

MINUTES - PETAL, MISS.

filed, to-wit:

Notice to Bidders for supplies for the Police, Building, Financial, Highways and Streets, and Judicial Departments.

Notice to Bidders for depositories.

WHEREAS, Mayor Byrd stated to the Board of Aldermen that the key to the new fire station is in City Hall and stated that if any of the Aldermen wished to see the fire station that the key will be here at all times. Mayor Byrd also, stated that the Public Relations department of Hanco had requested a date from the Aldermen concerning the opening of the new station. Mayor Byrd suggested that the Board wait until the grounds of the building are in a presentable manner.

Alderman W. H. Clearman asked Mayor Byrd about the City's progress on the new street lights and is the City going to carry the expense of the sentry lights?

Mayor Byrd stated that some of the sentry lights will be taken down and City street lights will replace these lights. Mayor Byrd suggested to the Aldermen that as soon as all of the street lights are installed that the Aldermen and himself take their maps and at night travel through the City and see if any additional lights are needed.

THEREUPON, Alderman W. H. Clearman made a motion to accept the Mayor Byrd's suggestion; the motion was seconded by Alderman A. L. Henderson, Jr.

Those present and voting "Aye":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B/ Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles A. Sumrall

Those present and voting "Nay":

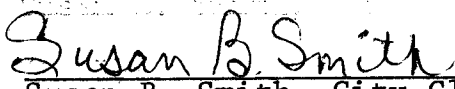
NONE

There being no further business the meeting was ordered adjourned on this the 6th. day of January A. D., 1976


Ulmer Byrd, Mayor

(SEAL)

ATTEST:


Susan B. Smith, City Clerk

BE IT REMEMBERED that there was begun and held a regular meeting of the Mayor and Board of Aldermen of the City of Petal, Mississippi, at 7:30 P.M., Tuesday, January 20, 1976, in the Mayor's office in the City Hall.

Those Present:

Mayor:	Ulmer Byrd
Aldermen	W. H. Clearman Mitchell Curry George B. Draughn A. L. Henderson, Jr. Charles A. Sumrall

City Attorney: Thomas W. Tyner

Others Present: Jimmy D. Odom

MINUTES - PETAL, MISS.

Buddy Grayson
David Ford
Bob Himmelsbach
Ann Riess

Mayor Byrd declared a quorum was present and declared the City Council in session.

The invocation was offered by Alderman A. L. Henderson, Jr.

The minutes of the meeting held January 6, 1976, were read by Susan B. Smith.

THEREUPON, Alderman Michell Curry made a motion to accept the minutes as read; the motion was seconded by Alderman George B. Draughn.

Those present and voting "Aye":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles A. Sumrall

Those present and voting "Nay":

NONE

WHEREAS, Mayor Byrd requested if anyone present had any public comment.

WHEREAS, Mr. David Ford addressed the Mayor and Board of Aldermen and stated that the Petal Chamber of Commerce is trying to promote active participation with the City Council. Mr. Ford stated that with the Board of Aldermen's consent, that the Chamber would like one representative at each Council meeting. Mr. Ford extended an invitation for the members of the Council to attend the regular meeting of the Chamber of Commerce that is held on the First Wednesday of each Month. Mr. Ford also requested the attendance of the Aldermen at a luncheon Wednesday, February 4, 1976. Mayor Byrd stated to Mr. Ford that he and the Board appreciated the invitation and there will be a member present at the meeting on February 4, 1976, and that the Board of Aldermen will participate in the Board of Directors meeting every month. Mayor Byrd also wished the Chamber of Commerce a successful membership drive and congratulated them on the successful work they have done in the past.

WHEREAS, Mr. Hodges addressed the Mayor and Board of Aldermen concerning whether the Aldermen and the Building Inspector were going to allow the installation of a mobile home park on Garden Lane. Mr. Tyner stated to Mr. Hodges that Mrs. Henserling called and he had informed Mrs. Henserling that the Zoning Ordinance will be effected within a few weeks and that the Mobile Home Park in that area would be a bad investment and encouraged Mrs. Henserling to take this under consideration before investing.

WHEREAS, Mr. Gay addressed the Mayor and Board of Aldermen requesting that they take into consideration a stop sign at the corner of Starlane Drive where it intersects with Chappel Hill Drive. Mr. Gay stated that this was a very dangerous intersection and he was concerned for the school buses driving out of Starlane Drive.

THEREUPON, Mayor Byrd stated that the City is in the process of putting up street signs and stop signs and he would have the man in charge of installing these signs to take a look at this location.

WHEREAS, Mr. Tyner stated that the following Ordinance has been discussed concerning the sell of beer and alcoholic beverages. The Ordinance reads as follows, to-wit:

ORDINANCE 1976 (28)

AN ORDINANCE RESTRICTING SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES NEAR SCHOOLS AND CHURCHES AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: AND METHOD OF MEASUREMENT: AND REPEALING ORDINANCE 1974 (12), AS ADOPTED ON OCTOBER 15, 1974.

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI:

SECTION 1: Sales Prohibited

The sale of alcoholic beverages, as defined by Section 67-1-5(a) of the Mississippi Code of 1972, is hereby prohibited within 1000 feet of any public or private school building within the city limits of the City of Petal, Mississippi, the sale of alcoholic beverages, as defined by Section 67-1-5(a) of the Mississippi Code of 1972, is hereby prohibited within 500 feet of any church building within the city limits of the City of Petal, Mississippi.

The sale of all other alcoholic beverages, containing not more than four percent (4%) of alcohol by weight is hereby prohibited within 1000 feet of any public or private school building within the city limits of the City of Petal, Mississippi, the sale of all other alcoholic beverages containing not more than four percent (4%) of alcohol by weight is hereby prohibited within 1000 feet of any church building within the city limits of the City of Petal, Mississippi.

SECTION 2: Consumption Prohibited

The public consumption of all alcoholic beverages is hereby prohibited within 2000 feet of any public or private school building within the city limits of the City of Petal, Mississippi; the public consumption of all alcoholic beverages is hereby prohibited within 500 feet of any church building within the city limits of the City of Petal, Mississippi

SECTION 3: Penalties

Any person or persons violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereby shall be fined not more than \$300.00 or imprisoned not to exceed three (3) months, or by both such fine and imprisonment.

