

# Zoning Ordinance

## *The City of Morton, Mississippi*



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**Date: September 5, 2019**

ZONING ORDINANCE  
OF  
MORTON, MISSISSIPPI

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## ZONING ORDINANCE FOR MORTON, MISSISSIPPI

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR MORTON, MISSISSIPPI, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH.

### PREAMBLE

WHEREAS, the Statutes of the State of Mississippi, Section 17-1-1 to 17-1-27, inclusive, of the **Mississippi Code of 1972**, annotated, as amended, empower Morton, Mississippi, to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, Section 17-1-9 of the **Mississippi Code of 1972**, annotated, as amended, states that “zoning regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements”; and

WHEREAS, Section 17-1-1 of the **Mississippi Code of 1972**, annotated, as amended, defines the term “comprehensive plan” as “a statement of public policy for the physical development of the entire municipality or county adopted by resolution of the governing body, consisting of the following elements at a minimum: (1) goals and objectives for the long-range (twenty to twenty-five years) development of the county or municipality; (2) a land use plan; (3) a transportation plan; and (4) a community facilities plan”; and

WHEREAS, Section 17-1-11 of the **Mississippi Code of 1972**, annotated, as amended, states that “the governing authority of each municipality and county may provide for the preparation, adoption, amendment, extension and carrying out of a comprehensive plan---;” and

WHEREAS, the Board of Aldermen have adopted by resolution a Comprehensive Plan, following public hearings relative to same; and

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

WHEREAS, the Board of Aldermen have given due public notice of a hearing relating to said zoning ordinance and map and have held a public hearing in accordance with the requirements of Section 17-1-15 of the **Mississippi Code of 1972**, annotated, as amended:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF MORTON, MISSISSIPPI, THAT THIS ORDINANCE SHALL GOVERN THE USE OF ALL LAND WITHIN THE BOUNDARIES OF MORTON, MISSISSIPPI.

## **ARTICLE I: TITLE AND PURPOSE**

### **Section 1 – Title**

This Ordinance shall be known as the “Official Zoning Ordinance of Morton, Mississippi” and may be so cited, and further reference elsewhere as “Zoning Ordinance” and herein as “the Ordinance” or “this Ordinance” shall imply the same wording as the full title.

### **Section 2 – Purpose**

The purpose of this Ordinance is to preserve and promote the public health, safety, morals, and general welfare of the citizens of Morton and of the public generally through the regulation of: the location, height, number of stories, size of buildings and other structures; the density and distribution of population, size of yards and other open spaces; and the use of buildings, structures, and land for commercial, industrial, residential and other purposes.

### **Section 3 – Interpretation**

In interpreting and applying this Ordinance, its provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not the intent of this Ordinance to interfere with, abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of building or premises, and likewise not in conflict with this Ordinance to interfere with, abrogate, or annul any easement, covenant, or other agreement between parties except wherein this Ordinance imposes a greater restriction, this Ordinance shall control.

### **Section 4 – Conflict**

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

### **Section 5 – Severability**

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



## ARTICLE II: DEFINITIONS AND WORDS

### Section 1 – Rules for Words and Phrases

For the purpose of this Ordinance, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word “shall” is mandatory and not directory; the word “may” is permissive; the word “used” includes “designed” and “intended or arranged to be used or occupied”; and the word “person” includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual.

### Section 2 – Definitions

For the purpose of this Ordinance certain words, phrases and terms used herein shall be interpreted as stated in this Article II. Any word, phrase or term not defined herein shall be defined by the Zoning Administrator, the interpretation based on its common and ordinary usage.

**Abandoned Vehicle:** A motor vehicle that is in a state of disrepair and/or incapable of being moved under its own power, regardless of whether or not it has a current license.

**Accessory Structure or Use:** Any detached structure or use which is subordinate or incidental to the main building or dominant use of the lot or premises, excluding driveways, sidewalks and fences.

**Adult Entertainment Use (or Activity or Establishment):** An adult bookstore, adult cabaret, adult motel, adult motion picture theater, or similar establishment which regularly features or depicts behavior which is characterized by the exposure of “specified anatomical areas” (as defined by this Ordinance), or where any employee, operator or owner exposes his/her “specified anatomical area” for viewing of patrons.

**Adult Bookstore:** An establishment which has as a substantial portion of its stock-in-trade and offers for sale for any form of consideration any one (1) or more of the following:

- A. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slide or other visual representations which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas,” or
- B. Instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities.”

**Adult Cabaret:** A nightclub, bar, restaurant, theater, or similar establishment which regularly features live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities,” or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of “specified anatomical areas” or by “specified sexual activities.”

**Adult Motel:** A motel or similar establishment which includes the word “adult” in any name it uses or otherwise advertises the presentation of adult material, offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of “specified anatomical areas” or by “specified sexual activities.”

**Adult Motion Picture Theater:** An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or other photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of “specified anatomical areas” or by “specified sexual activities.”

**Agriculture:** The raising or growing of crops, fowl, livestock, but not swine, in any A-1 zone providing such use does not constitute a nuisance or health hazard.

**Alley:** A public or private right-of-way primarily designed to serve as a secondary access to the sides or rear of those properties for which principal frontage is on some other street; alleys are intended to provide access for refuse collection, loading/unloading and for fire protection.

**Apartment:** A dwelling unit located in a multiple family structure for occupancy by one (1) family only, either rented or leased to the occupants. See also “Condominium.”

**Automobile Junk Area or Graveyard:** An open area other than a street, alley or place, used for the dismantling or wrecking of used automobiles or their parts.

**Arterial Street/Highway:** An arterial road or arterial thoroughfare is a high-capacity urban road. The primary function of an arterial road is to deliver traffic from collector roads between urban centers at the highest level of service possible. See “Street.”

**Assisted Living:** Assisted refers to a type of physical assistance rather than monetary assistance. In assisted living facilities, residents live independently in apartment or condominium style accommodation, and may be assisted by the provision of meals, housekeeping, security and social programs. Additional planned care, such as bathing, dressing and assistance with medication may also be provided.

**Bar:** A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.

**Basement:** A story wholly or partially underground. For the purpose of height regulation, a basement shall be counted as a story when more than one-half ( $\frac{1}{2}$ ) of its height is above the average grade level. See “Story”.

**Block:** A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the City Engineer shall determine the outline of the block.

**Board of Adjustment:** A governmental body established to hear appeals of decisions rendered by zoning administrators, interpret unclear provisions in the zoning ordinance and to decide on applications by landowners to permit buildings or land uses which vary from the zoning regulations.

**Boarding House (Lodging or Rooming House):** A building other than a hotel or motel, where, for compensation and by prearrangement for definite periods, meals and/or lodging are provided for three (3) or more but not exceeding twelve (12) persons (other than family members) on a weekly or monthly basis.

**Buffer Area:** An area so planned which acts as a buffer or separation area between two (2) or more uses or structures not compatible due to design, function, use or operation.

**Buildable Area:** That portion of a lot remaining after required yards have been provided.

**Building:** Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals, equipment, goods, or materials. The term “building” shall be construed as if followed by the words “or part thereof.”

**Building Height:** The vertical distance measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the roof.

**Building Official:** The individual designated by the Governing Authority to administer and enforce the specified duties of this Zoning Ordinance.

**Building Permit:** A permit issued by the City official designated by the Morton Board of Aldermen authorizing the construction, placement or structural alteration of a specific building on a specific lot.

**Building, Portable:** Any building that is portable in nature, without any wheels, and built on a chassis or frame designed and constructed to be used without a permanent foundation.

**Building Setback Line:** See “Setback Line.”

**Building Site:** A single parcel of land occupied or intended to be occupied by a building or structure and appropriate accessory buildings or uses.

**Building, Structural Alteration of:** Any change or rearrangement in the supporting members, including walls, beams, columns, or girders of a building.

**Business:** An operation, enterprise or entity offering services and/or products for sale or for the exchange of consideration as a means of livelihood or gain.

**Carport:** A roofed structure providing space for the parking or storage of motor vehicles and shall be open on at least two (2) sides.

**Cemetery:** Property used for the interring of the dead. All cemeteries are considered public/quasi-public facilities.

**Certificate of Occupancy:** A certificate issued by the City official designated by the Morton Building Official to ensure that new or altered buildings or structures are in conformance with the provisions of the Zoning Ordinance and any other Federal, State, and County laws (such as water, sewer, and other necessary infrastructure is in place) and to have a record on the point.

**Child Care Facility:** A place which provides shelter and personal care for six (6) or more children who are not related to the operator, whether such place be organized or operated for profit or not.

**Clustered Development:** A development pattern for residential subdivisions that permits a reduction in lot area, 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, allowing for greater flexibility of development.

**Collector Street:** A collector street is a low-to-moderate-capacity street which serves to move traffic from local streets to arterial roads. Unlike arterials, collector streets are designed to provide access to residential properties. See “Street.”

**Compatibility:** The characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict. Some elements affecting compatibility include: residential density; pedestrian or vehicular traffic generated; volume of goods handled; architectural cohesiveness; and such environmental effects such as noise, vibration, glare, air pollution, light pollution, or radiation.

**Comprehensive Plan:** In accordance with Section 17-1-1 of the **Mississippi Code of 1972**, Annotated, As Amended, “comprehensive plan” shall be defined as “a statement of public policy for the physical development of the entire municipality---adopted by resolution of the governing body, consisting of the following elements at a minimum: (I)Goals and Objectives---; (ii) a Land Use Plan---; (iii) a Transportation Plan---; and (iv) a Community Facilities Plan.

**Concealing Fence:** A fence, wall, live shrubbery or other material approved by the Planning Commission which visually prevents, on a perpetually maintained basis, an area so enclosed, from being viewed from the outside by a maximum of 20% visibility.

**Conditional Use (Special Exception):** A land use which would not generally be appropriate in a particular zoning district, but which, with certain restrictions or conditions, would in the judgment of the Board of Aldermen promote the public health, safety, morals, or general welfare of the City and would not adversely affect adjacent properties. A permit (building permit or change of use permit) granted by the Board of Aldermen for the initiation of a conditional use (with the necessary restrictions included) will not change the zoning of the property involved and will allow such use to continue as long as the specific use granted by the conditional use remains the same. Also referred to as a “Special Exception.”

**Condominium:** A condominium is that form of ownership of property under which units of improvements are subject to ownership by different owners and there is appurtenant to each unit as part thereof an undivided share of all real estate and designated common improvements. Condominium unit means the elements of a condominium which are not owned in common with the owners of other condominiums in the project. Condominium project means the entire parcel of real property divided, or to be divided into condominiums, including all structures therein.

**Conforming Use:** Any lawful use of a building or lot which complies with the provisions of this Zoning Ordinance.

**Convalescent Home (Rest Home or Nursing Home):** Those health facilities where persons are housed and furnished with meals and continuing nursing services for a fee.

**Convenience Store:** A store of not more than three thousand (3,000) square feet of retail sales area, not counting storage, which deals in grocery items of a convenience nature. Also, commonly referred to as a “drive-in” grocery store.

**Coverage:** That part of a lot covered by buildings.

**Density:** The intensity of land use and also the maximum intensity of use of a minimum lot or land area physically possible observing all yard, height, and lot or land area coverage provisions of this Zoning Ordinance, inclusive of any publicly dedicated rights-of-way.

**Development:** The improvement or use of land for purposes and activities governed by the Morton zoning ordinance, including, but not limited to, residential, commercial, industrial and/or manufacturing activities and uses.

**District:** Any section or sections of Morton for which regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are established by this Ordinance.

**Driveway:** A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

**Dwelling:** Any building, or portion thereof, or manufactured home, which is designed and used for human habitation.

**Dwelling, Single-Family:** A site-built residential building designed for occupancy by one (1) family. For the purposes of this ordinance, single-family dwelling does not refer to Mobile, Manufactured, Modular, Panelized or Pre-Cut homes.

**Dwelling, Two-Family (Duplex):** A residential building designed to be occupied by two (2) families living independently of each other.

**Dwelling, Multiple-Family:** Any residential building or portion thereof which is occupied by three (3) or more families living independently of each other. The term “multiple-family dwelling” shall be understood to include apartment houses or “complexes” and condominiums.

**Dwelling Unit:** A room or group of rooms occupied or intended to be occupied as separate living quarters.

**Dwelling, Zero Lot Line:** A detached single-family dwelling on a separate lot with open space setbacks on three (3) sides. In order to be considered a true “zero lot line dwelling” the dwelling must rest directly against a lot line on one (1) side of the lot; otherwise, it shall be considered a patio home.

**Easement:** A grant by the property owner to the public, a corporation or persons for the use of a strip of land for specific purposes.

**Engineer, City:** A person registered as a professional engineer in the State of Mississippi and so designated by the Mayor and Board of Aldermen.

**Factory Built Home:** A home produced prior to June 15, 1976 that is built entirely in a factory, transported to the site, and then installed on site. See “Mobile Home”.

**Family:** One (1) person living alone, or two (2) or more persons living together as a single, housekeeping unit, whether related to each other legally or not, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, dormitory or similar dwelling for group use.

**Flood Plain:** The relatively flat area or low lands adjoining the channel of a river, stream or watercourse or ocean, lake or other body of standing water, which has been or may be covered by flood water.

**Floodway:** The width on either side of a stream, river or drainage course designated by the Mayor and Board of Aldermen of the City of Morton as necessary to provide sufficient channel and capacity to drain storm waters flowing into it in a manner which will prevent extensive flooding or inundation of property located adjacent to the area so designated.

