1 ton, trailer (low-boy, flat bed or otherwise), tractor, or other machines or heavy equipment shall be parked in any AR or R zone in either the yard or at the street other than for service and delivery purposes.

(e) If the existing use of a building or structure shall be increased by the addition of dwelling units, gross floor area, seating capacity or any other measure to increase intensity of use, the provisions of this Article shall only apply to the extent of such increase in use.

(f) In computing the number of parking spaces required, the following rules shall govern:

1. Where fractional spaces result, the parking spaces required shall be the next largest whole number.
2. In the case of mixed use, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

3. Entrance and exit areas to the required in parking areas of industrial and commercial uses shall be of a hard surface, asphalt or concrete, to forty (40) feet from any existing paved road.

3. Offstreet loading space will be provided for all commercial and industrial uses and any other use requiring bulk pickup or delivery. Such off-street loading space will be scaled to the loading demand created by the use of the property and the size of the delivery vehicles used. In no instances will loading or unloading of vehicles be allowed in a public right-of-way or in space provided to meet off-street parking requirements. No building or part thereof heretofore erected, which is used for any of the purposes specified above, shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with the provisions of this Article.

ARTICLE XVI THE BOARD OF ADJUSTMENT

1. A Board of Adjustment is hereby created. The Board shall be appointed by the Governing Authority for a term of office concurrent with the term of office of the Governing Authority. Vacancies shall be filled for the unexpired term of any member.

2. The Board of Adjustment shall adopt rules for the conduct of its business, establish a quorum and procedures and keep a public record of all findings and decisions. Meetings of the Board shall be at the call of the Chairman and at such other times as the Board may determine. Each session of the Board of Adjustments at which appeal is heard shall be a public meeting.

3. The Board of Adjustment shall have the following powers and duties:

A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the building official in the enforcement of this ordinance. All appeals must be made in writing within 10 days of notice thereof.

B. To authorize upon appeal in special cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment 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 applicable to other lands, structures, or buildings in the same district.

(b) That literal interpretation of the provisions of this ordinance would deprive 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.

(2) A public hearing shall be held after giving at least 15 days notice of the hearings in an official newspaper specifying the time and place for said hearing.

(3) The Board of Adjustment shall make findings that the requirements of paragraph 1 above have been met by the applicant for a variance; that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and that the variance will be in harmony with the general purpose and intent of this ordinance. In granting a variance, the Board of Adjustment 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 under Article XIII, of this ordinance.

C. To hear and decide the following exceptions to this ordinance after public hearing as provided for in paragraph 3 b (2) above:

(1) To permit the extension of a district where the boundary line thereof divides a lot held by a single ownership at the time of adoption of this ordinance.

(2) Interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan as shown upon the Zoning District p where the street layout on the ground varies from the Street layout as shown on this Zoning District Map.

(3) Vary the parking regulations by not more than 50 percent where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by this ordinance. In the "C-3" District, parking regulations may be varied more than 50 percent where extreme and unusual hardship is shown.

D. To grant conditional use permits according to the provisions of Article XIV.

E. Any person or persons aggrieved by any decision of the Board of Adjustment may appeal within 10 days to the governing authority and the governing authority may affirm, reverse, remand or modify the decision as may be proper. Parties aggrieved by decisions of the governing authority may seek review by a Court of Record as provided by law.

ARTICLE XVII ADMINISTRATION

It shall be the duty of the person designated by the Governing Authority to administer and enforce the regulations contained herein.

1. It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, razing, or moving of any building or structure or any portion thereof without first having applied in writing to the Building Official for a building permit to do so and a building permit has been granted therefor. No building permit shall be required for alteration or repairs on the interior of any building where the use or occupancy is not changed as a result thereof. No building permit shall be required for erection, construction, reconstruction, conversion, alteration, enlargement, extension, razing, or moving a farm building or structure as herein defined except as may be required by the Flood Plain Management Ordinance. Prime responsibility for securing the necessary permits shall be the property owners. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person, or firm, hired to ensure that all required permits and approvals have been secured prior to any work being initiated.

2. Before a building permit is issued in any commercial or industrial district for any new structure or change in use, other than an accessory building or an addition to an existing building on the same lot, the owner or developer shall be required to improve one-half of any County road which the property adjoins in accordance with applicable County road standards for commercial and industrial developments. The width of the traveling surface will be dictated by the County Major Thoroughfare Plan and installation of curb and gutter and proper drainage structures will be required. If such improvements are not constructed prior to the issuance of the building permit, the owner shall be required to execute an agreement that the improvements will be constructed prior to a final inspection on the building.

3. Blank forms shall be provided by the Building Official for the use of those applying for permits as provided in this ordinance. Any permits issued by the Building Official shall be on standard forms for such purpose and furnished by the Governing Authority.

4. A careful record of all such applications, plans and permits shall be kept in the Office of the Building Official. Fees for the issuance of permits shall be established by the Governing Authority.

5. Any building permit under which no construction work has been commenced within six months after the date of issuance of said permit or under which proposed construction has not been completed within two years of the time of issuance shall expire by limitation. The Director of the DeSoto County Planning Commission shall have the authority to grant a reasonable extension of time for the expiration of said permit if the building is not started or completed within the required time.