SECTION 4: Method of Measurement

For purposed of measurement of the distances set forth in this Ordinance, the measurement shall be made in a straight line from the nearest point of the private or public school building or church, to the main or front door of the business establishment wherein the sale or consumption of alcoholic beverages shall take place.

SECTION 5: Ordinance 1974 (12) Repealed

Ordinance 1974 (12), as adopted on October 15, 1974, is hereby repealed.

SECTION 6: Effective Date

The above and foregoing Ordinance shall take effect and be in force from and after February 20th. A. D., 1976.

THEREUPON, after a lengthy discussion from citizens present and the Board of Aldermen, Alderman A. L. Henderson made a motion to amend Section 1 paragraph 2 to read as follows:

The sale of all other alcoholic beverages, containing not more than four percent (4%) of alcohol by weight is hereby prohibited within 500 feet of any public or private school building within the city limits of the City of Petal, Mississippi; the sale of all other alcoholic beverages containing not more than four percent (4%) of alcohol by weight is hereby prohibited within 500 feet of any church building within the city limits of the City of Petal, Mississippi.

The motion was seconded by Alderman W. H. Clearman.

Those present and voting "Yea" and in favor of the passage, adoption and approval of Section 1 paragraph 2 of the foregoing amendment:

- Alderman W. H. Clearman
- Alderman Mitchell Curry
- Alderman Charles A. Sumrall
- Alderman A. L. Henderson, Jr.

Those present and voting "Nay" or against the approval of Section 1 paragraph 2 of the foregoing Ordinance:

- Alderman George B. Draughn

With the aforesaid amendment made and voted upon Mr. Tyner read Ordinance 1976 (28) as follows; to-wit:

ORDINANCE 1976 (28)

AN ORDINANCE RESTRICTING SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES NEAR SCHOOLS AND CHURCHES AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: AND METHOD OF MEASUREMENT: AND REPEALING ORDINANCE 1974 (12), AS ADOPTED ON OCTOBER 15, 1974.

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF PETAL, MISSISSIPPI:

SECTION 1: Sales Prohibited

The sale of alcoholic beverages, as defined by Section 67-1-5(a) of the Mississippi Code of 1972, is hereby prohibited within 2000 feet of any public or private school building within the city limits of the City of Petal, Mississippi; the sale of alcoholic beverages, as defined by Section 67-1-5(a) of the Mississippi Code of 1972, is hereby prohibited within 500 feet of any church building within the city limits of the City of Petal, Mississippi.

The sale of all other alcoholic beverages, containing not more than four percent (4%) of alcohol by weight is hereby prohibited within 500 feet of any public or private school building within the city limits of the

MINUTES - PETAL, MISS.

City of Petal, Mississippi.

THEREUPON, Alderman A. L. Henderson, Jr. made a motion to adopt Section 1: Sale Prohibited. The motion was seconded by Alderman W. H. Clearman.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

Alderman George B. Draughn

SECTION 2: Consumption Prohibited

The public consumption of all alcoholic beverages is hereby prohibited within 2000 feet of any public or private school building within the city limits of the City of Petal, Mississippi; the public consumption of all alcoholic beverages is hereby prohibited within 500 feet of any church building within the city limits of the City of Petal, Mississippi.

THEREUPON, Alderman Mitchell Curry made a motion to adopt Section 2: Consumption Prohibited. The motion was seconded by Alderman Charles Sumrall.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

Alderman George B. Draughn

SECTION 3: Penalties

Any person or persons violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereby shall be fined not more than \$300.00 or imprisoned not to exceed three (3) months, or by both such fine and imprisonment.

THEREUPON, Alderman W. H. Clearman made a motion to adopt Section 3: Penalties. The motion was seconded by Alderman Mitchell Curry.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

Alderman George B. Draughn

SECTION 4: Method of Measurement

For purposes of measurement of the distances set forth in this Ordinance, the measurement shall be made in a straight line from the nearest point of the private or public school building or church, to the main or front door of the business establishment wherein the sale or consumption of alcoholic beverages shall take place.

THEREUPON Alderman A. L. Henderson, Jr. made a motion to adopt Section 4: Method of Measurement. The motion was seconded by Alderman Charles Sumrall.

MINUTES - PETAL, MISS.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

Alderman George B. Draughn

SECTION 5: Ordinance 1974 (12) Repealed

Ordinance 1974 (12), as adopted on October 15, 1974, is hereby repealed.

THEREUPON Alderman Charles Sumrall made a motion to adopt Section 5: Ordinance 1974 (12) Repealed. The motion was seconded by Alderman Mitchell Curry.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay"

Alderman George B. Draughn

SECTION 6: Effective Date

The above and foregoing Ordinance shall take effect and be in force from and after February 20, A. D., 1976.

THEREUPON, Alderman Mitchell Curry made a motion to adopt Section 6: Effective Date. The motion was seconded by Alderman W. H. Clearman.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

Alderman George B. Draughn

The above and foregoing Ordinance, having been reduced to writing, the same was introduced and read and a vote was taken thereon, first section by section, then upon the Ordinance as a whole with the following results:

Those present and voting "Yea" and in favor of the passage, adoption and approval of Sections 1, 2, 3, 4, 5, and 6 of the foregoing Ordinance:

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay" or against the adoption of any section of the foregoing Ordinance:

Alderman George B. Draughn

Those present and voting "Yea" and in favor of the adoption of the foregoing Ordinance as a whole:

Alderman W. H. Clearman
Alderman Mitchell Curry
Aldermen A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay" or against the adoption of the foregoing Ordinance as a whole:

Alderman George B. Draughn

WHEREUPON, the foregoing Ordinance be and the same is hereby passed, adopted and approved on this, the 20th. day of January, A. D., 1976.