**Floor Area:** The sum of the gross horizontal area of all floors of a building, excluding all porches, balconies, garages or carports, measured from the interior face of the exterior walls, or from the centerline of a wall separating two (2) buildings.

**Food Truck (Mobile Food Preparation Vehicle or Transient Vendor):** A vehicle equipped with facilities for cooking and selling food or from which food is sold. The vehicle shall remain on wheels at all times.

**Frontage:** Property on one (1) side of a street measured along the line of the street, or in the case of a corner lot or “through lot,” the property on each street measured along the lines of both streets.

**Garage (Private):** The term “garage” shall mean a private garage, which is a portion of a main building enclosed on at least three (3) sides or accessory building enclosed on at least three (3) sides (i.e., detached from the main building) and used primarily for the storage of privately owned automobiles.

**Garage, Mechanical (Repair Shop):** A building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping of motor-driven vehicles and the storage of such vehicles; also include selling, renting, or leasing of motor-driven vehicles in conjunction with repair work.

**Garage, Storage:** A building or portion thereof, other than a private garage, used exclusively for the parking or storage of motor-driven vehicles, with no other facilities provided except facilities for washing. Also referred to as a parking garage.

**Gasoline Service Station:** Any area of land, including the structures thereon, that is primarily used for the retail sale of gasoline, diesel fuel, oil or automobile accessories and incidental services

including facilities for lubricating, washing (either automatic or by hand) and cleaning, or otherwise servicing automobiles and light trucks. This term does not include the painting or major repair of vehicles.

**Governing Authority:** The Mayor and the Board of Aldermen of Morton, Mississippi.

**Grandfather Clause:** The section of the zoning ordinance which allows existing non-conforming uses, buildings, structures, and lots to continue until they are removed by any means.

**Group Housing Project:** A group of one (1) family, two (2) family, or multiple dwellings arranged on land not subdivided into customary streets and lots.

**Hardship (Dimensional):** Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the area, the strict application of these regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship on the owner of such property.

**Hardship (Economic):** Circumstance whereby the property owner or a family member of said property owner may require temporary housing because of health concerns, natural disaster, or other various situations that may arise.

**Home Garden:** An area on a lot with an occupied dwelling unit in which the plants or crops are cultivated for home consumption.

**Home Occupation:** Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit or an accessory building.

**Hospital:** A public or quasi-public institution where sick or injured persons are given medical care and in the course of same are housed overnight, fed and provided nursing and related services.

**Hospital, Veterinary:** A facility where sick or injured animals are given medical or surgical care and, in the course of same, may be housed overnight, fed, and provided related services.

**Hotel or Motel:** A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which at least a portion of the rooms are directly accessible from a public or private right-of-way, from a parking lot for a space or from the exterior of the building. As such, it is open to the public in contradiction to a boarding house or apartment.



**Independent Living:** Residents of independent living facilities are totally independent. However, limited services may be provided on an as-needed basis.

**Junk:** Scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobile or airplane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

**Kennel:** A facility other than a residence, where four (4) or more dogs or cats, or a combination thereof, are boarded, whether by the owners of the animals or other persons, with or without compensation. A kennel shall be considered a commercial use.

**Landscaping:** The addition of lawns, trees, plants, and other natural or decorative features to land, including lakes and watercourses. Landscape treatment can include walks or patios.

**Lot:** A contiguous piece of land at least sufficient size to meet the minimum requirements for use, coverage, and area and to provide such yards and other open spaces as specified in the Zoning Ordinance of Morton, Mississippi.

**Lot Area:** The total area of a lot included within the boundary lines of a lot.

**Lot, Corner:** A lot abutting upon two (2) or more streets at their intersections.

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

**Lot, Double Frontage:** A lot which runs through a block from street to street (i.e., has frontage on more than one (1) street); double frontage lots are also called “through lots.”

**Lot Frontage:** The front of a lot shall be construed to be that dimension of a lot abutting on a street. For the purpose of determining yard requirements on corner lots or double frontage lots, all sides of such lots abutting on public streets shall be considered lot frontage, and yards shall be provided as indicated in this Ordinance.

**Lot, Interior:** A lot other than a corner lot.

**Lot Lines:** The lines bounding a lot as such parcel of land is defined herein.

**Lot of Record:** A lot which is a part of a subdivision, the map of which is recorded in the office of the City Clerk of Morton, Mississippi, or a lot described by metes and bounds, the description of which has been recorded in said office.

**Lot Width:** The distance from side of lot to side of lot measured at the front minimum building setback line.

**Manufactured Home:** These are homes built entirely in a factory under a Federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (the HUD Code) went into effect June 15, 1976. Manufactured homes may be single or multi-section and are transported to a site and installed. See “Factory-Built Home”.

**Manufactured Home Subdivision:** The development of a tract or parcel of land into a division of three (3) or more parcels or lots, for the purpose of transfer of ownership and subsequent structure construction of manufactured housing on the lots, whether or not roads or utilities are involved, and regardless of whether all proposed lots front an existing public road. Must be constructed in accordance with the City’s Subdivision Regulations.

**Manufactured Home Lot, Stand or Pad:** The area for locating a single manufactured home and the exclusive use of its occupant. Also can refer to the paved runners or paved parking area in each manufactured home space upon which the manufactured home is placed.

**Mixed Use Development:** Development that blends residential, commercial and retail uses, where those functions are physically and functionally integrated, and generally provide pedestrian connections.

**Mobile Home:** This is the term used for factory-built homes produced prior to June 15, 1976. Such homes shall be considered Factory Built Homes for the purpose of this Ordinance and are not allowed in any zoning district. Mobile homes are not allowed.

**Mobile Home Park:** A site or parcel of land under single management that has been planned and improved for the rental or lease of lots for one or more mobile homes and the provision of services for mobile homes for transient and/or non-transient use. Mobile home parks are not allowed.

**Modular Homes:** Factory assembled movable dwelling, other than a single-wide or double-wide manufactures home, designed and constructed by components to be transported by flatbed truck, built with a pitched, shingled roof, intended for permanent occupancy, with the necessary service connection for required utilities. Dwelling shall be certified by its manufacturer as being constructed in accordance with national recognized building code such as the International Building Code. Modular homes shall be designated as real estate by the Tax Assessor’s Office.

**Neighborhood Character:** An amalgam of various elements that give neighborhoods their distinct “personality.” These elements may include: land use, urban design, visual resources, historical resources, socioeconomics, traffic, and/or noise.

**Nonconforming Use, Building or Yard:** Any land, lot, building, structure or parts thereof existing prior to the enactment of this Ordinance, which subsequent to the enactment of this Ordinance or amendment thereto, does not conform with the use regulations and/or dimensional regulations of the district in which it is situated, and/or does not comply with any other requirements herein.

**Office Park:** A development on a tract of land, either subdivided or on a single large lot, containing a number of separate office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis.

**Open Space or “Common Open Space”:** A parcel or parcels of land not occupied by dwellings or residential structures, accessory structures and yards, which may consist of jogging trails, tennis courts, a golf course, swimming pool, parks, playgrounds, associated recreational buildings and other such uses as approved by the Board of Aldermen, and which is permanently maintained in a suitable state for the shared enjoyment by the owners and/or occupants of individual dwelling units or residential structures within a particular development (such as a clustered development, conventional residential subdivision, an apartment complex, or a Planned Unit Development).

**Outdoor Storage:** A depository or place for storing goods related to the establishment on the same premises and not located within a building.

**Parcel:** A contiguous quantity of land recorded as property owned by an individual or entity, often synonymous with lot.

**Parking Area, Public:** An open area other than a street, alley or place, used for the temporary parking of more than four (4) self-propelled vehicles and available for public use whether free, for compensation or as an accommodation for clients or customers.

**Parking Space:** For the purposes of this Ordinance, the term “parking space” shall refer only to parking places not located on a public street. Each parking space shall be sufficient in size to store one (1) full-size automobile.

**Planned Unit Development (PUD):** An area of a minimum contiguous size, as specified by this Ordinance, to be planned and developed as a single entity containing one (1) or more residential clusters and in which land not used for residential structures or yards but required by the basic zoning of the site shall be reserved collectively in contiguous units accessible to all building sites in the development as open space for the purpose of providing recreational facilities and pedestrian circulation. Residential family dwellings, commercial development or public/quasi-public facilities or utilities may only be permitted in a Planned Unit Development if a Development Plan is submitted and appropriate rezoning (or a Conditional Use for public/quasi-public uses) is approved by the Board of Aldermen.

**Planning Commission:** The Planning Commission of Morton, Mississippi.

**Plat, Preliminary:** A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

**Plat, Final:** A map of subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearing and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land.

**Premise:** Any lot or unplatted tract, or any combination of contiguous lots or unplatted tracts held under single ownership.

**Principal Structure or Use:** The main building(s) or dominant use(s) of a lot.

**Property Line:** The legal boundary line separating buildings or tracts in different ownership.

**Public Uses:** Any land use operated by or through a unit or level of government, either through lease or ownership; such as municipal administration, county buildings, state offices and federal uses such as post offices and other departmental offices.

**Recreational Vehicle (RV):** A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**Right-of-Way:** A grant by the property owner, usually in the form of a dedication to the public, of a strip or strips of land to be used primarily for transportation passage over the land.

**Screening:** The method by which a view of one (1) site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms or other features. Sometimes used in conjunction with a buffer yard.

**Setback:** The area between the street right-of-way line and the building setback line.

**Setback Line or Building Setback Line:** A line delineating the minimum allowable distance between the street right-of-way and the front of a structure within which no building or other structure shall be placed. The minimum distance is prescribed by this Ordinance. The building setback line is parallel to or concentric with the street right-of-way line.

**Shopping Center:** A group, consisting of three (3) or more commercial establishments, planned, developed and managed as a unit, with adequate off-street parking facilities provided on the property and related in its location, size, and type of stores to the trade area or neighborhood which the unit serves.

**Sidewalk:** The portions of a street, paved or otherwise surfaced, intended for pedestrian use only.

**Sign:** Any structure or device maintained outside of enclosed buildings for the purpose of advertising, displaying or informing, including posters, pictures, billboards, bulletin boards, banners, etc.

**Billboard:** An off-premise sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.

**Business Sign (On-Premise):** Signs advertising activities, products and accommodations conducted or sold on the property upon which the signs are located.

**Free Standing Sign:** A sign separate and apart from the main structure on the premise and stands on its own whether fixed directly to the ground or mounted on supports.

**Internally Illuminated Sign:** Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source.

**Mobile Sign:** A sign designed to be temporary in nature and capable of being transported to various locations, and not exceeding thirty-two (32) square feet and eight (8) feet in height.

**Off-Premise Sign:** A sign which relates in its subject matter to products, accommodations, services or activities which are available or conducted at locations other than on the premises where the sign is located.

**Outdoor Advertising Sign:** A sign, including the supporting sign structure, which directs the attention of the general public to a business, service, or activity not conducted, or a product not offered or sold upon the premises where such sign is located.

**Political Sign:** Means any type of non-premise sign which refers only to the issues or candidate involved in a political election.

**Projecting Sign:** A sign which is attached perpendicular or at an angle to a building wall and extending outward more than twelve (12) inches from the wall.

**Roof Sign:** Any sign or outdoor advertising device attached to the roof of a building.

**Wall Sign:** A sign painted or otherwise placed flat (within twelve (12) inches) of a building wall surface.

**Sign Area:** The entire width within a single, continuous perimeter enclosing the outer dimensions of the actual message area. It does not include decorative trim, customary extensions or embellishments nor any structural elements not forming an integral part of the display.

**Sign Support:** Any pole, post, strut, or other structural fixture necessary to hold and secure a sign, providing that said fixture or framework is not imprinted with any picture, symbol or word using characters in excess of one (1) inch in height, nor is internally or decoratively illuminated.

**Site Plan:** A drawing indicating the location of existing and proposed buildings or other structures, and, where required by this Ordinance, landscaping and planting screens and points of access/egress and driveways on a single lot. A “site plan” differs from a “subdivision plat” in that a subdivision plat reflects certain required information for three (3) or more lots.

**Spot Zoning:** The improper zoning or rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses. While such spot zoning may not be illegal per se, it is generally regarded as an improper practice.

**Stable, Private:** An accessory building for the keeping of horses, or mules owned by the occupants of the premises and not kept for remuneration, hire or sale.

**Stable, Public:** A stable other than a private stable.

**Story:** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. For the purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average grade elevation, or when the basement is used for commercial activities.

**Street:** A way for vehicular traffic, whether designated a street, highway, thoroughfare, parkway, thoroughway road, roadway, avenue, boulevard, land, place or however otherwise designated.

**Street, Major:** A street which provides easy access to the various traffic generators within the City and to the arterial highway system.

**Street, Minor:** A street which is used primarily for access to the abutting properties.

**Structure:** Anything constructed or erected, the use of which requires a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences, and billboards, but shall not include “Travel Trailers” as defined herein. The term structure shall be construed as if followed by the words “or part thereof.” The term “structure” is not intended to include driveways, patios, parking lots, or utilities (i.e., utility lines running to a structure).

**Subdivider:** Any person, firm, partnership, corporation or other entity acting as a unit, who, having an interest in land, causes it, directly or indirectly, to be divided into a subdivision.

**Subdivision:** The development of a tract or parcel of land into a division of three (3) or more parcels or lots, for the purpose of transfer of ownership and subsequent structure construction of any size or nature on the lots, whether or not roads or utilities are involved, and regardless of whether all proposed lots front an existing public road.

**Subdivision Lot:** A distinct parcel of land depicted in a subdivision plat restricted to the placement of a single residential dwelling structure.