6. Subsequent to the effective date of this ordinance, no change in the use or occupancy of land nor any change of use or occupancy in an existing building other than for single family dwelling purposes shall be made, nor shall any new building be occupied until a Certificate of Occupancy has been issued by the Building Official. Every Certificate of Occupancy shall state that the new occupancy complies with all provisions of this ordinance. No permit for excavation for or the erection or alteration of any building shall be issued before the application has been made and approved for a Certificate of Occupancy and no building or premises shall be occupied until such Certificate and permit is issued. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Official and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or a building affected by such Certificate of Occupancy. On new construction, the Final Inspection Report by the Building Official will serve as the Certificate of Occupancy, if such inspection indicated compliance with this ordinance.

7. In case any building or structure is erected, reconstructed altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the proper authorities in addition to other remedies may institute any appropriate action or proceedings 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, business, or use in or about such premises. Any person, firm or corporation who shall knowingly and willfully violate the terms, conditions, or provisions of this ordinance, for violation of which no other criminal penalty is prescribed, shall he guilty of misdemeanor and upon conviction therefore shall be sentenced to pay a fine of not to exceed $500.00 and incase of continuing violations without reasonable effort on the part of the defendant to correct the same each day the violation continues thereafter shall be a separate offense.

8. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the building official. He shall record properly such complaint, immediately investigate and take action thereon as provided by this ordinance.

ARTICLE XVIII AMENDMENTS

The Governing Authority shall have the authority to amend, supplement, change, modify, or repeal by ordinance the text or map of the Zoning Ordinance in accordance with the provisions of this Article.

1. Procedure: A proposed change of a district or of text may be initiated by the Planning Commission, Board of Supervisors, or by application of one or more owners of property within the area proposed to be changed.

A. The Governing Authority may propose amendments by forwarding its written proposal, which shall set forth the purpose and reason for such proposed amendment, to the Planning Commission for processing in accordance with the procedure set forth in this Article.

B. The Planning Commission may make written proposals for amendments which shall set forth the purpose and reason for such proposed amendment, and which shall be processed in accordance with the procedure set forth in this Article.

C. The owner or other person having a contractual interest in the property to be affected by a proposed amendment shall file an application with the Planning Commission, which application shall be accompanied by a non-refundable fee established from time to time by the Governing Authority.

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

(1) How the proposed amendment would conform to the Comprehensive Plan;

(2) Why the existing zone district classification of the property in question is inappropriate or improper.

(3) That major economic, physical, or social changes, if any, have occurred in the vicinity of the property in question that were not anticipated by the Comprehensive Plan and have substantially altered the basic character of the area, which make the proposed amendment to the Zoning District Map appropriate;

(a) List such changes

(b) Describe how said changes were not anticipated by the Comprehensive Plan

(c) Describe how said changes altered the basic character of the area

(d) Describe how said changes make the proposed amendment to the Zoning District Map appropriate.

E. Any proposed amendments, supplements, change, modification, or repeal shall be first submitted to the Planning Commission for its recommendations and report and the Planning Commission shall hold a public hearing thereon.

F. The Planning Commission shall make its recommendation on such request for any amendment, supplement, change, or modification, or repeal to the Governing Authority, and the Governing Authority shall proceed to hold a public hearing in relation thereto after giving 15 days notice of the hearings in an official newspaper specifying the time and place for said hearing.

G. The Governing Authority may refer the application back to the Planning Commission for additional study before final decision; however no notice other than for the first public hearing need be given.

H. All applications for zoning change within one mile of an incorporated municipality's boundaries will be referred to the Planning Commission of the adjoining jurisdiction for recommendation prior to final decision.

2. In case of an adverse report by the Commission or in case of a protest against such change signed by the owners of 20 percent or more either of the area of the lots included in such proposed change or of those immediately adjacent to the rear thereof, extending 160 feet from there from or of those directly opposite thereto, extending 160 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of 2/3 of the Governing Authority.

ARTICLE XIX SAVING CLAUSE

In the event any ARTICLE, Section, clause or provision of this ordinance is declared by the courts to be invalid, the same shall not effect the validity of these regulations as a whole or any part thereof other than the part so declared to be invalid.

ARTICLE XX REPEAL OF PRIOR ORDINANCE

The Zoning Regulations adopted by DeSoto County, Mississippi, recorded in Minute Book EE pages 305 through 368, and all amendments thereof, are repealed on the effective date of this ordinance. However, all applications and matters which have commenced under the January 5, 1983 ordinance shall be completed with decisions rendered under regulations set forth in this ordinance without the necessity of a new application therefor.

ARTICLE XXI EFFECTIVE DATE

All notices, hearings, and matters to be performed, having been completed, this ordinance shall take effect and be in force from and after the date of its final adoption. ORDERED AND DONE, this the 10th day of March 1994.

Paul L. Riley Sr., President,
Board of Supervisors of DeSoto County, Mississippi

W.E. Davis, Chancery Clerk,
DeSoto County, Mississippi