/s/ Ulmer Byrd
Ulmer Byrd, Mayor

(SEAL)

ATTEST:

/s/ Susan B. Smith
Susan B. Smith, City Clerk

THEREUPON, Mr. Tyner presented to the Board of Aldermen the Zoning Ordinance 1976 (29), which read as follows, to-wit:

ZONING ORDINANCE 1976 (29)

City of Petal, Mississippi

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF PETAL, MISSISSIPPI, TO REGULATE AND RESTRICT THE LOCATION, HEIGHT, NUMBER OF STORIES, SIZE OF BUILDINGS AND OTHER STRUCTURES: SIZE OF YARDS AND OPEN SPACES: OFF-STREET PARKING AND LOADING: DENSITY AND DISTRIBUTION OF POPULATION: USE OF BUILDINGS, STRUCTURES AND LAND: PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF: AND REPEALING ALL ORDINANCES AND CONFLICTING LAWS.

ARTICLE I

PURPOSE, AUTHORITY, JURISDICTION

SECTION 100: Enactment

WHEREAS, the Mayor and Board of Aldermen deem it necessary for the purpose of promoting the health, safety, morals, and general welfare of the City of Petal to enact such a Ordinance, and;

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

Now it shall be ordained by the Mayor and Board of Aldermen of the City of Petal, Mississippi:

THEREUPON, Alderman Charles Sumrall made a motion to adopt Section 100: Enactment. The motion was seconded by Alderman Mitchell Curry.

Those present and voting "Yea":

- Alderman W. H. Clearman
- Alderman Mitchell Curry
- Alderman A. L. Henderson, Jr.
- Alderman George B. Draughn
- Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 101: Title

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

THEREUPON, Alderman W. H. Clearman made a motion to adopt Section 101: Title. The motion was seconded by Alderman A. L. Henderson, Jr.

Alderman W. H. Clearman
 Alderman Mitchell Curry
 Alderman George B. Draughn
 Alderman A. L. Henderson, Jr.
 Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 102: Purpose

The zoning regulations set forth herein are enacted to implement the land use portion of the Community Development Plan for the City of Petal and to promote the health, safety, morals and general welfare of the citizens of the City. These regulations are intended 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; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

THEREUPON, Alderman George B. Draughn made a motion to adopt Section 102: Purpose. The motion was seconded by Alderman Charles Sumrall.

Those present and voting "Yea":

Alderman W. H. Clearman
 Alderman Mitchell Curry
 Alderman George B. Draughn
 Alderman A. L. Henderson, Jr.
 Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 103: Authority

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

THEREUPON Alderman Charles Sumrall made a motion to adopt Section 103: Authority. The motion was seconded by Alderman A. L. Henderson, Jr.

Those present and voting "Yea":

Alderman W. H. Clearman
 Alderman Mitchell Curry
 Alderman George B. Draughn
 Alderman A. L. Henderson, Jr.
 Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 104: Jurisdiction

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

THEREUPON, Alderman Mitchell Curry made a motion to adopt Section 104: Jurisdiction. The motion was seconded by Alderman George B. Draughn.

Those present and voting "Yea":

Alderman W. H. Clearman
 Alderman Mitchell Curry
 Alderman George B. Draughn
 Alderman A. L. Henderson, Jr.
 Alderman Charles Sumrall

MINUTES - PETAL, MISS.

Those present and voting "Nay":

NONE

ARTICLE II

DEFINITIONS AND WORDS

SECTION 200: Rules for Words and Phrases

For the purpose of these regulations, words used in the present tense shall include the future tenses; words in the singular number shall include the plural and words in the plural number shall include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory.

THEREUPON Alderman Mitchell Curry made a motion to adopt Section 200:

Rules for Words and Phrases. The motion was seconded by Alderman Charles Sumrall.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 201: Definitions

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter.

- 201.01 Accessory Building or Use A subordinate building or a portion of the main building, the use of which is incidental to that of the dominant use of the main building or land. An accessory use is one which is incidental to the main use of the premises.
- 201.02 Administrative Officer A person or persons designated by the Mayor and the Board of Aldermen, Petal, Mississippi to administer this ordinance.
- 201.03 Agricultural Livestock Any animal normally considered to be a farm animal. This includes, but is not limited to: cows, horses, mules, pigs, hogs, goats, ducks, geese, chickens, and catfish.
- 201.04 Alley A way which affords only a secondary means of access to property abutting thereon, or which has a right of way less than 30 feet wide.
- 201.05 Apartment A room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there are three or more such rooms or suites.
- 201.06 Apartment House See Dwelling, Multiple.
- 201.07 Boarding House A building other than a hotel where, for compensation and by arrangement, meals or lodging and meals are provided for three or more persons.
- 201.08 Building Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattles, or property of any kind.
- 201.09 Building, Height of The vertical distance from the grade to the highest point of the eaves of the flat roof or to the deck

- line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
- 201.10 Clinic, Medical An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians, or dentists, practicing medicine together.
- 201.11 District A section or sections of the City of Petal for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.
- 201.12 Dwelling Any building or portion thereof which is designed for, or used exclusively for, residential purposes excluding tents, cabins, trailers, or trailer coaches.
- 201.13 Dwelling, Single-Family A building designed for or occupied by one family excluding mobile homes.
- 201.14 Dwelling, Two-Family A building designed for or occupied exclusively by two families.
- 201.15 Dwelling, Multiple A building designed for or occupied exclusively by more than two families.
- 201.16 Dwelling Unit One room or a suite of two or more rooms designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.
- 201.17 Family A group of one or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel as herein defined.
- 201.18 Filling Station or Service Station Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray painting.
- 201.19 Flood Hazard Boundary Map An official map or plat of a community, issued or approved by the Federal Insurance administrator, on which the boundaries of the flood-prone areas having special hazards have been drawn.
- 201.20 Flood, 100 Year The highest level of flooding that, on the average, is likely to occur once every hundred (100) years (i.e., that has a one (1) percent chance of occurring each year).
- 201.21 Flood-proofing Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

MINUTES - PETAL, MISS.