**Substantial Improvement:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either before the improvement is started, or before the damage occurred. Substantial improvement is started when the first alterations of any structural part of the building commences.

**Townhouse:** A single-family dwelling constructed in a series or group of attached units with property lines separating each unit.

**Travel Trailer or Camper:** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet.

**Truck Stop:** Any area of land, including the structures thereon, that is used for the servicing of heavy trucks (i.e., tractor-trailer combinations designed for transporting large cargoes), and which may offer food and beverages in addition to lodging.

**Undeveloped Lot:** A vacant lot or parcel of land.

**Use:** The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” shall not be deemed to include any nonconforming use.

**Utility:** A commodity or service which is of public consequence and need, such as electricity, gas, sewer, water, transportation, or telephone or telegraph service.

**Vape (or Electronic Cigarette) Shop:** A shop selling electronic cigarettes, personal vaporizers, electronic nicotine delivery systems or other vaping products.

**Variance:** 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 the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. Establishment or expansion of a use not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining district.

**Yard:** The required open space between any main building or portion thereof and the adjoining lot lines, which shall remain unoccupied and unobstructed by any portion of a structure, except as otherwise specifically provided herein. In measuring a lot for the purpose of determining the minimum front, side or rear yard, the shortest horizontal distance between the lot line and the nearest vertical structure shall be used.

**Yard, Front:** The required unoccupied and unobstructed space on the same lot with a main building, extending the full width of the lot, and situated between the front property line and the nearest vertical portion of the main building.

**Yard, Rear:** The required unoccupied and unobstructed space on the same lot with a main building, situated between the rear property line and the nearest vertical portion of the main building, and extending the full width of the lot.

**Yard, Side:** The required unoccupied and unobstructed space on the same lot with a main building, situated between the side property line and the nearest vertical portion of the main building.

**Zoning Administrator:** The official charged by the Board of Aldermen with the administration and enforcement of this Zoning Ordinance, or their duly authorized representative.



## ARTICLE III: DISTRICTS

### **Section 1 – Zoning Districts**

In order to regulate and restrict the location of trades and industries and the location of buildings erected, reconstructed, altered or enlarged for specified uses, to regulate and limit the height and bulk of buildings hereafter erected, reconstructed, altered or enlarged; to regulate and determine the area of yards and other open spaces and to regulate and limit the density of population, the City of Morton is hereby divided into districts of which there shall be ten (10) as follows:

- A-1 General Agricultural District
- R-1 Single-Family Residential District
- R-2 Two-Family Residential District
- R-3 Multi-Family Residential District
- C-1 Neighborhood Commercial District
- C-2 Central Business District
- C-3 Highway Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- F-1 Flood Plain district

The order of classification shall be as enumerated above with the F-1 Flood Plain District being the most restrictive and the I-2 Heavy Industrial District the least restrictive classification.

The districts aforesaid and the boundaries of such districts are shown upon the map attached hereto and made a part of this Ordinance, being designated as the "Official Zoning Map" and said maps and all the notations, references and other information shown thereon shall be as much a part of this Ordinance as if the matters and information set forth by said map were all fully described herein, except as hereinafter provided:

No building shall be erected, reconstructed, altered or enlarged nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located.

No building shall be erected, reconstructed, altered or enlarged to exceed the height or bulk limit herein established for the district in which such building is located.

No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations herein established.

No building permit shall be issued by the City for the construction or placing of, and no person shall construct or place, any dwelling, structure or edifice, designed or usable as a dwelling place, on any lot, tract or parcel of land unless the lot, tract or parcel of land upon which each such structure is to be located, or is located, has been defined, delineated or described by a map or plat

filed for record in the Deed Records of the County; provided, that this Ordinance shall not prohibit the issuance of a building permit for the construction or placing of any single structure, designed or usable as a dwelling, located on any tract of land set apart, delineated or defined by a metes and bounds description and recorded in the Deed Records of the County prior to May 16, 1995, and/or shown on a plat, giving an accurate location of such tract relative to any existing recorded addition or subdivision, when the only structure (with its permitted appurtenances) is located or, to be located thereon, faces or fronts upon a legally established public or private thoroughfare.

No building permit shall be issued by the City for the erection or placing of any dwelling on a lot, the width or street frontage of which has been decreased from the width or street frontage as originally platted or as replatted and recorded in the Deed Records of the County, nor shall a building permit be issued for the erection or placing of any dwelling on the rear yard of any lot situated in Districts R-1, R-2, or R-3. In other words, only one (1) dwelling per lot will be permitted.

A building permit may be issued by the City or its agent for the construction or placing of a dwelling on a lot or tract of land composed of portions of two (2) or more lots as same appear upon the map thereof as recorded in the Deed Records of the County, only one-fourth ( $\frac{1}{4}$ ) then such lot or tract has a street frontage of not less than the street frontage of any lot in the same block.

No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other building; provided further that no yard or open space on an adjoining property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.

Every building hereafter erected shall be located on a lot as herein defined and shall meet all yard and density requirements of this Ordinance.

## **Section 2 – Rules for Interpretation of District Boundaries**

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

1. Boundaries indicated as approximately following the center lines of roads, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
4. Where the boundary of a district follows a railroad right-of-way, such boundary shall be deemed to be located on the right-of-way line to which it is closest, which shall completely include or exclude the railroad easement unless otherwise designated.
5. Boundaries indicated as approximately following shore lines shall be construed to follow such shore lines, and in the event of a natural change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Aldermen shall interpret the district boundaries.
8. Where a district boundary line divides a lot which was in a single ownership at the time of passage or amendment of this Ordinance, the Board of Aldermen may permit, as a conditional use, the extension of the district line into the remaining portion of the lot.

## ARTICLE IV: SPECIFIC DISTRICT REGULATIONS

### **Section 1. A-1 General Agricultural Districts**

#### 1.1 General Description

This district shall provide an area for agricultural and horticultural uses. The rural nature and low density of population in this district requires only that uses essential to agriculture and horticulture have a reasonable setback of buildings from dedicated streets and/or highways. It is the purpose of this district to encourage and protect such uses from urbanization until such is warranted and the appropriate change in district classification is made.

#### 1.2 Uses Permitted

- (1) Cultivation of field and truck crops, orchards and vineyards.
- (2) Pasturing and grazing.
- (3) Dairies, small animals and livestock (excluding swine and poultry) provided that no more than one (1) domestic animal unit for each twenty thousand (20,000) square feet of lot will be permitted.
- (4) Greenhouses, nurseries and landscape gardening.
- (5) Barns, silos, sheds, warehouses and cooling houses for storage, grading, packing and processing of farm produce produced on the premises other than commercial slaughtering or processing of animals.
- (6) One (1) family detached dwellings, and their customary accessory uses.

#### 1.3 Uses Permitted By Conditional Use as Provided in Article XI, Sections 6 & 7

- (1) Boat moorage, golf courses, parks, playgrounds, and wildlife refuges.
- (2) Public buildings and other uses such as schools, churches, parks, land filling operations, sanitary fill operations and public utility structures, when their location does not obstruct waterways and is approved by the City Engineer.
- (3) Excavating, processing and removal of topsoil, sand, gravel, rock or similar natural deposits.
- (4) Kennels and animal hospitals, public and private stables, riding academies.
- (5) Airport and landing field.
- (6) Cemetery.
- (7) Country Club.
- (8) Outdoor advertising signs.
- (9) Other uses primarily for either agricultural endeavors or the extraction of various products from the earth.
- (10) Manufactured home (as required in Article IV, Sections 4.5 & 4.6).

#### 1.4 Area and Setback Regulations

##### Yards

Front: setback a minimum of twenty-five (25) feet.

Rear: setback a minimum of twenty-five (25) feet.

Side: setback a minimum of ten (10) feet, provided that any permitted pen or building in which livestock is kept shall be located not less than one hundred (100) feet from any lot line.

##### Lot Area

Each one (1) family dwelling in the A-1 District, together with its accessory buildings, hereafter erected, shall be located on a parcel having an area of not less than one (1) acre and shall front on a dedicated public street. However, nothing in this Ordinance shall prevent the erection of one (1) family dwelling, or the use of the land for agricultural purposes on any tract of one (1) acre or less, which was in existence on the date of passage of this Ordinance, provided that all buildings erected on such lots shall meet all of the other requirements of this or any other applicable ordinances.

##### Height Regulations

No building shall exceed forty-five (45) feet in height, and accessory buildings shall not exceed twenty (20) feet, measured from finished grade. No building shall be more than two and one-half (2 ½) stories, and accessory buildings shall not be more than two (2) stories. Barns, silos, or other farm structures which require greater height in order to function properly are expressly exempt from this height restriction where such structure is located a distance of one hundred (100) feet from any lot line.

##### Accessory Buildings

Not to exceed one (1) story in height nor be located in front yard, nor less than the distance required for the main building from any side lot line provided that if the accessory building is located within the rear yard, no clearance from a side line will be required. In the R-1 and R-2 Districts the utility services to accessory buildings shall be metered through the same meters as those serving the main building on the premises. The area of accessory buildings shall not exceed fifty (50) percent of the area in the main building. An accessory building may be constructed as a part of the main building, in which case the regulations controlling the main building shall apply.

## **Section 2. R-1 Single-Family Residential District**

### 2.1 General Description

This is the most restrictive residential district. The principal use of land is for single-family dwellings and with special permission related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationships of each element.

### 2.2 Uses Permitted

- (1) Single-family dwelling, excluding manufactured homes.
- (2) Accessory building located on same lot.
- (3) Church.
- (4) Park and playground.
- (5) Home gardens

### 2.3 Uses Permitted By Conditional Use as Provided in Article XI, Sections 6 & 7

- (1) Manufactured home (as required in Article IV, Sections 4.5 & 4.6).
- (2) Golf course, not including commercial miniature courses or driving range.
- (3) Art gallery or museum (public).
- (4) Telephone exchange, but not to include administrative office, shop, or garage.
- (5) School, public or private, offering general educational courses.
- (6) College or university, not to include business or commercial college.
- (7) Library (public).
- (8) Public use, including utilities.
- (9) Sign or bulletin board, unlighted, not to exceed twelve (12) square feet in area pertaining to the lease, hire, or sale of property, buildings or structures, which bulletin board or sign shall be moved as soon as the property, building or structure has been leased, hired, or sold.

### 2.4 Area and Setback Regulations

#### Yards

Front: Setback a minimum of not less than twenty-five (25) feet.

Rear: Setback a minimum depth of not less than twenty-five (25) percent of the depth of the lot, provided such yard need not exceed twenty-five (25) feet.

**Side:** On interior lots of fifty (50) feet or less in width, there shall be a side yard on each side of a building of not less than five (5) feet. For lots of more than fifty (50) feet in width, either of the side yards may be five (5) feet, and the sum of the side yards shall be twenty (20) percent of the lot width, but not to exceed twenty (20) feet in width. On corner lots the side yard regulation shall be the same as for interior lots except in the case of reversed frontage where the corner lot rears on the side of a lot facing the other intersecting street. In this case, there shall be a side yard on the corner lot of not less than fifty (50) percent of the front yard required on the lot abutting the rear of the corner lot or separated only by an alley. No accessory buildings on a said corner lot shall project beyond the front yard line of the lots in the rear, nor shall a building be erected, reconstructed, altered or enlarged, closer than five (5) feet to such rear line.

#### Lot Width

A minimum of seventy (70) feet at building setback line.

#### Lot Area

A minimum ten thousand (10,000) square feet.

#### Height Regulation

No building shall exceed thirty-five (35) feet in height.

#### Accessory Buildings

Not to exceed one (1) story in height nor be located in front yard, nor less than the distance required for the main building from any side lot line provided that if the accessory building is located within the rear yard, no clearance from a side line will be required. In the R-1 and R-2 Districts the utility services to accessory buildings shall be metered through the same meters as those serving the main building on the premises. The area of accessory buildings shall not exceed fifty (50) percent of the area in the main building. An accessory building may be constructed as a part of the main building, in which case the regulations controlling the main building shall apply.

#### Home Gardens

Home gardens shall not be operated in a front or side yard and must be at least twenty-five (25) feet from the primary structure on the lot.

## **Section 3. R-2 Two-Family Residential District**

### 3.1 General Description

This is a residential district to provide for medium population density. The principal use of land may range from single-family to two-family dwelling units.

### 3.2 Uses Permitted

- (1) Two-family dwelling.
- (2) Zero lot line dwelling
- (3) Any use permitted in an R-1 Residential District, but subject to the requirements thereof, including manufactured/mobile homes which qualify as hardship cases.

### 3.3 Uses Permitted By Conditional Use as Provided in Article XI, Sections 6 & 7

- (1) Any use permitted by conditional use in the R-1 Single-Family dwelling district, but subject to the requirements thereof.

### 3.4 Area and Setback Regulations

#### Yards

Front: Setback a minimum of not less than twenty-five (25) feet.

Rear: Setback a minimum depth of not less than twenty-five (25) percent of the depth of the lot, provided such yard need not exceed twenty-five (25) feet.

Side: On interior lots of fifty (50) feet or less in width, there shall be a side yard on each side of a building of not less than five (5) feet. For lots of more than fifty (50) feet in width, either of the side yards may be five (5) feet, and the sum of the side yards shall be twenty (20) percent of the lot width, but not to exceed twenty (20) feet in width. On corner lots the side yard regulation shall be the same as for interior lots except in the case of reversed frontage where the corner lot rears on the side of a lot facing the other intersecting street. In this case, there shall be a side yard on the corner lot of not less than fifty (50) percent of the front yard required on the lot abutting the rear of the corner lot or separated only by an alley. No accessory buildings on a said corner lot shall project beyond the front yard line of the lots in the rear, nor shall a building be erected, reconstructed, altered or enlarged, closer than five (5) feet to such rear line.