- 201.22 Frontage All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
- 201.23 Garage, Private An accessory building designated or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is accessory.
- 201.24 Garage, Public A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.
- 201.25 Garage, Storing or Parking A building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and within which motor fuels and oils may be sold, but no motor-driven vehicles are equipped, repaired, hired or sold.
- 201.26 Home Occupation Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes and which is carried on wholly within a main building by a member of a family residing on the premises, in connection with which there is no advertising other than an identification sign of not more than two square feet in area and no other display or storage of materials or exterior identification of the home occupation or variation from the residential character of the main building or accessory building; and in connection with which no person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odor, heat or glare. A home occupation shall not include the conducting of a tea room or restaurant, rest home, clinic, doctor or dentist office, tourist home, cabinet, metal or auto repair shop.
- 201.27 Hotel A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public as opposed to a boarding house, a lodging house, or an apartment which is herein separately defined.
- 201.28 Institution A building occupied by a non-profit corporation or a non-profit establishment for public use.
- 201.29 Laundromat A business that provides home-type washing, drying or ironing machines for hire to be used by customer on the premises.
- 201.30 Loading Space A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, and having a minimum dimension of 12 by 35 feet and vertical

clearance of at least 14 feet.

- 201.31 Lodging House A building other than a hotel where lodging only is provided for three or more but not more than 20 persons.
- 201.32 Lot A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory buildings, the open spaces and parking spaces required by the Zoning Ordinance, and having its principal frontage upon a public street either existing or platted.
- 201.33 Lot, Corner A lot abutting upon two or more streets at their intersection.
- 201.34 Lot, Double Frontage A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.
- 201.35 Lot Lines Property ownership lines.
- 201.36 Lot of Record A lot which is part of a subdivision, the map of which has been recorded in the records of the Chancery Clerk of the County, or a parcel of land, the deed of which was recorded in the records of the Chancery Clerk of the County prior to the adoption of this Ordinance.
- 201.37 Mobile Home A single-family dwelling unit that has the following characteristics:
- 201.37-1 Designed for long-term occupancy containing sleeping accommodations, flush toilet, tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- 201.37-2 Designed to be transported after fabrication on its own wheels, flat bed, other trailers or detachable wheels.
- 201.37-3 Arrives at site where it is to be occupied as a dwelling unit complete with major appliances and furniture and ready for occupancy except for minor and incidental unpacking and assembly operation, location on foundation supports, connection to utilities, and the like.
- 201.38 Mobile Home Park A mobile home park is any parcel of land improved for the placing of mobile homes consisting of two or more acres upon which two or more mobile homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation. A mobile home space means the area within a mobile home park designed for the accommodation of one mobile home. All mobile home parks shall meet the provisions in Section 503.
- 201.39 Motor Court or Motel A building or group of buildings used primarily for the temporary residence of motorists or travelers.
- 201.40 Nonconformity A lawful condition of a structure or land,

- conform to the regulations of the district in which it is situated. This may include, but is not limited to failure to conform to use, height, area, coverage or off-street parking requirements.
- 201.41 Nonconforming Use A structure or land, at the time of adoption of this Ordinance, which was lawfully occupied by a use that does not conform to the regulations of the district in which it is located.
- 201.42 Nursing Home A home for the aged, chronically ill or incurable persons in which three or more persons, not of the immediate family are received, kept and provided with food or shelter and care, for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.
- 201.43 Parking Area An open, unoccupied space used or required for the use of parking vehicles exclusively and in which no gasoline or vehicular accessories are sold or no other business is conducted and no fees are charged.
- 201.44 Parking Lot An open surfaced area used exclusively for the temporary storage of motor vehicles and within which motor fuels and oils may be sold and fees charged, but no vehicles may be equipped, repaired, rented or sold.
- 201.45 Parking Space A surfaced area, enclosed in the main building or unenclosed having dimensions not less than 8 feet wide and 18 feet long, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced drive way which affords satisfactory ingress and egress for automobiles.
- 201.46 Place An open, unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.
- 201.47 Planning Commission The official planning and zoning body of the City of Petal, Mississippi so designated by the Mayor and Board of Aldermen.
- 201.48 Rooming House See Lodging House
- 201.49 Setback Line The closest point at which a building may be constructed in relation to the lot line.
- 201.50 Story That portion of a building other than a cellar included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
- 201.51 Street A public or private thoroughfare which affords the principal means of access to abutting property.
- 201.52 Street Line A dividing line between a lot, tract or parcel of land and contiguous street.
- 201.53 Structure Anything constructed or erected, the use of which

- ground, including, but without limiting the general inclusiveness of the foregoing: advertising signs, bill boards, back stops for tennis courts, and pergolas.
- 201.54 Structural Alteration Any change in the supporting members of a building, such as bearing walls, or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.
- 201.55 Substantial Improvement Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.
- 201.56 Tourist Home A building other than a hotel where lodging is provided and offered to the public for compensation for not more than 20 individuals and open to transient guests, with which there is used only one sign not more than two square feet in area.
- 201.57 Tourist of Trailer Camp An area where one or more tents or auto trailers can be or intended to be parked; designed or intended to be used as temporary living facilities of one or more families and intended primarily for automobile transients.
- 201.58 Trailer A vehicle, other than a motor vehicle, designed or intended for use for dwelling purposes, whether or not such vehicle is attached to or resting on the ground or something having a location on the ground.
- 201.59 Variance Relief from the terms of this Ordinance which the Mayor and Board of Aldermen may grant if it finds that undue hardship is placed upon a property owner by the literal interpretations of this Ordinance.
- 201.60 Yard An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
- 201.61 Yard, Front A yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots, the front yard shall be considered as parallel to the street designated by the Planning Commission.

201.62 Yard, Rear A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots, the rear yard shall be in the rear of the front yard.

201.63 Yard, Side A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereof.

201.64 Zoning Map The Official Zoning Map of Petal, Mississippi, such map being located in the Office of the City Clerk.

THEREUPON Alderman W. H. Clearman made a motion to adopt Section 201:

Definitions. The motion was seconded by Alderman A. L. Henderson, Jr.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay"

NONE

ARTICLE III

ZONING MAP

SECTION 300: Location

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

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the city under the following words: "This is to certify that this is the Official Zoning Map referred to in Article III of Ordinance Number 1976 (29) of the City of Petal, Mississippi," together with the date of the adoption of this ordinance.

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

No changes of any nature shall be made in the Official

MINUTES - PETAL, MISS.

Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 704.

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

THEREUPON, Alderman George B. Draughn made a motion to adopt Section 300: Location. The motion was seconded by Alderman Mitchell Curry.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles A. Sumrall

Those present and voting "Nay":

NONE

SECTION 301:- Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Mayor and Board of Aldermen may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of Adoption of map being replaced) as part of Ordinance No. 1976 (29) of the City of Petal, Mississippi.

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

THEREUPON Alderman A. L. Henderson, Jr. made a motion to adopt Section 301: Replacement of Official Zoning Map. The motion was seconded by Alderman W. H. Clearman.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman A. L. Henderson, Jr.
Alderman George B. Draughn
Alderman Charles A. Sumrall

Those present and voting "Nay":

NONE

SECTION 302: Interpretation

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

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

THEREUPON, Alderman W. H. Clearman made a motion to adopt Section 302: Interpretation. The motion was seconded by Alderman Mitchell Curry.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles A. Sumrall

Those present and voting "Nay":

NONE

ARTICLE IV

DISTRICT REGULATIONS

SECTION 400: Zoning Districts

For the purposes of this Ordinance the City of Petal, Mississippi, is divided into the following districts:

- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- R-3 High Density Residential District
- C-1 Neighborhood Commercial
- C-2 Central Business District
- C-3 Highway Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- A-1 General Agricultural District
- FP Flood Plain District
- FW Floodway District

THEREUPON, Alderman A. L. Henderson, Jr. made a motion to adopt Section 400: Zoning Districts. The motion was seconded by Alderman George B. Draughn.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles A. Sumrall

Those present and voting "Nay":

NONE

SECTION 401: R-1 Low Density Residential District

401.01 District Description The district is the most restrictive residential district and is created primarily for single-family residential units on larger lots with certain associated uses.

401.02 Permitted Uses

401.02-1 Single-family Dwellings

401.02-2 Accessory buildings customary, incidental and subordinate to the use of the main buildings.

401.02-3 Churches - provided there is no building within 20 feet of another lot in a residential district, and there is a front yard setback of at least 40 feet.

401.02-4 Home occupations - which met the provisions of Section 201.26.

401.02-5 Public parks and playgrounds

401.02-6 Public buildings, facilities and utilities which meet the provisions of Section 500.15.

401.02-7 Hospitals - provided that buildings are located not less than 100 feet from any lot in a residential district.

401.03 Parking Regulations Off-street parking space shall be provided in accordance with the requirements set forth in Section 503 of this Ordinance.

401.04 Sign Restrictions See Section 504 of this Ordinance.

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

THEREUPON, Alderman George B. Draughn made a motion to adopt Section 401: R-1 Low Density Residential District. The motion was seconded by Alderman A. L. Henderson, Jr.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles A. Sumrall

Those present and voting "Nay":

NONE

SECTION 402: R-2 Medium Density Residential District

402.01 District Description This District permits a higher density of single-family residential areas.

402.02 Permitted Uses

402.02-1 All uses and buildings permitted in the R-1 District.

402.03 Parking Regulations Off-street parking space shall be provided in accordance with the requirements set forth in Section 503 of this Ordinance.

402.04 Sign Restrictions See Section 504 of this Ordinance.

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

THEREUPON, Alderman Mitchell Curry made a motion to adopt Section 402: R-2 Medium Density Residential District. The motion was seconded by Alderman Charles A. Sumrall.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles A. Sumrall

Those present and voting "Nay":

NONE

SECTION 403: R-3 High Density Residential District

403.01 District Description This district permits the highest density of residential areas served by common facilities and open space.

403.02 Permitted Uses

403.02-1 All uses and buildings permitted in the R-2 district

403.02-2 All multi-family residential dwellings

403.02-3 Rooming and boarding houses

403.02-4 Mobile Home Parks - provided all requirements in Section 502 are met

403.03 Sign Restrictions See Section 504 of this Ordinance

403.04 Parking Regulations Off-street parking space shall be provided in accordance with the requirements set forth in Section 503 of this Ordinance.

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

THEREUPON, Alderman Charles A. Sumrall made a motion to adopt Section 403: R-3 High Density Residential District. The motion was seconded by Mitchell Curry.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry

Alderman George B. Draughn
 Alderman A. L. Henderson, Jr.
 Alderman Charles A. Sumrall

Those present and voting "Nay":

NONE

SECTION 404: C-1 Neighborhood Commercial District

404.01 District Description This District provides locations for commercial establishments which offer for sell at retail, products which principally supply everyday household needs. No use permitted in this District shall be dangerous, offensive, or detrimental by reasons of the emission of dust, gas, smoke, noise, fumes, glare, odor, vibration, or constitute a fire hazard.

404.02 Permitted Uses

404.02-1 Retail businesses of the following types: drug stores, bakery shops, gasoline stations, barber shops, beauty shops, grocery stores, shoe repair shops, coin operated laundromats, and other similar uses.

404.02-2 Customary related uses incidental to a permitted use, except that outdoor storage shall be prohibited.

404.03 Parking Regulations Off-street parking space shall be provided in accordance with the requirements set forth in Section 503 of this Ordinance.

404.04 Sign Restrictions See Section 504 of this Ordinance.

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

THEREUPON, Alderman George B. Draughn made a motion to adopt Section 404: C-1 Neighborhood Commercial District. The motion was seconded by Alderman Charles A. Sumrall.

Those present and voting "Yea":

Alderman W. H. Clearman
 Alderman Mitchell Curry
 Alderman George B. Draughn
 Alderman A. L. Henderson, Jr.
 Alderman Charles A. Sumrall

Those present and voting "Nay":

NONE

SECTION 405: C-2 Central Business District

405.01 District Description This District provides for a central retail commercial area within the City offering a wide range of services.

405.02 Permitted Uses

405.02-1 Retail and service outlets; such as furniture and appliance stores, department stores, grocery stores, dry cleaning shops, repair shops, variety

MINUTES - PETAL, MISS.

establishments.