Zero lot line: In zero lot line lots there shall be no minimum on one (1) side and ten (10) feet on the opposite side. However, in no case shall a zero lot line dwelling be built closer than ten (10) feet to the lot line of a lot which is zoned as R-1. On corner lot, same as the front, rear and side regulations above.



### Lot Width

Single-Family: A minimum of seventy (70) feet at building setback line.

Two-Family: A minimum of seventy-five (75) feet at the front building setback line.

Zero lot line: The minimum lot width shall be forty (40) feet.

### Lot Area

Single-Family: A minimum of five thousand (5,000) square feet.

Two-Family: A minimum of four thousand (4,000) square feet/family.

Zero Lot Line: A minimum of four thousand (4,000) square feet/family.

### Height Regulations

Single-Family: No building shall exceed thirty-five (35) feet in height.

Two-Family: No building shall exceed thirty-five (35) feet in height.

Zero Lot Line: No building shall exceed thirty-five (35) feet in height.

### Accessory Buildings

Not to exceed one (1) story in height nor be located in front yard, nor less than the distance required for the main building from any side lot line provided that if the accessory building is located within the rear yard, no clearance from a side line will be required. In the R-1 and R-2 Districts the utility services to accessory buildings shall be metered through the same meters as those serving the main building on the premises. The area of accessory buildings shall not exceed fifty (50) percent of the area in the main building. An accessory building may be constructed as a part of the main building, in which case the regulations controlling the main building shall apply.

### Home Gardens

Home gardens shall not be operated in a front or side yard and must be at least twenty-five (25) feet from the primary structure on the lot.

## **Section 4. R-3 Multi-Family Residential District**

### 4.1 General Description

This is a residential district to provide for medium and high population density. The principal use of land may range from single or two-family dwelling units to multi-family and garden apartment uses.

Certain uses which are more compatible functionally with intensive residential uses than with commercial uses are permitted.

### 4.2 Uses Permitted

- (1) Any use permitted in R-2 residential district, but subject to the requirements thereof.
- (2) Manufactured home (as required in Article IV, Sections 4.5 & 4.6).
- (3) Manufactured home subdivision.
- (4) Multiple-family dwelling.
- (5) Town Houses.
- (6) Modular Homes.
- (7) Private nursery, day school, kindergarten and child care centers.

### 4.3 Uses Permitted By Conditional Use as Provided in Article XI, Sections 6 & 7

- (1) Any use permitted by conditional use in the R-2 Residential District, but subject to the requirements thereof.
- (2) Rooming and boarding house.
- (3) Private clubs, fraternities, sororities and lodges, excluding those the chief activity of which is a service customarily carried on as a business.
- (4) Medical and dental facility.
- (5) Nursing home.

### 4.4 Area and Setback Regulations

#### Yards for Single-Family, Two-Family, and Multi-Family Dwelling Units

Front: Setback a minimum of not less than twenty-five (25) feet.

Rear: Setback a minimum depth of not less than twenty-five (25) percent of the depth of the lot, provided such yard need not exceed twenty-five (25) feet.

Side: On interior lots of fifty (50) feet or less in width, there shall be a side yard on each side of a building of not less than five (5) feet. For lots of more than fifty (50) feet in width, either of the side yards may be five (5) feet, and the sum of the side yards shall be twenty (20) percent

of the lot width, but not to exceed twenty (20) feet in width. On corner lots the side yard regulation shall be the same as for interior lots except in the case of reversed frontage where the corner lot rears on the side of a lot facing the other intersecting street. In this case, there shall be a side yard on the corner lot of not less than fifty (50) percent of the front yard required on the lot abutting the rear of the corner lot or separated only by an alley. No accessory buildings on a said corner lot shall project beyond the front yard line of the lots in the rear, nor shall a building be erected, reconstructed, altered or enlarged, closer than five (5) feet to such rear line. For multi-family dwelling units, an additional two (2) feet for each side yard shall be required for each story above the first story.

#### Lot Width

Single-Family: A minimum of sixty (60) feet at the building line.

Two-Family: A minimum of seventy-five (75) feet at the building line.

Town House: A minimum of twenty-four (24) feet.

Multi-Family: A minimum of one hundred (100) feet at the building line.

#### Lot Area

Single-Family: A minimum of six thousand (6,000) square feet.

Two-Family: A minimum of 4,000 square feet/family.

Multi-Family: A minimum of one thousand five hundred (1,500) square feet per family.

#### Height Regulations

Single-Family: No building shall exceed thirty-five (35) feet in height.

Two-Family: No building shall exceed thirty-five (35) feet in height.

Multi-Family: Three (3) stories or forty-five (45) feet.

#### 4.5 Requirements for Moving Manufactured Housing into the City of Morton

- (1) The zoning must be checked and approved with the Zoning Officer.
- (2) A deed to the property must be presented to the Zoning Officer.
- (3) Property owners within 200 feet in every direction will be notified of the manufactured home request.

- (4) The notified property owners have ten (10) working days from date of issuance to fill out and turn in an Objection to Manufactured Home Placement form with a signature. If the form is not received in the allotted time, notified residents opportunity to object is forfeited.
- (5) Manufactured housing must be five (5) years old or less at date of application and pictures of the manufactured housing must be presented to the Zoning Officer.
- (6) If approved, documentation of age, size and registration must be provided to the Zoning Officer.
- (7) If approved, a manufactured home permit is required before the manufactured home can be moved into the city.
- (8) After placement of manufactured home, the owner is responsible to schedule all inspections (electrical, plumbing, skirting, and final). Certificate of occupancy must be obtained.

#### 4.6 Requirement for Replacing an Old Manufactured Home (or Mobile Home) with New Manufactured Home

- (1) The zoning must be checked and approved by the Zoning Officer.
- (2) A deed to the property must be presented to the Zoning Officer.
- (3) If replacing a manufactured or mobile home, the replacement manufactured home must be less than five (5) years old at date of application.
- (4) If approved, documentation of age, size and registration of new manufactured home must be provided to the Zoning Officer.
- (5) If approved a manufactured home permit is required before the manufactured home can be moved into the city.
- (6) After placement of manufactured home, the owner is responsible to schedule all inspections (electrical, plumbing, skirting, and final). Certificate of occupancy must be obtained.

#### 4.7 Skirting Requirements

The owner of any manufactured home, modular home, or any other dwelling with a crawl space located, re-located or constructed in the City of Morton, Mississippi on or after the effective date of this ordinance shall be responsible for installing skirting around the base of the structure, thereby completely covering all sides of the structure from the finished grade to the bottom of the structure.

Skirting shall be brick, masonry material, lattice material, or a product approved by the Board of Aldermen. In the case of a manufactured house, a product which is specifically designed for the purpose of skirting manufactured houses shall be used.

## **Section 5. C-1 Neighborhood Commercial District**

### 5.1 General Description

The purpose of this commercial district is to provide retail stores and personal services for the convenience of the people in adjacent residential areas.

### 5.2 Uses Permitted

- (1) Bakery – employing not more than five (5) people and limited to retail sales only.
- (2) Medical and dental offices.
- (3) Bank.
- (4) Bicycle sales and repair
- (5) Barber shop, beauty parlor, chiropody, massage or similar personal service shop.
- (6) Drug stores.
- (7) Grocery stores.
- (8) Liquor stores.
- (9) Hospitals and clinics in confines of the structure of the hospital.
- (10) Coin-operated laundry and dry cleaning establishments.
- (11) Offices, including insurance, real estate, lawyers, etc.
- (12) Restaurants (not drive-in).
- (13) Custom dressmaking, millinery, tailoring, shoe repairing, repairing of household utility articles or similar trade.
- (14) Specialty shop of the conduct of a retail business as limited herein; such as furniture, fabric, appliances, apparel, jewelry, etc.
- (15) Photographer’s studio.
- (16) Shop for the repair of electrical and radio equipment and other similar commodities.
- (17) Church
- (18) Accessory buildings and uses customarily incident to the above uses, including signs or bulletin boards not exceeding twelve (12) square feet and lighted by floodlight only.
- (19) The above specified stores, shops or businesses shall be retail establishments exclusively, selling merchandise and conducted wholly within an enclosed building. Each store, shop, or business shall not exceed two thousand four hundred (2,400) square feet of floor area. No drive-in nor curb services shall be permitted.

### 5.3 Uses Permitted By Conditional Use as Provided in Article XI, Sections 6 & 7

- (1) Other uses similar to the above states uses as may be determined by the Planning Commission
- (2) Manufactured home

### 5.4 Area and Setback Regulations

#### Yards

Front: A minimum of thirty-five (35) feet.

Rear: No rear yard shall be required except in instances where a commercial use abuts a residential district, in which case a rear yard of not less than thirty-five (35) feet shall be provided. Such space shall be screened from the abutting residential district by walls or by fences or by other screening not less than six (6) feet in height, in a manner acceptable to the Planning Commission.

Side: No side yards are required except in instances where a commercial use abuts a residential district, in which case a minimum side yard of twenty-five (25) feet shall be provided, as measured from the side lot line to the nearest building or structure on the side adjacent to the residential district. Such space shall be screened from the abutting residential district by walls or by fences or by other screening not less than six (6) feet in height, in a manner acceptable to the Planning Commission.

#### Lot Width

A minimum of one hundred (100) feet.

#### Height Regulations

No building or structure shall exceed thirty-five (35) feet in height, except on approval of the Planning Commission.

#### Lot Coverage

Main and accessory buildings or structures – thirty (30) percent of lot area.

## **Section 6. C-2 Central Business District**

### 6.1 General Description

This commercial district is intended for the conduct of personal and business services and retail business of the community. Traffic generated by these uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

### 6.2 Uses Permitted

The following uses of property, buildings or structures:

- (1) Any commercial use permitted in the C-1 Neighborhood Commercial District.
- (2) Dry or steam cleaning shop or plant employing not more than five (5) people.
- (3) Shop for the repair of plumbing, radio and electric equipment, shoes, furniture and similar personal or household commodities.
- (4) Department stores.
- (5) Mortuary (funeral home).
- (6) Retail stores, businesses or shops for custom work or the manufactured of articles to be sold at retail on the premises, excluding coal and wood yards, provided that in such manufactured the total mechanical power shall not exceed ten (10) horse power for the operation of any one (1) machine provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty (50) percent of the total floor area of the entire building or the equivalent of the ground floor area thereof, and provided further that such manufacturing use is not obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.
- (7) Printing shop, including sale of office supplies and equipment.
- (8) Newspaper publication.
- (9) Sign painting shop.
- (10) Blueprinting shop.
- (11) Interior decorating shop.
- (12) Catering establishments.
- (13) Train stations, bus depots and travel agencies.
- (14) Theaters, auditoriums.
- (15) Recreational or amusement classification when conducted wholly inside an enclosed building.
- (16) Hardware or appliance stores.
- (17) Variety stores including discount stores.
- (18) Paint and hobby stores, including sale of carpets, wall covering and similar household items.
- (19) Florists, provided no greenhouses are maintained on premises.

- (20) Service stations.
- (21) Hotels or motels.
- (22) Automotive parts and equipment sales.
- (23) Mail order stores.
- (24) Stamp redemption centers.

### 6.3 Uses Permitted By Conditional Use as Provided in Article XI, Sections 6 & 7

- (1) Other uses similar to the above states uses as may be determined by the Planning Commission.
- (2) Manufactured home

### 6.4 Area and Setback Regulations

#### Yards

Front: No front yard shall be required where the frontage on one (1) side of a street between two (2) intersecting streets is partly in the C-2 Central Business District and partly in a residential district, the front yard regulations of the residential district shall apply.

Rear: No rear yard shall be required except in instances where a commercial use abuts a residential district, in which case a rear yard of not less than thirty-five (35) feet shall be provided. Such space shall be screened from the abutting residential district by walls or by fences or by other screening not less than six (6) feet in height, in a manner acceptable to the Planning Commission.

Side: No side yards are required except in instances where a commercial use abuts a residential district, in which case a minimum side yard of twenty-five (25) feet shall be provided, as measured from the side lot line to the nearest building or structure on the side adjacent to the residential district. Such space shall be screened from the abutting residential district by walls or by fences or by other screening not less than six (6) feet in height, in a manner acceptable to the Planning Commission.

#### Lot Width

None required.

#### Height Regulations

No building or structure shall exceed sixty (60) feet in height, except on approval of the Planning Commission and/or the Fire Marshal.



## **Section 7. C-3 Highway Commercial District**

### 7.1 General Description

This commercial district is intended for the conduct of personal and business services for the motoring public.

### 7.2 Uses Permitted

- (1) Any commercial use permitted in the C-2 Central Business District.
- (2) Billboards.
- (3) Laboratory, dental or medical.
- (4) Lounge or drive-in restaurant.
- (5) Small animal clinic.
- (6) New and used machinery sales and service.
- (7) Public garages.
- (8) Automobile graveyards, providing they are enclosed by a six (6) foot concealing fence and are set back at least one hundred (100) feet from highway right-of-way.
- (9) New and used car dealership.
- (10) Marble and granite works sales.
- (11) Yard and garden center including nursery and greenhouses.
- (12) Welding shops.
- (13) Storage yards for commercial vehicles and trucks and truck terminals provided that the storage yards are enclosed by a concealing fence not less than six (6) feet in height.
- (14) Upholstery repair.
- (15) Food storage locker and ice manufacturing plant.
- (16) Wholesale establishment and storage.
- (17) Lumber and building supplies sales and carpenter shop.
- (18) Commercial kennels, when enclosed.
- (19) Service yard for public utilities.
- (20) Riding academy.
- (21) Open-air sports.
- (22) Drive-in theaters, restaurants and places of amusement such as circus or carnival.
- (23) Mini-warehouses.