- 405.02-2 Medical clinics.
- 405.02-3 Recreation or entertainment enterprises when they are inside an enclosed building.
- 405.02-4 Restaurants.
- 405.02-5 Public buildings, facilities and utilities.
- 405.02-6 Offices such as insurance, real estate and lawyers.
- 405.02-7 Banks and financial institutions.
- 405.02-8 Printing and publishing, provided all activities are enclosed.
- 405.02-9 Hotels or motels.
- 405.02-10 Service stations and garages.
- 405.03 Parking Regulations Off-street parking space shall be provided in accordance with the requirements set forth in Section 503 of this Ordinance.
- 405.04 Sign Restrictions See Section 504 of this Ordinance.
- 405.05 Dimensional Requirements Minimum width, depth, lot size, and width at setback line shall be provided in accordance with the requirements set forth in Section 505 of this Ordinance.

THEREUPON, Alderman A. L. Henderson, Jr. made a motion to adopt Section 405: C-2 Central Business District. The motion was seconded by Alderman Mitchell Curry.

Those present and voting "Yea":

Alderman W. H. Clearman
 Alderman Mitchell Curry
 Alderman George B. Draughn
 Alderman A. L. Henderson, Jr.
 Alderman Charles A. Sumrall

Those present and voting "Nay":

NONE

SECTION 406: C-3 Highway Commercial District

- 406.01 District Description This District provides for an automobile oriented commercial area providing a wide variety of business services and retail outlets. Such Districts usually generate heavy traffic and require strict parking, paving and buildings setback provisions.
- 406.02 Permitted Uses
- 406.02-1 All uses and buildings permitted in District C-2
- 406.02-2 Service stations and garages.
- 406.02-3 Drive-in Restaurants.
- 406.02-4 Drive-in theaters.
- 406.02-5 Funeral homes and mortuaries
- 406.02-6 Animal hospitals and kennels.
- 406.02-7 Nurseries and greenhouses.
- 406.02-8 Wholesale and warehousing businesses
- 406.02-9 Television and radio broadcasting transmitters and studios.
- 406.02-10 Tents for temporary uses such as carnivals, churches,

charities or charitable uses, or revival meetings provided a Certificate of Compliance has been issued in accordance with Article VII of this Ordinance.

- 406.03 Parking Regulations Off-street parking space shall be provided in accordance with the requirements set forth in Section 503 of this Ordinance.
- 406.04 Sign Restrictions See Section 504 of this Ordinance.
- 406.05 Dimensional Requirements Minimum width, depth, lot size and width at setback line shall be provided in accordance with the requirements set forth in Section 505 of this Ordinance.

THEREUPON, Alderman George B. Draughn made a motion to adopt Section 406: C-3 Highway Commercial District. The motion was seconded by Alderman Charles A. Sumrall.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles A. Sumrall

Those present and voting "Nay":

NONE

SECTION 407: I-1 Light Industrial District

- 407.01 District Description This District is created for use in those areas of the community where it is desirable to locate industry which has a minimum of noxious effects on the surrounding area.
- 407.02 Permitted Uses
- 407.02-1 Freighting or trucking yards or terminals.
- 407.02-2 Wholesale and warehousing establishments
- 407.02-3 Lumber yards
- 407.02-4 General assembly plants
- 407.02-5 Confectionary manufacturing and wholesale bakeries.
- 407.02-6 Book binderies and engraving plants
- 407.02-7 Canneries and food products manufacturing
- 407.02-8 Ceramic products
- 407.02-9 Dairy products, processing and manufacturing
- 407.02-10 Electrical parts and appliances, assembly and manufacture.
- 407.02-11 Iron works (light and wrought) and light sheet metal products manufacturing.
- 407.02-12 Textile products manufacturing
- 407.02-13 Open storage of building materials such as lumber, pipe, brick, concrete block, and other substances such as coal, sand, and gravel when enclosed by a solid fence at least 6 feet in height.
- 407.03 Parking Regulations Off-street parking space shall be provided in accordance with the requirements set forth in Section 503 of this Ordinance.

MINUTES - PETAL, MISS.

407.05 Dimensional Requirements Minimum width and depth of front, rear, and side yards; lot size; and width at setback line shall be provided in accordance with the requirements set forth in Section 505 of this Ordinance.

THEREUPON, Alderman W. H. Clearman made a motion to adopt Section 407:

I-1 Light Industrial District. The motion was seconded by A. L. Henderson, Jr.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles A. Sumrall

Those present and voting "Nay":

NONE

SECTION 408: I-2 Heavy Industrial District

408.01 District Description This District is provided for those manufacturing uses which normally require larger land areas, generate greater traffic volumes, and create other conditions which are incompatible with other types of land uses.

408.02 Permitted Uses

408.02-1 Any industrial use permitted in the I-1 District

408.02-2 Feed processing plants

408.02-3 Fiber products manufacturing

408.02-4 Foundry casting

408.02-5 Wood products manufacturing

408.03 Sign Restrictions See Section 504 of this Ordinance.

408.04 Parking Regulations Off-street parking space shall be provided in accordance with the requirements set forth in Section 503 of this Ordinance.

408.05 Dimensional Requirements Minimum width and depth of front, rear, and side yards; lot size; and width at setback line shall be provided in accordance with the requirements set forth in Section 505 of this Ordinance.

THEREUPON, Alderman Mitchell Curry made a motion to adopt Section 408:

I-2 Heavy Industrial District. The motion was seconded by Alderman Charles A. Sumrall.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles A. Sumrall

Those present and voting "Nay":

NONE

SECTION 409: A-1 General Agriculture District

409.01 District Description This District provides areas for agricultural and horticultural uses. It is the purpose of this District to encourage and protect such uses from urbanization until such is warranted.

409.02 Permitted Uses

- 409.02-1 Cultivation of field and truck crops.
 409.02-2 Orchards and vineyards
 409.02-3 Pasturing and grazing
 409.02-4 Timber resources production
 409.02-5 Greenhouses, nurseries and arboretums
 409.02-6 Barns, dry-feed storage facilities, sheds, and
 warehouses normally considered as necessary to the
 allowable agricultural uses.
 409.02-7 Public recreation and open space
 409.02-8 Single-family residential dwellings and their
 customary accessory uses provided they shall be
 located on a parcel or tract of land having not less
 than one (1) acre in area.

409.03 Sign Restrictions See Section 504 of this Ordinance.

409.04 Dimensional Requirements Minimum width and depth of front,
 rear, and side yards; lot size; and width at setback line
 shall be provided in accordance with the requirements set
 forth in Section 505 of this Ordinance.

THEREUPON, Alderman W. H. Clearman made a motion to adopt Section 409:
 A-1 General Agriculture District. The motion was seconded by Alderman Charles
 Sumrall.

Those present and voting "Yea":

Alderman W. H. Clearman
 Alderman Mitchell Curry
 Alderman George B. Draughn
 Alderman A. L. Henderson, Jr.
 Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 410: FP- Flood Plain District

410.01 District Description The FP Flood Plain District is hereby
 created in order to permit certain nonintensive uses in areas
 which are subject to periodic flooding and to protect such
 areas from other types of development except where adequate
 assurance is given that the development will be protected
 from flooding. The regulations hereinafter set forth in this
 section shall apply to the property located in this District.
 District boundaries will be delineated by the Federal Insurance
 Administrator on the Flood Hazard Boundary Map, along with
 water surface elevations for the one hundred (100) year flood
 which will be used to determine to what level structures
 will be elevated or flood-proofed. After the Flood Plain
 District is delineated, it will be superimposed on the other
 Districts and indicated on the Official Zoning Map. Such
 regulations qualify or supplement, as the case may be,
 the regulation of the "R-1", "R-2", "R-3", "C-1", "C-2",
 "C-3", "I-1", "I-2", or "A-1" District in which such property
 is located.

MINUTES - PETAL, MISS.

410.02 Permitted Uses

410.02-1 Structures or uses in conformity with the "R-1", "R-2", "R-3", "C-1", "C-2", "C-3", "I-1", "I-2", or "A-1" District in which they are located, provided new construction or substantial improvements of residential or nonresidential structures within the Flood Plain District shall have the lowest floor (including basement) elevated to or above the level of the one hundred (100) year flood.

410.02-2 Public parks and public recreation facilities.

410.02-3 Plant nurseries, field crops, truck gardening, and raising of livestock such as horses and cattle, but not including the business of dealing or trading in livestock or the operation of commercial feeding or fattening lot or pens. This is provided that the premises are located in a District where the use regulations permit such structures and uses, and only to the extent permitted by such use regulations.

410.02-4 Temporary accessory buildings and uses customarily incidental to the above permitted uses.

410.02-5 Advertising and business signs and roadside stand but only if premises are located in a District where the use regulations permit such structures and uses, and only to the extent permitted by such use regulations.

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

410.03-1 Nonresidential structures in conformity with the "R-1", "R-2", "R-3", "C-1", "C-2", "C-3", "I-1", "I-2", or "A-1" District in which they are located, provided that such structures, together with attendant utility and sanitary facilities, are flood-proofed up to the level of the one hundred (100) year flood.

410.04 Disclaimer of Liability

410.04-1 The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that areas outside the Flood Plain District or land uses permitted within the District will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Petal or any officer or employee thereof for any flood

or any administrative decision lawfully made there under.

THEREUPON, Alderman George B. Draughn made a motion to adopt Section 410: FP Flood Plain District. The motion was seconded by Alderman Mitchell Curry.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 411: FW Floodway District

411.01 District Description the purpose of the Floodway District is to prohibit structures and uses which have a high flood damage potential, and which would obstruct flood flows and adversely affect the capacity of the channel or floodway of the main stream or any of its tributaries. The regulations hereinafter set forth in this section shall apply to the property located in his district. District boundaries will be delineated by the Federal Insurance Administrator and indicated on the Official Zoning Map.

411.02 Permitted Uses

411.02-1 Agricultural uses such as general farming, pasture, grazing, outdoor nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

411.02-2 Industrial-commercial uses such as loading areas, parking areas, and airport landing strips.

411.02-3 Private and public recreational uses such as golf courses, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, trap and skeet ranges, hunting and fishing areas, and hiking trails.

411.02-4 Residential uses such as lawns, gardens, parking areas, and play areas.

411.03 No use involving the construction of buildings or the use of fill shall be allowed. The following uses which involve structures (other than buildings) and for storage of materials or equipment may be allowed provided: (1) structures shall have a low flood damage potential; (2) structures shall be firmly anchored to prevent flotation; (3) service facilities such as electrical equipment shall be constructed above the regulatory flood protection elevation or flood proofed; (4) the storage of materials that are buoyant, flammable, explosive, poisonous, or could otherwise be injurious to human, animal, or plant life is prohibited; (5) the storage of other material or equipment

MINUTES - PETAL, MISS.

having a low flood damage potential may be allowed if firmly anchored or removable from the area within the time available after flood warnings.

411.03-1 Boat rentals, docks, and piers.

411.03-2 Streets, railroads, bridges, utility transmission lines, and pipelines.

411.03-3 Extraction of sand, gravel, and other materials.

411.03-4 Storage areas for equipment, machinery, or materials.

411.03-5 Uses which are normally accessory to the above uses.

411.03-6 Other uses similar in nature to uses described in Section 411.02 and 411.03.

411.04 Disclaimer of Liability

411.04-1 The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that areas outside the Floodway District or land uses permitted within the District will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Petal or any officer or employee thereof for any any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

THEREUPON, Alderman A. L. Henderson, Jr. made a motion to adopt Section 411: FW Floodway District. The motion was seconded by Alderman Charles Sumrall.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles A. Sumrall

Those present and voting "Nay":