### 7.3 Uses Permitted By Conditional Use as Provided in Article XI, Sections 6 & 7

- (1) Other uses similar to the above states uses as may be determined by the Planning Commission
- (2) Manufactured home

### 7.4 Area and Setback Regulations

#### Yards

Front: A minimum of thirty-five (35) feet.

Rear: No rear yard shall be required except in instances where a commercial use abuts a residential district, in which case a rear yard of not less than thirty-five (35) feet shall be provided. Such space shall be screened from the abutting residential district by walls or by fences or by other screening not less than six (6) feet in height, in a manner acceptable to the Planning Commission.

Side: No side yards are required except in instances where a commercial use abuts a residential district, in which case a minimum side yard of twenty-five (25) feet shall be provided, as measured from the side lot line to the nearest building or structure on the side adjacent to the residential district. Such space shall be screened from the abutting residential district by walls or by fences or by other screening not less than six (6) feet in height, in a manner acceptable to the Planning Commission.

#### Lot Width

None Required

#### Height Regulations

No building or structure shall exceed forty-five (45) feet in height.

## **Section 8. I-1 Light Industrial District**

### 8.1 General Description

This district is intended primarily for production and assembly plants that are conducted so the noise, odor, dust and glare of each operation is properly controlled.

### 8.2 Uses Permitted

The following uses of property, buildings, or structures:

- (1) Bottling plant.
- (2) Dairy products plant.
- (3) Lumber yard provided that yard is enclosed by a concealing fence not less than six (6) feet in height.
- (4) Garment factory.
- (5) Landing fields for aircraft.
- (6) Wireless transmission facility.
- (7) Railroad facility.
- (8) Steam power plant.
- (9) Experimental laboratory.
- (10) Furniture manufacturing.
- (11) Small appliance manufacturing.
- (12) Carnivals.
- (13) Carpet and rug cleaning.
- (14) Electro plating.
- (15) Galvanizing, small utensils, etc.
- (16) Ice plants, or storage houses.
- (17) Meat processing (no slaughtering).
- (18) Wholesale establishment and storage, including mini-warehouses.
- (19) Gasoline distribution center or bulk plant.
- (20) Contractor's establishments and storage yards, provided that the storage yards are enclosed by a concealing fence not less than six (6) feet in height.

### 8.3 Uses Permitted By Conditional Use as Provided in Article XI, Sections 6 & 7

- (1) Other uses similar to the above states uses as may be determined by the Planning Commission.
- (2) Manufactured home.

## 8.4 Area and Setback Regulations

### Yards

Front: A minimum of forty (40) feet at the building setback line.

Rear: Where a building is to be serviced from the rear there shall be provided an alley way, service court, rear yard or combination thereof of not less than fifty (50) feet. Such space shall be screened from the abutting residential district by walls or by fences or by other screening not less than six (6) feet in height in a manner acceptable to the Planning Commission.

Side: The side yard building setback line on each side of the lot shall be not less than twenty-five (25) feet as measured from the side lot line to the nearest building or structure except in instances where this district use abuts a residential district, in which case a minimum side yard of sixty (60) feet shall be provided on the side adjacent to the residential district. Such space shall be screened from the abutting residential district by walls or by fences or by other screening not less than six (6) feet in height, in a manner acceptable to the Planning Commission.

### Lot Width

None required.

### Height Regulations

No building or structure shall exceed forty-five (45) feet in height.

## **Section 9. I-2 Heavy Industrial District**

### 9.1 General Description

This industrial district is intended to provide for heavy industrial use.

### 9.2 Uses Permitted

- (1) Any use permitted in the I-1 Light Industrial District.
- (2) Brick and pottery manufacturing.
- (3) Concrete and cement manufacturing.
- (4) Cotton ginning and baling.
- (5) Automobile wrecking yards provided that the yard is enclosed by a concealing fence at least six (6) feet in height.
- (6) Metal working or blacksmith shops.
- (7) Enameling, lacquering and paint mixing shops.
- (8) Garbage dumps.
- (9) Sawmills.
- (10) Creosote plants.
- (11) Slaughter house.
- (12) Cement products including cement block plants and cast stone works.
- (13) Poultry killing and dressing.

### 9.3 Uses Permitted By Conditional Use as Provided in Article XI, Sections 6 & 7

- (1) Other uses similar to the above states uses as may be determined by the Planning Commission.
- (2) Manufactured home.

### 9.4 Area and Setback Regulations

#### Yards

**Front:** A minimum of fifty (50) feet at the building setback line.

**Rear:** The rear yard building setback line shall be not less than twenty-five (25) feet except in instances where this district use abuts a residential district, in which case a rear yard of not less than one hundred (100) feet shall be provided, as measured from the rear lot line to the nearest building or structure. Such space shall be screened from the abutting residential district by walls or by fences or by other screening not less than six (6) feet in height in a manner acceptable to the Planning Commission.

Side: The side yard building setback line on each side of the lot shall be not less than fifteen (15) feet as measured from the side lot line to the nearest building or structure except in instances where this district use abuts a residential district, in which case a minimum side yard of one hundred (100) feet shall be provided on the side adjacent to the residential district. Such space shall be screened from the abutting residential district by walls or by fences or by other screening not less than six (6) feet in height, in a manner acceptable to the Planning Commission.

Lot Width

None required.

Height Regulations

No building or structure shall exceed five (5) stories and/or sixty (60) feet in height.

## **Section 10. F-1 Flood Plain District**

### 10.1 General Description

This district is intended to comprise those areas which are subject to periodic or occasional inundation from stream overflows and, therefore, are usually unsuited for residential, commercial and industrial use.

### 10.2 Uses Permitted

The use of property and building or structures in the F-1 Flood Plain zone shall be limited to the following:

- (1) Any use permitted in the underlying zone as long as it conforms to the National Flood Insurance requirement.
- (2) The growing of agricultural crops and nursery stock and gardening.
- (3) The keeping of agricultural livestock.
- (4) Public recreation.
- (5) Golf course.
- (6) Fish camp.
- (7) Billboards, provided such structure does not restrict or impede the flow of water in the drainage channel.

### 10.3 Uses Permitted By Conditional Use as Provided in Article XI, Sections 6 & 7

- (1) Other uses similar to the above states uses as may be determined by the Planning Commission.
- (2) Manufactured home.

## ARTICLE V – SIGNS

The regulations herein set forth shall apply and govern in all zoning districts as hereinafter provided. No sign or outdoor advertising device shall be erected unless it is in compliance with regulations for the district in which it is located as specified in this section.

### **Section 1 – Permits**

It shall be unlawful to erect, enlarge, rebuild or structurally alter any sign without first obtaining a proper permit.

Permit fees shall be as adopted and approved by the Planning Commission.

### **Section 2 – General Requirements and Limitations**

#### 2.1 Business Signs (on premise)

One (1) free standing sign and one (1) mobile sign is allowed on one premise, except an additional business free standing sign will be allowed for corner lots having two (2) street frontages.

Business signs (on premise) advertising the primary nature, activities or products of the business or industry conducted or sold on the premises shall setback a minimum of five (5) feet from the right-of-way line.

The height limitation of the business signs shall be thirty-five (35) feet to the top of the sign.

A business sign shall not exceed thirty-two (32) square feet in a neighborhood commercial zone (C-1); eighty (80) square feet in the central business district (C-2); one hundred fifty (150) square feet in a highway commercial zone (C-3).

Shopping centers or multiple commercial buildings on the same premises are considered as one (1) business in this section, and the above limitations shall apply. Each business in the shopping area may be identified on the business sign.

#### 2.2 Outdoor Advertising Signs (off premise)

Outdoor advertising signs and business signs of a permanent nature shall be classified as a business use and shall be permitted in commercial districts as specified herein.

No outdoor advertising sign shall be erected, placed or hung nearer than twenty (20) feet to the highway, street or road right-of-way upon which display faces.

Outdoor advertising signs shall not exceed thirty-five (35) feet in height measuring from the adjacent road grade to the top of the sign area.

Outdoor advertising signs shall not exceed 300 square feet in sign area.



All outdoor advertising signs permitted to be erected under this Ordinance shall be erected after the passes of this Ordinance a minimum distance of five hundred (500) feet from another such outdoor sign on the same side of the road as measured along a line parallel to such road, except back-to-back or v-type sign structures may be considered as one (1) sign, and side-by-side signs must abut each other and combined size not exceed six hundred (600) square feet.

### 2.3 Limitations

Mobile signs, when allowed, shall not exceed thirty-two (32) square feet in sign area and be anchored to withstand wind pressure. All mobile signs shall conform to all other sign regulations contained herein.

Signs with flashing or blinking lights shall be restricted to seventy-five (75) watt bulb capacity, and red, amber or blue flashing lights are prohibited.

The placing, tacking, painting, hanging or otherwise affixing of any kind of sign, outdoor advertising or poster of a miscellaneous character, visible from the public highways, streets or roads, on the walls of buildings, barns, sheds, trees, vehicles, fences, utility poles or any other structure except as otherwise provided in these regulations is prohibited.

Signs shall not interfere with driver visibility of any traffic control device or sign, or with the visibility of the street, road, thoroughfare or expressway itself. Such signs shall maintain a setback of twenty-five (25) feet from the intersection of two (2) streets, except if the sign is constructed with the bottom of the sign no lower than nine (9) feet from the ground and mounted on a pole no larger than nine (9) inches in diameter.

All signs that are illuminated shall be permanently wired to meet the National Electric Code. Special care shall be given to ground fault connections, underground wire and/or conduit with proper circuit breakers. Connecting wire from sign to permanent outlet shall not exceed four (4) feet.

A trailer/portable sign shall be tied down in an approved manner to withstand a minimum wind of forty (40) miles per hour.

Any sign which by reason of size, shape, content, coloring, location or manner of illumination interferes with driver visibility of any traffic control device or sign; or any sign which resembles any traffic control or emergency device or sign which creates any traffic hazard is not allowed.

### **Section 3 – Permitted and Exempted Signs**

On-site signs on the site of any construction work bearing the name of the building, owner, and those furnishing construction or professional services or materials used on such construction work of a temporary nature, not exceeding thirty-two (32) square feet.

Temporary poster signs erected behind glass windows or temporary signs painted on glass windows.

Any political sign or poster not exceeding thirty-two (32) square feet erected on property by the owner thereof or with the property owner's consent pertaining to a candidacy or issue to be voted upon at any election or referendum, provided such sign or poster shall not be erected more than sixty (60) days prior to such election or referendum and shall be removed within ten (10) days after referendum, or last such election in which the candidate is eligible.

Signs painted on, or attached to, trucks or other vehicles for identification purposes, but not used for advertising purposes.

Signs on glass doors or windows not exceeding six (6) square feet of sign area stating name or nature of business, location and hours of business.

Signs at entrances to subdivisions, multi-family dwellings or manufactured home parks showing name, description or location only and not exceeding fifteen (15) square feet.

Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises or other identification of premises not having commercial connotation.

Flags and insignia of any government except when displayed in connection with commercial promotion.

Legal notice or identification, information or directional signs erected or required by governmental bodies.

Integral decorative or architectural features of buildings except letters, trademarks, moving parts or moving lights.

Signs not exceeding four (4) square feet, and guiding traffic and parking on private property, but bearing no advertising matter.

On-site signs, advertising property for sale or rent provided such signs in single-family residential districts shall not exceed twelve (12) square feet.

On-site church directory or bulletin board not exceeding thirty-two (32) square feet and not over eight (8) feet in height.

Special purpose signs advertising a special area event may be erected on property by the owner thereof or with the property owner's consent provided such sign or poster shall not be erected more

than sixty (60) days prior to the event and shall be removed within ten (10) days after the event and provided such sign shall not exceed thirty-two (32) square feet.

#### **Section 4 – Signs in Disrepair or Abandoned**

Any outdoor advertising sign, whether permitted to remain as a nonconforming sign structure or an erected advertising sign structure under the terms of this Ordinance, which is found to be abandoned, or is not properly maintained or in a state of disrepair, or signs which do not meet all requirements of the building codes, including the issuance of a permit therefor, shall be removed by the property owner or sign owner within thirty (30) days after written notice to the property owner or lessee is provided by the City. Advertising signs not removed within thirty (30) days are subject to removal by the City, without liability.

Business (on premise) signs which are not properly maintained and are in a state of disrepair, or which are abandoned, may likewise be removed by the City, without liability, following thirty (30) day period of notification to the property owner or lessee.

Signs placed on any City building, structure or lot or within the right-of-way of any City road or easement without a permit issued therefor by appropriate City authority shall be subject to removal by the City after ten (10) days' notice by registered letter or otherwise to the owner of the sign where the owner can be identified. In the event the owner cannot be identified, the sign shall be subject to immediate removal by the City.

#### **Section 5 – Design and Maintenance**

It shall be the owner's responsibility that all signs shall be designed according to generally accepted engineering practices to withstand wind pressures and that loads are distributed to structural supports to avoid overstress, and that all signs are properly anchored to avoid being swept away by wind. Also, all signs shall be maintained in good repair and appearance.

## ARTICLE VI – FENCES

It is the intent of these requirements to govern the location, size, type, and construction of fences and walls within the City of Morton, Mississippi.

### **Section 1 – General Provisions**

- (1) The maximum height of any fence (excluding concealing fences and screening shrubbery and walls) shall be six (6) feet.
- (2) Fences on property zoned C-1, C-2 and C-3 may exceed six (6) feet with written permission by the Planning Commission.
- (3) Solid fences (excluding exterior fences installed by developer) which are substantially opaque and serve as visual barriers shall be composed of masonry, durable wood or a combination of durable wood and masonry.
- (4) No fence shall impede or divert the flow of water through any drainage easement unless adequate investigation by the City Engineer, it can be determined that the fence will not adversely impact any property owner and will contribute to an improvement in the overall drainage system.
- (5) All fences shall be maintained in a structurally sound condition and in good repair. Fences shall be free from loose or rotting materials and shall have braces and supports attached or fastened in accordance with common building practices.
- (6) Fences, walls, or hedges in residential districts may be permitted in any required yard or along the edge of any yard provided that no fence, wall or hedge located in front of the front building line shall exceed four (4) feet in height.
- (7) All fences constructed after the effective date of this ordinance, which are parallel to and/or face the street and are constructed completely or partially of wood, shall have the smooth side, the side without the support bracing, of the fence facing toward the street.
- (8) No fence shall be composed of chicken wire, barbed wire, or any other material that the Planning Commission deem unsafe and unsightly for residents of Morton.

### **Section 2 – Maintenance of Fences and Landscaping**

All fences shall at all times be maintained and kept in good repair by the lot owner.

All shrubs, trees and other landscaping shall be a hardy species to the area and permanently maintained in a manner which will not create a nuisance.

Any dead growth shall be removed and replaced by such trees, shrubs, grasses and other landscaping as complies with this Ordinance and which is substantially identical with such previous landscaping material or with other landscaping material as approved by the Planning Commission.

Any lack of maintenance shall be deemed a violation of this Ordinance and shall be prosecuted as prescribed herein.

### **Section 3 – Nonconforming Fences and Landscaping**

Any fence or landscaping lawfully built and maintained prior to the effected date of this Ordinance may continue to be maintained in its present condition. However, no fence may be substantially altered except in conformity with the provisions of this Ordinance. The maintenance standards and requirements imposed on such nonconforming fences and landscaping may be continued, but if maintenance deficiencies are found, then the lot owner will have one (1) year to bring the fence or landscaping into compliance with this Ordinance.

### **Section 5 – Enforcement**

It shall be the duty of the Zoning Officer and the Planning Commission to enforce the provisions of this article.

## **ARTICLE VII – MOBILE FOOD PREPARATION VEHICLES**

The regulations herein set forth shall apply and govern in all zoning districts as hereinafter provided. The intent of these regulations to regulate the time and location in which mobile food preparation vehicles can operate within the City of Morton, Mississippi.

Mobile food preparation vehicles shall be interpreted to mean the same as Food Trucks, Transient Food Vendors, or any other name that refers to a vehicle (on wheels) that sells food from an attached kitchen.

### **Section 1 – Mobile Food Preparation Vehicles**

Mobile food preparation vehicles shall meet all applicable requirements of this Ordinance in addition to the requirements outlined below:

- (1) No person shall engage in business of a mobile food preparation vehicle within the City limits without having first obtained a permit from a City of Morton city official.
- (2) Each mobile food preparation vehicle must display its business license number, business name and state and local permit numbers, with letters and numbers at least three (3) inches in height, in a prominent and visible location on the vehicle.
- (3) The driver of the truck must have a valid Driver's License, current auto insurance (including liability insurance) and current vehicle registration as required by Mississippi law and enforced by law enforcement authorities.
- (4) The vehicle can only operate in locations where the operation of motorized vehicles is permitted under local zoning ordinances and enforced by local enforcement authorities.

### **Section 2 – Operational Requirements**

- (1) Mobile food preparation vehicles may not park on public streets, sidewalks, lots, or other public right-of-ways unless otherwise stated by the Planning Commission.
- (2) Mobile food preparation vehicles may only park on private property with the written permission of the property owner and may operate at the times and for the duration provided in its permission by the property owner.
- (3) No mobile food preparation vehicle shall be equipped with any external electronic sound amplifying device.
- (4) Vendor must provide for the sanitary collection of all litter and garbage generated by the patrons using that service and remove all such waste materials from the location before the vehicle departs. This includes inspecting the general area for such items prior to the vehicle's departure.

- (5) No detached signs are permitted. All signs must be permanently affixed to, or painted on, the mobile food preparation vehicle and shall extend no more than six (6) inches from the vehicle. No sign shall flash, cause interference with radio or other communication transmissions, produce or reflect motion pictures, emit smoke or odor, or be animated. A sign on which the message is changed electronically not more than one (1) time per eight (8) seconds shall not be considered to be an animated sign.
- (6) Prices of food shall be prominently displayed.

### **Section 3 – Vehicle Sanitation Requirements**

Each vehicle shall be constructed so that the portions of the vehicle containing food shall be covered so that no dust or dirt will settle on the food; and such portions of the vehicles which are designed to contain food shall be at least eighteen (18) inches above the surface of the public way while the vehicle is being used for the conveyance of food.

The food storage areas of each vehicle shall be kept free from rats, mice, flies and other insects and vermin. No living animals, birds, fowl, reptiles or amphibians shall be permitted in any area where food is stored.

Hazardous non-food items such as detergents, insecticides, rodenticides, plants, paint and paint products that are poisonous or toxic in nature shall not be stored in the food area of the vehicle.

The vehicle shall be enclosed with tops and sides.

The vehicle shall not be used for any purpose other than for the purpose described in this chapter.

### **Section 4 – Zoning Districts**

Mobile food preparation vehicles are allowed in any zoning district, but shall operate only on sites and city streets as deemed appropriate by the Planning Commission during special events. In addition, mobile food preparation vehicles are allowed to operate on private property with written authorization from the property owner.

Violation of this Ordinance may result in the termination of the applicant's Vendor Permit. Regulation of this section shall be performed by City of Morton Code Enforcement.

## **ARTICLE VIII – ADDITIONAL DISTRICT PROVISIONS**

### **Section 1 – Conditions of a More Restricted District**

Whenever the specific district regulations pertaining to one (1) district permit the uses of a more restrictive district, such uses shall be subject to the conditions as set forth in the regulations of the more restrictive district unless otherwise specified.

### **Section 2 – Open Space**

No open space or lot area required for a building or structure shall be occupied by, or counted as open space for any other building or structure.

- (1) In any residential district, except the R-1 District, the front yard minimum setback of any lot unoccupied as of the effective date of this Ordinance shall be equal in depth to the average depth of the front yards of the nearest adjacent occupied lots.
- (2) Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured starting at a point twenty-five (25) feet from the center line of the street easement.
- (3) No dwelling unit shall be erected on a lot which does not abut or have direct access to a public street.
- (4) On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth, shall obstruct sight lines at elevations over two feet, six inches (2'6") above any portion of the crown of the adjacent roadways.
- (5) A sight triangle shall be formed by measuring back twenty-five (25) feet from the point of intersection of the right-of-way lines and connecting the points so as to establish a sight triangle on the area of the lot adjacent to the street intersection.
- (6) An attached or detached private garage or carport which faces on a street shall not be located closer than twenty-five (25) feet to the street right-of-way line.

### **Section 3 – Home Occupation**

- (1) Home occupations shall not be carried out in more than twenty (20) percent of the total dwelling building area.
- (2) There shall be no external evidence of the use except for the allowance of one (1) unanimated, non-illuminated sign not to exceed one (1) square foot in area mounted flush against the main building.
- (3) No goods or merchandise shall be sold or offered for sale on the premises.



#### **Section 4 – Height**

The regulations, herein set forth, qualify or otherwise supplement, as the case may be, the specific district regulations appearing in Article IV.

- (1) Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limits.
- (2) Churches, schools, hospitals, sanatoriums, and other public and semi-public buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased one (1) foot for each two (2) feet by which the height of such public or semi-public structure exceeds the prescribed height limit.

#### **Section 5 – Property Maintenance**

All homes, buildings, and structures on a lot shall at all times be maintained and kept in good repair by the lot owner.

All yards, open space, landscaping, and lots shall be maintained and kept in good repair by the lot owner and maintained in a manner which will not create a nuisance.

It shall be the responsibility of the Zoning Officer and the Planning Commission to enforce the provisions of this Ordinance to determine if any property owner has not maintained their property. Any lack of maintenance shall be deemed a violation of this Ordinance and shall be prosecuted as prescribed herein.

#### **Section 6 – Moving Built Homes**

For the purpose of allowing more variety in housing choices, houses already built may be moved into the City of Morton. These must be houses that are not manufactured or factory built (see Article IV, Section 4.6). Owners of such houses must comply with the zoning requirements of each district they are moved into. A permit must be acquired to move any house into the City of Morton.

Houses moved into the City of Morton shall have ninety (90) days to be in compliance with all the provisions and rules of this Ordinance and be up to Code.

It will be the duty of the Zoning Officer and the Planning Commission to enforce the provisions of this Ordinance.

## **Section 7 – Planned Unit Development**

### 7.1 Purpose of Provisions

For the purpose of allowing and encouraging greater variety of design and flexibility in development, the requirements of this Ordinance may be modified by the Planning Commission provided that gross population and building density of any area proposed under the planned unit approach complies with the population and building density set forth for the zoning district in which the development shall be located.

The owners of any tract of land containing at least three (3) acres may submit a plan for the use and development of the entire tract for residential, compatible commercial and related uses as a single and unified project. The basic control development intensity shall be one (1) or more of the residential districts. The Planned Unit Development shall be a superimposed designation providing a broader latitude of design to achieve the above stated goals.

### 7.2 Uses Permitted

Uses specified and/or permitted on review by the Planning Commission for the zoning district in which the development is located.

### 7.3 Area and Setback Regulations

Lot dimensions, building setbacks and area requirements may be modified, provided that a more functional and desirable use of property is attained.

(1) Peripheral Boundary Setback Requirements

Where the peripheral boundary of a Planned Unit Development abuts a street or road right-of-way, the building setback shall be the front yard requirement of the district. Where the peripheral boundary of a Planned Unit Development abuts the property line of adjoining holdings, the building setback shall be the rear yard requirement of the district in which the development is located.

(2) Height Regulations

Building height shall be that established for the district in which the development is located, however, height regulations may be modified by the Planning Commission following review of development plans.

### 7.4 Plan Review and Approval Required

A detailed plan of any proposed Planned Unit Development shall be submitted to the Planning Commission for review. Within 30 days of the receipt of plans, the Planning Commission shall transmit the plans together with its report to the Mayor and Board of Aldermen. Said Council shall review the plans and the recommendations of the Planning Commission and shall either approve or

disapprove the proposed development plan. The Planning Commission and the Mayor and Board of Aldermen may impose conditions regarding layout, circulation and performance of the proposed Planned Unit Development and may require that appropriate deed restrictions be filed.

A plat of the approved development shall be recorded and shall show all applicable features as required by the Ordinance regulating the subdivision of land.

### **Section 8 – Mixed Use Development**

For the purpose of allowing and encouraging greater variety of design and flexibility in development, the requirements of this Ordinance may be modified by the Planning Commission provided that all buildings and structures in the area proposed under the mixed use approach complies with the regulations set forth for the zoning district in which the development shall be located.

The intent of these regulations is to regulate the location of mixed use developments in the City of Morton, with emphasis on the Central Business District.

#### 8.1 Uses Permitted

Mixed Use Development shall only be conducted in the C-2 zoning district unless otherwise allowed by the Mayor and Board of Aldermen. Uses specified and/or permitted by this Ordinance shall be reviewed by the Planning Commission for the zoning district in which the development is located.

#### 8.2 Plan Review and Approval Required

A detailed plan of any proposed Mixed Use Development shall be submitted to the Planning Commission for review. Within 30 days of the receipt of plans, the Planning Commission shall transmit the plans together with its report to the Mayor and Board of Aldermen. Said Council shall review the plans and the recommendations of the Planning Commission and shall either approve or disapprove the proposed development plan. The Planning Commission and the Mayor and Board of Aldermen may impose conditions regarding layout, circulation and performance of the proposed Mixed Use Development and may require that appropriate deed restrictions be filed.

A plat of the approved development shall be recorded and shall show all applicable features as required by the Ordinance regulating the subdivision of land.

## ARTICLE IX – OFF-STREET AUTOMOBILE PARKING AND LOADING

### **Section 1 – General Intent and Application**

It is the intent of these requirements that adequate off-street parking and loading facilities be provided for each use of land within the jurisdiction of this Ordinance. These requirements shall be applied in all districts.

### **Section 2 – Size of Automobile Parking and Storage Space**

For the purpose of this section a parking or automobile storage space shall be computed on the basis of three hundred (300) square feet per space. Spaces shall be a minimum of ten (10) feet wide and twenty (20) feet deep with angle parking. The additional area is for drives and access.

### **Section 3 – All-Weather Surface Required**

Parking facilities for residential, commercial and industrial uses shall have an all-weather surface, be properly drained to prevent ponding and shall be maintained free of trash and rubbish. An all-weather surface may be gravel, slag, asphalt or concrete.

### **Section 4 – Off-Street Automobile Parking and Storage**

Off-street automobile parking or storage space shall be provided on every lot on which any of the uses stated in this section are hereafter established. Where space is not available on the lot, space shall be provided within three hundred (300) feet of such uses and such space shall have vehicular access to a street or alley and shall be equal in area to at least the minimum requirements for the specific use or uses as set forth herein:

Single –family dwellings:	Two (2) parking spaces for each dwelling unit.
Multi-family dwellings:	Two (2) parking spaces for each dwelling unit.
Manufactured homes:	Two (2) parking spaces for each dwelling unit.
Hotels, motels, tourist homes, tourist courts and rooming houses:	One (1) parking space for each guest or sleeping room or suite, exclusive of restaurant requirements plus one (1) space for each three (3) employees.
Private clubs, lodges, fraternities and sororities:	One (1) parking space for each fifty (50) square feet of total floor area in the auditorium, assembly hall, dining room in such building and one (1) space per sleeping room.

Churches:	One (1) parking space for each five (5) seats in the main auditorium.
Theaters, auditoriums, stadiums, gymnasiums, conventions halls and other places of public assembly:	One (1) parking space for each four (4) seats in the building or structure, based on maximum seating capacity.
Elementary schools:	One and one half (1 ½) parking spaces for each classroom.
Secondary schools:	Ten (10) parking spaces for each classroom.
Business colleges and trade schools:	One (1) parking space for each two (2) student seats at maximum enrollment.
Hospitals:	One (1) parking space for each two (2) beds intended for patients, excluding bassinets, and one (1) space for each three (3) employees plus one (1) space for each staff doctor.
Sanitoriums, nursing homes, convalescent homes, orphanages:	One (1) parking space for each eight (8) beds plus one (1) space for each two (2) employees or staff members.
Medical and dental clinics:	One (1) parking space for each one hundred (100) square feet of gross floor area plus one (1) space for each three (3) employees and one (1) space for each doctor.
Funeral homes:	One (1) parking space for each three (3) seats in parlors and chapels.
Retail sales stores:	One (1) parking space for each one hundred (100) square feet of retail floor space.
Drive-in retail business:	Minimum of ten (10) parking spaces, plus one (1) space for each one hundred (100) square feet of retail floor area.

Personal service establishments and repair shops:	One (1) parking space for each one hundred (100) square feet of gross floor area.
Wholesale, general business and warehouses:	One (1) parking space for each four (4) employees based on maximum employment and (1) space for each vehicle to be stored or stopped simultaneously.
Industrial and manufacturing establishments:	One (1) parking space for each four hundred (400) square feet of gross floor area or per four (4) employees, on largest shift, whichever is greatest, plus one (1) space for each vehicle to be stored or stopped simultaneously or as determined by the Planning Commission.
Eating establishments and taverns:	One and one half (1 ½) parking spaces for each one hundred (100) square feet of gross floor area.
Drive-in eating establishment:	Minimum of ten (10) parking spaces, plus one (1) space for each four (4) seats of total capacity.
Office and professional buildings:	One (1) parking space for each two hundred (200) square feet of office space.
Gasoline service or filling station:	Two (2) parking spaces for each grease rack or similar facility; one (1) parking space for each gas pump, plus one (1) space for each employee on duty.
Bus terminals:	Five (5) parking spaces for each loading or unloading bay.
Auto sales and repair:	One (1) parking space for each employee at maximum employment on a single shift plus two (2) spaces for each three hundred (300) square feet of auto repair or sales space.
Other uses:	Parking requirements for uses other than those stated in this section shall be determined by the Planning Commission.

### **Section 5 – Combined Parking Spaces**

The required parking space for any number of separate uses may be combined in one (1) lot but the required space assigned to one (1) use may not be assigned to another use at the same time, except that one-half (1/2) of the parking spaces required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sunday may be assigned to a use which will be closed at nights or on Sundays.

### **Section 6 – Off-Street Loading and Unloading Space**

Every building or structure used for business, trade or industry shall provide space as indicated herein for the loading and unloading of vehicles. Such space shall have access to a public street or alley.

- (1) Retail business: Minimum of one (1) space of five hundred (500) square feet per location plus one (1) space for three hundred (300) square feet for each three thousand (3,000) square feet of floor area.
- (2) Wholesaling and industry: Minimum of one (1) space of five hundred (500) square feet per location or 1 space for five hundred (500) square feet for each ten thousand (10,000) square feet of floor area, whichever is the greater.
- (3) Bus and truck terminals: Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loading or unloading at the terminal at any one (1) time.

## **ARTICLE X – NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND**

### **Section 1 – Nonconforming Buildings and Structures**

A nonconforming building or structure existing at the time of adoption of these regulations may be continued and maintained, regardless of ownership except as otherwise provided in this section.

#### **1.1 Alteration of Enlargement of Buildings and Structures**

A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located.

#### **1.2 Outdoor Advertising Signs and Structures**

Any advertising sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the time these regulations became effective, which does not conform with the provisions hereof shall not be structurally altered and shall be completely removed from the premises not later than three (3) years from the effective date of these regulations.

#### **1.3 Building Vacancy**

A nonconforming building, structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

#### **1.4 Change in Use**

A nonconforming use of a conforming building or structure (i.e., commercial use in a dwelling, etc.) shall not be expanded or extended into any other portion of such conforming building or structure nor changed to any other nonconforming use.

### **Section 2 – Nonconforming Uses of Land**

A nonconforming use of land, existing at the time of adoption of these regulations, which has been discontinued for a period of three (3) months may not be extended or renewed.



## ARTICLE XI – PLANNING COMMISSION

### **Section 1 – Purpose**

There is hereby created for Morton, Mississippi a Planning Commission as an advisory committee to the City of Morton in zoning matters with the rights and responsibilities as hereinafter set forth.

### **Section 2 – Membership**

The Planning Commission shall be composed of five (5) members, one (1) from each ward, residents of the City appointed by the Mayor and Board of Aldermen for a term of three (3) years; provided, however, that for the first appointment under the provisions of these regulations two (2) members shall be appointed for a term of one (1) year; two (2) members shall be appointed for a term of two (2) years; and one member shall be appointed for a term of three (3) years. All appointments thereafter shall be for a term of three (3) years.

### **Section 3 – Mayor and Board of Aldermen**

The Mayor and Board of Aldermen of the City of Morton shall have the final authority to approve, deny, modify or otherwise change applications for amendments (to the text or official zoning map), appeals, variances, conditional uses and any other provisions of this ordinance.

The powers of the Mayor and Board of Aldermen shall include, but not necessarily be limited to:

- (1) Acting upon requests for subdivisions and zoning amendments
- (2) Hear and decide appeals as specified in this ordinance.
- (3) Holding public hearings on matters related to and in keeping with the provisions of this ordinance.
- (4) Appoint the members of the Planning Commission.

### **Section 4 – Responsibilities of the Planning Commission**

The Planning Commission shall include but not necessarily be limited to the following responsibilities in regards to this ordinance:

- (1) Keep minutes of its proceedings, showing the vote for each member upon each question, or if absent or failure to vote, indicating such fact; and shall keep records of its examinations and other official actions, all of which shall be a public record.
- (2) Prepare periodically a comprehensive plan for the future development of the City of Morton.

- (3) Make recommendations in connection with the execution and detailed interpretation of the comprehensive plan, and propose changes and adjustments as may be deemed desirable from time to time.
- (4) Implement the statement of purpose, goals, and objectives of the comprehensive plan and continuous planning process as it relates to the zoning ordinance and other city codes, ordinances and policies.
- (5) Make recommendations to the Mayor and Board of Aldermen upon any matter relating to zoning regulations of the city, including proposals for changes to the zoning ordinance or map.
- (6) To hear and decide approval or denial of requests for special exceptions as authorized in this ordinance.
- (7) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance.
- (8) Act upon, by approval or disapproval, site plan applications.
- (9) Act upon, by approval or disapproval, applications for variances from the terms of this ordinance.
- (10) Adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this ordinance.
- (11) Perform other related duties and responsibilities as may be required by the Mayor and Board of Aldermen.

No member of the Planning Commission shall participate in the hearing of any item nor vote on any matter before the Commission in which they have a personal interest.

### **Section 5 – Dimensional Variances**

Where the strict application of this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property, the Planning Commission shall conduct a public hearing on applications for dimensional variances, and is empowered to grant approval of such dimensional variances from the strict application so as to relieve such difficulties or hardships. Examples of such difficulties or hardships include exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of this Ordinance; or by reason of the location of trees, natural drainage course, lakes, or other desirable or attractive features, which condition is not generally prevalent in the neighborhood.

Any person desiring a dimensional variance from the terms of this Ordinance shall submit a written application demonstrating compliance with all of the following; a variance shall not be granted unless the applicant demonstrates:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
- (2) 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.
- (3) 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 zoning district.

The existence of non-conforming uses of neighboring lands, structures, or buildings in the same zoning district shall not be considered grounds for granting a variance. Furthermore, the existence of permitted or non-conforming use of lands, structures, or buildings in other zoning districts shall not be considered grounds for issuance of a variance.

A public hearing shall be held for all proposed dimensional variances.

No variance shall be issued until the Planning Commission has made a finding that the reasons set forth in the application justify the granting of the variance, and that the variance constitutes the minimum allowable deviation from the dimensional regulations of this Ordinance in order to make possible the responsible use of the land, building, or structures. Furthermore, no variance shall be granted until the Planning Commission has made a finding that the granting of the dimensional variance will be in harmony with the general purpose and intent of this Ordinance, and that the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any dimensional variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations 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.

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

### **Section 6 – Conditional Uses (Special Exceptions)**

The Planning Commission is empowered to hear and decided whether or not proposed conditional uses (special exceptions) authorized under this Ordinance should be granted.

Any person desiring a conditional use shall submit a written application indicating the Section in the Ordinance under which the conditional use is sought and stating the grounds on which it is

requested. The Planning Commission shall not grant a conditional use unless satisfactory provision and arrangement has been made concerning all of the following:

- (1) Ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- (2) Off-street parking and loading areas.
- (3) Refuse and service areas.
- (4) Utilities, with reference to locations, availability, and compatibility.
- (5) Screening and buffering with reference to type, dimensions, and character.
- (6) Required yards and other open space.
- (7) General compatibility with adjacent properties and other property in the district.
- (8) Any other provisions deemed applicable by the Planning Commission.

Every applicant for a conditional use permit shall submit a site plan.

A public hearing shall be held for all proposed conditional uses.

### **Section 7 – Manufactured Housing Conditional Use (Hardships)**

Manufactured homes may be allowed as a conditional use in the following hardship, temporary or emergency situations:

- (1) Cases in which a manufactured home is needed in order for a person or family member to take care of another family member by reason of advanced age, physical disability, medical or mental problems/hardships so long as the condition exists. Must re-apply every year for a conditional use.
- (2) Cases in which a property owner wishes to build his home on a lot while temporarily living in a manufactured home. A one year limit is required on each such conditional use.
- (3) Cases in which an owner wishes to rebuild his home damaged by fire or natural disaster while temporarily living in a manufactured home. A one year time limit is required on each such conditional use.
- (4) Cases where emergency housing is needed. A one year time limit is required on each such conditional use.

### **Section 8 – Amendments to Zoning Ordinance or Zoning Map**

Amendments to this Ordinance include either: amendments to the text or amendments to the Official Zoning Map, which is legally a part of this Ordinance. Any person may initiate an amendment to this Ordinance by filing an application with the Zoning Officer.

If a specific use is identified by the applicant for a rezoning, then the application for rezoning shall be accompanied by a site plan.

No amendment to the Official Zoning Map shall be approved unless the proposed rezoning meets one of the following criteria:

- (1) That there was a mistake in the original zoning. “Mistake” in this context shall refer to a clerical or administrative error, such as a mistake of draftsmanship on the Official Zoning Map or incorrectly reflecting the Planning Commission’s decision in the minutes. “Mistake” does not mean that the Planning Commission made a mistake in judgement in their prior zoning, such as placing a property in one classification when the evidence appeared to indicate that another would have been more appropriate.
- (2) That the character of the neighborhood has changed to such an extent as to justify reclassification, and that there is a public need for the rezoning.

No amendment to the Official Zoning Map shall be approved by the Planning Commission unless the proposed rezoning is consistent with all four elements of the adopted Comprehensive Plan.

A public hearing shall be held on any proposed amendment to the text of this Ordinance or the Official Zoning Map following at least fifteen (15) days’ notice of the hearing.

Upon the submission of an application for a rezoning, and a determination by the Planning Commission that said application should be denied, the Planning Commission shall not accept a subsequent application to re-zone the same property or any part thereof to the same classification until the expiration of one (1) year from the date of the decision of the Planning Commission denying said application. However, if the application relates to the same property but seeks zoning to a different classification, the one year rule does not apply and the Planning Commission may consider such a proposed rezoning.

No amendment to the Official Zoning Map or the text of this Ordinance shall become effective until an Ordinance has been passed by the Mayor and Board of Aldermen.

### **Section 9 – Appeals to a Court of Law**

An appeal from any action, decision, ruling, judgement or order of the Planning Commission may be taken by any person or persons, jointly or severally, or any taxpayer, officer, department, board or bureau of Morton to the Mayor and Board of Aldermen by filing notice of appeal with the City Clerk within twenty (20) days from the filing of the decision of the Planning Commission. The City Clerk shall forthwith transmit to the Mayor and Board of Aldermen the original or certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the Planning Commission. Any person aggrieved at any final decision of the Mayor and Board of Aldermen may appeal therefrom to the Chancery Court of Scott County, Mississippi, within the time and in the manner prescribed by law for appeals from any order of the governing authority of a municipality.

## ARTICLE XII – ADMINISTRATION

### **Section 1 – Building Permit and Certificate of Occupancy Required**

These regulations shall be enforced by the Zoning Officer appointed by the Mayor and Board of Aldermen. It shall be a violation of these regulations for any person to change or permit the change in the use of land or buildings or structures or to erect, alter, move or improve any building or structure until a building permit has been obtained under the following conditions.

#### 1.1 Building Permits

Whenever any structure or building is to be structurally altered in an amount exceeding five hundred dollars (\$500.00) or erected, moved, or structurally altered a building permit shall be obtained from the Inspecting Office. The Zoning Officer may require every applicant for a building permit to furnish the following information:

- (1) A plot plan, drawn to scale, showing the exact size, shape, and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures or building proposed to be repaired, altered, erected or moved, and the size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities.
- (2) A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate.
- (3) Additional information relating to the proposed improvement needed to determine compliance with these regulations.
- (4) A survey prepared by an engineer or surveyor registered or approved in the State of Mississippi of the boundaries of the lot on which the improvement is proposed to be located.

#### 1.2 Certificate of Occupancy

No vacant land shall be occupied or used, except for agricultural uses, and no building hereafter erected, reconstructed, altered, or enlarged, shall be occupied or used until a certificate of occupancy shall have been issued by the Code Enforcer.

- (1) Certificate of Occupancy for a Building: Certificate of Occupancy for a new building or the alteration of an existing building shall be applied for coincident with the application for a building permit and said certificate shall be issued within three (3) days after the request for same shall have been made in writing to the Zoning Officer after the erection, reconstruction, alteration, or enlargement of such building or part thereof shall have been completed in conformity with provisions of these regulations. Pending the issuance of a regular certificate of occupancy, a temporary certificate of

occupancy may be issued by the Zoning Officer for a period not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its completion, Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the city relating to the use or occupancy of the premises or any other matter covered by this Ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants. Request for Certificate of Occupancy for any change in the use of a building shall be made in writing at least ten (10) days in advance of such change and shall be issued within three (3) days after such request if the new use is in conformity with the provision of these regulations.

- (2) Certificate of Occupancy for Land: Certificate of Occupancy for use of vacant land or the change in the character of the use of land as herein provided, shall be applied for before any such land shall be occupied or used and a Certificate of Occupancy shall be issued within three (3) days after the application has been made, provided such use is in conformity with the provisions of these regulations.
- (3) Certificate of Occupancy for a Legal Nonconforming Use: Certificate of Occupancy shall be required for all legal nonconforming uses. Application for Certificate of Occupancy for such nonconforming uses shall be filed within twelve (12) months from the effective date of this Ordinance, accompanied by affidavits of proof that such nonconforming uses were not established in violation of this Ordinance, or any previous zoning ordinance.

Certificate of Occupancy shall state that the building or proposed use of a building or land, complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Code Enforcer, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. (No fee shall be charged for a Certificate of Occupancy).

## **Section 2 – Violations and Penalties**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure, or land, is used in violation of this Ordinance, the City, 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 zoning ordinance shall be guilty of a misdemeanor and upon conviction therefor

shall be sentenced to pay a fine of \$75.00 for the first offense, \$125.00 for the second offense, and a minimum of \$225.00 for every succeeding offense.

### **Section 3 – Amendments**

The Mayor and Board of Aldermen may, from time to time, on its own motion, or on petition from a property owner, or on recommendation of the Planning Commission, amend the regulations and districts herein established. No change in regulations, restrictions or district boundaries shall become effective until after a public hearing held in relation thereto by the Planning Commission, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in an official paper or paper of general circulation in Morton, Mississippi and Scott County. Every such proposed amendment shall be referred to the Planning Commission for report. For each petition for amendment to the Zoning Regulations a fee of fifty dollars (\$50.00) shall be paid to the City Clerk by persons requesting such change to pay the cost of legal publication.

### **Section 4 – Invalidity of a Part**

In case any portion of these regulations shall be held to be invalid or unconstitutional, the remainder of these regulations shall not thereby be invalid, but shall remain in full force and effect.

### **Section 5 – Conflicting Regulations**

It is hereby provided that the provisions of these regulations shall not be construed as being in conflict with the provisions of any other regulations of Morton, Mississippi. In any case when the provisions of the regulations and the provisions of other regulations both apply, the provisions of greatest restriction shall govern.

### **Section 6 – Effective Date of Ordinance**

Adopted on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, to be effective on and after the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.



**Section 7 – Adoption Clause**

Adopted this, the \_\_\_\_\_, at the regular meeting of the Board of Aldermen of Morton, Mississippi.

\_\_\_\_\_  
President, Morton Board of Aldermen

ATTEST

\_\_\_\_\_  
City Clerk, Morton, Mississippi

I, the undersigned \_\_\_\_\_, City Clerk of Morton, Mississippi, hereby certify that the above and foregoing is a true copy of an Ordinance adopted by the Board of Aldermen of Morton at its meeting held on the \_\_\_\_\_ as the same appear in Minute Book \_\_\_\_\_.

Given under my hand and official seal, this the \_\_\_ day of \_\_, 20\_\_.

\_\_\_\_\_  
City Clerk, Morton, Mississippi

**APPENDIX**

Form #1

Permit No. \_\_\_\_\_

SIGN PERMIT  
CITY OF MORTON, MISSISSIPPI

Date of Application: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone No. \_\_\_\_\_

Location of Sign Requested: \_\_\_\_\_  
\_\_\_\_\_

Name and Address of Person, Firm, etc, Erecting Sign: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name and Address of Property Owner: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Evidence of insurance and bond responsibility must be attached to this application.

Approved Date: \_\_\_\_\_

\_\_\_\_\_  
Zoning Officer

Form #2

**REQUIRED FOR MANUFACTURED HOUSING IN THE CITY OF MORTON**

1. The zoning must be checked and approved with the Code and Zone/Building Inspector.
2. A deed to the property must be presented to the Code and Zone/Building Inspector.
3. Property owners within 200 feet in every direction will be required to sign a petition granting permission to place a manufactured home on the location.
4. Manufactured housing must be five (5) years old or less (from date of application) and the size and pictures of the manufactured housing must be presented to the Code and Zone/Building Inspector.
5. If approved, documentation of age, size and registration must be provided to the Code and Zone/Building Inspector.
6. If approved, a manufactured home permit is required before the manufactured home can be moved into the city.
7. After placement of manufactured home, the owner is responsible to schedule all inspections (electrical, plumbing, skirting, and final). Certificate of occupancy must be obtained.

Initial \_\_\_\_\_

\_\_\_\_\_  
ZONING OFFICER

\_\_\_\_\_  
APPLICANT'S SIGNATURE

\_\_\_\_\_  
DATE

Form #3

**REQUIREMENT FOR REPLACING OLD MANUFACTURED HOME WITH NEW  
MANUFACTURED HOME IN THE CITY OF MORTON**

Name \_\_\_\_\_

Age of the trailer (has to be 5 years or newer) \_\_\_\_\_

Size of the home \_\_\_\_\_

Parcel number \_\_\_\_\_

**MANUFACTURED HOME APPLICATION:**

- Must complete the application
- Pay \$100.00 for permit

After placement of the manufactured home, the owner needs to call for all inspections.

- Electric
- Plumbing
- Skirting
- Final inspection \_\_\_\_\_

Certificate of occupancy must be obtained. \_\_\_\_\_

\_\_\_\_\_  
CODE AND ZONE OFFICER

\_\_\_\_\_  
APPLICAN'TS SIGNATURE

\_\_\_\_\_  
DATE

Form #4

**REQUIREMENTS FOR MANUFACTURED HOMES IN THE CITY OF MORTON**  
**CHECK LIST**

1. The zoning must be checked and approved by the Code and Zone/Building Inspector.
  - Address of the property \_\_\_\_\_
  - Parcel number \_\_\_\_\_
  - Age of the home (has to be 5 years or newer) \_\_\_\_\_
  - Size of the home \_\_\_\_\_
  - Meets set back requirements            YES or NO
  - Water Tap available                        YES or NO
  - Sewer Tap available                        YES or NO
  - Flood zone
    1. Get Flood Certificate from a licensed surveyor.
    2. Whatever the base flood elevation is, 12 inches have to be added.
2. Must show proof of ownership (deed).
  - Owner is the only one who can get a manufactured home permit
  - (Get picture ID to make a copy of and to verify ownership) \_\_\_\_\_
3. Code and Zone department will obtain all names and addresses of land owners within 200 feet of property that request the variance and notify property owners.
4. The notified residents have 10 working days from date of issuance to fill out and turn in an Objection to Manufactured Home Placement form, with a signature. If the form is not received in the allotted time, notified residents opportunity to object is forfeited.
5. Applicants will go before the Board for approval, which will meet the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month.
6. After permit is approved:
 

MANUFACTURED HOME APPLICATION:

  - Application must be completed
  - Pay \$100.00 for permit \_\_\_\_\_
  - Need to provide documentation of age of home (bill of sell)
  - Need pictures of home

- Copy of registration (taxes with the county) \_\_\_\_\_
7. After placement of the manufactured home, the owner needs to call for all inspections.
- Electric inspection \_\_\_\_\_  
I agree to use an electrician registered with the City of Morton \_\_\_\_\_
  - Plumbing inspection \_\_\_\_\_  
I agree to use a plumber registered with the City of Morton \_\_\_\_\_
  - HVAC inspection \_\_\_\_\_  
I agree to use a HVAC Co. registered with the City of Morton \_\_\_\_\_
  - Skirting inspection (by Morton Building Inspector) \_\_\_\_\_
  - Final inspection \_\_\_\_\_
8. Certificate of occupancy must be obtained. \_\_\_\_\_

\_\_\_\_\_  
CODE AND ZONE OFFICER

\_\_\_\_\_  
APPLICANT'S SIGNATURE

\_\_\_\_\_  
DATE

**APPLICATION FOR MANUFACTURED HOME PERMIT**  
**APPLICATION GOOD FOR 90 DAYS**

**COST: \$100.00**

APPLICANT'S NAME \_\_\_\_\_ DATE \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE# \_\_\_\_\_

STREET ADDRESS OF HOME \_\_\_\_\_

LAND OWNER'S NAME \_\_\_\_\_ PHONE# \_\_\_\_\_

LOT SIZE – WIDTH \_\_\_\_\_ DEPTH \_\_\_\_\_

CULVERT REQUIRED-----YES(\_\_\_\_) NO(\_\_\_\_)

WATER & SEWER AVAILABLE--YES(\_\_\_\_) NO(\_\_\_\_)

TAPS REQUIRED-----YES(\_\_\_\_) NO(\_\_\_\_)

MANUFACTURED HOME CONDITION \_\_\_\_\_ SIZE: \_\_\_\_\_

MOVING MANUFACTURED HOME FROM: \_\_\_\_\_

**OWNER MUST COMPLY WITH ALL CITY ORDINANCES SET BACKS**

FRONT YARD: \_\_\_\_\_ FLOOD ZONE \_\_\_\_\_

SIDE YARD: \_\_\_\_\_ ZONE AS: \_\_\_\_\_

REAR YARD: \_\_\_\_\_

\_\_\_\_\_  
CODE AND ZONE OFFICER

\_\_\_\_\_  
APPLICANT'S SIGNATURE

\_\_\_\_\_  
DATE

**OBJECTION TO MANUFACTURED HOUSING PLACEMENT**

The City of Morton requires that all property owners within 200 feet of any property requesting a manufactured home permit must be notified, and must fill out this objection form in order to object.

The property located at the physical address \_\_\_\_\_, owned by \_\_\_\_\_ and listed on the tax role as parcel # \_\_\_\_\_ is requesting a manufactured home permit.

Your **NOTARIZED SIGNATURE** on the line below will indicate your objection to the aforementioned manufactured housing. This form must be returned within 10 working days to the City of Morton, P.O. Box 555 Morton, MS. 39117.

\_\_\_\_\_  
Owner or Company Name

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
SIGNATURE

State of \_\_\_\_\_

County of \_\_\_\_\_

Sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary

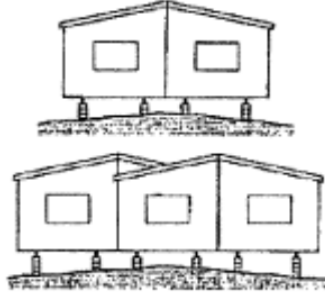
SEAL

My commission expires: \_\_\_\_\_

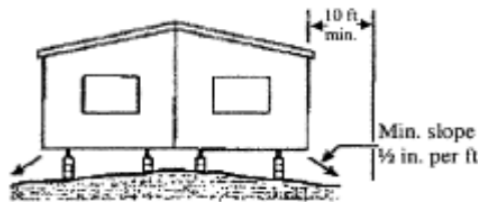
Form #7



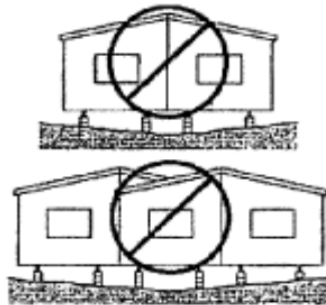
Figure to § 3285.203 - Grading and drainage.



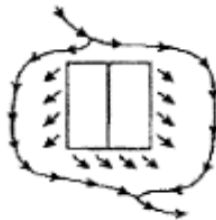
Crown and grade site to slope away from the home



Home sites must be prepared so that there will be no depressions in which surface water may accumulate beneath the home. The area of the site covered by the manufactured home must be graded, sloped, or designed to provide drainage from beneath the home or to the property line.



Do not grade site or set the home so that water collects beneath the home.



Natural drainage must be diverted around and away from the home.