NONE

ARTICLE V

GENERAL PROVISIONS

SECTION 500: Required Compliance

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

500.02 No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the zoning district in which such building is located.

500.03 No building shall be converted, enlarged, reconstructed or structurally altered except in conformity with the area

of the zoning district in which such building is

- located.
- 500.04 No building shall be erected, or structurally altered to the extent provided hereinafter, except in conformity with the off-street parking and loading regulations of the Zoning district in which such building is located.
- 500.05 The minimum yards, parking spaces, and open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this Ordinance for the zoning district in which such lot is located.
- 500.06 Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as specifically provided hereinafter.
- 500.07 In residential zoning districts, fences not in excess of seven (7) feet in height may be built in rear and side yards and not in excess of four (4) feet in the front yard.
- 500.08 Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than one principal building and its customary accessory buildings on any lot, except in the case of a specially designed complex of institutional, residential, commercial or industrial buildings in an appropriate zoning district, i.e., school campus, cluster housing shopping center, industrial park, and so forth.
- 500.09 In no case shall an accessory building be located in a "front yard" or "side Yard" as defined by this Ordinance.
- 500.10 No accessory building shall be constructed upon a lot until the construction of the main building has actually been commenced, and no accessory building shall be used unless the main building on a lot is completed and used.
- 500.11 No accessory building shall be located closer than five (5) feet to the lot line.
- 500.12 No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein, except for street widening. Yards or lots, created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- 500.13 On a corner in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision at the intersecting streets.
- 500.14 Automotive vehicles or trailers of any kind or type without

MINUTES - PETAL, MISS.

current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

500.15 Outside storage of equipment of materials used in conjunction with commercial or industrial activities shall be prohibited on any residentially zoned property.

500.16 Electrical transformer stations, gas regulator stations, sewage and water treatment plants and pumping stations, and stand-pipes for public water supply shall be permitted in any district provided that the location of the facility in any residential district shall comply with the following requirements:

500.16-1 The facility shall be essential to the immediate area or for the proper functioning of the total utility system of which the above element is a part.

500.16-2 All buildings or structures, except enclosing fences, shall be set back at least fifty (50) feet from all property lines.

500.16-3 The facility shall be enclosed by a protective fence of adequate height.

500.16-4 All open spaces on the premises shall be suitably landscaped and maintained.

500.16-5 Storage of vehicles and equipment on the premises shall be prohibited.

500.16-6 The surrounding area shall not be adversely affected, but shall be protected from noise, odor, glare, dust, fumes, gas, smoke, and vibration by such suitable means and condition as the Planning Commission and the Mayor and Board of Aldermen may specify.

THEREUPON, Alderman George B. Draughn made a motion to adopt Section 500: Required Compliance. The motion was seconded by Alderman A. L. Henderson.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 501: Annexation

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

THEREUPON, Alderman Charles Sumrall made a motion to adopt Section 501: Annexation. The motion was seconded by Alderman George B. Draughn.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.

Those present and voting "Nay":

NONE

SECTION 502: Mobile Home Parks

No mobile homes shall be located within the City of Petal, Mississippi, after the adoption of this Ordinance, unless in an approved mobile home park. If there are no approved mobile home parks in the City or there are no spaces available in an approved mobile home park, mobile homes may be located in existing, non-conforming mobile home parks; however, they shall not be located on single lots.

502.01 Design Standards All mobile home parks must meet the following design standards:

502.01-1 A mobile home park shall be not less than 2 acres in total area.

502.01-2 Each mobile home in a mobile home park shall occupy a designated space having at least 3,500 square feet of lot area.

502.01-3 Each mobile home space shall have a width of at least 40 feet, exclusive of common driveways.

502.01-4 Each mobile home space shall abut a driveway within the park. Said driveways shall be graded and paved with an all-weather surface on a well-compacted subbase to a continuous width of 26 feet, exclusive of required parking spaces.

502.01-5 Two paved off-driveway parking spaces on a well-compacted subbase shall be provided for each mobile home space. Required parking spaces may be included within the 3,500 square feet required for each mobile home space.

502.01-6 At least 150 square feet of recreational space for each mobile home space shall be reserved within each mobile home park, as common recreation space for the residents of the park. Such areas shall, along with driveways and walkways, be adequately lighted for safety.

502.01-7 No mobile homes or other structures within a mobile home park shall be closer to each other than 25 feet except that storage or other auxiliary structures for the exclusive use of the mobile home may be not closer to another mobile home than 17 feet.

502.01-8 No mobile home shall be located closer than 30 feet to the exterior boundary of the park or a bounding street right-of-way. Buildings used for laundry or recreational purposes shall be located no closer than 40 feet to the exterior boundary or the right-of-way of a bounding street.

502.01-9 The mobile home park and all occupied units located

in it must be connected to the municipal water and

MINUTES - PETAL, MISS.

sewerage systems, if available. If municipal water and sewerage systems are not available, the mobile home park and all occupied units located in it must be connected to systems which meet the standards of the Mississippi State Board of Health and the Mississippi Air and Water Pollution Control Commission.

502.01-10 A densely planted buffer strip, consisting of trees, shrubs, and other plantings at least 5 feet in height shall be provided along all rear and side property lines of the park. A 5 foot solid fence may be substituted.

502.01-11 All mobile homes shall be securely anchored to the ground by an anchoring system which is approved by the Mississippi State Insurance Commission.

502.01-12 Adequate lighting for nighttime uses shall be provided within the mobile home park.

502.01-13 Any expansion of mobile home parks in existence on the effective date of this Ordinance shall comply with the provision of this Ordinance.

502.02 Plans clearly indicating the developers intention to comply with the provision of this Section shall be submitted to and approved by the Planning Commission. Such plans must be drawn to a scale of not less than 1" = 50' by a registered engineer, registered landscape architect, or a registered land surveyor. Such plans must show the area to be used for the proposed mobile home park; the ownership and use of neighboring properties; all proposed entrances, exits, driveways, walkways, and off-street parking spaces; the location of mobile home spaces, recreational areas and service buildings; the location of sanitary conveniences including toilets, laundries, and refuse receptacles; the proposed plan of water supply, sewage disposal and electric lighting. The Planning Commission shall have the authority to impose such reasonable conditions and safeguards on the proposed development as it deems necessary for the protection of adjoining properties and the public interest.

THEREUPON, Alderman W. H. Clearman made a motion to adopt Section 502: Mobile Home Parks. The motion was seconded by Alderman Mitchell Curry.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles A. Sumrall

Those present and voting "Nay":

NONE

SECTION 503: Required Off-Street Parking

In all zoning districts except C-1, sufficient off-street parking spaces shall be provided to accomplish the purpose of this

MINUTES - PETAL, MISS.

Ordinance, unless other specified parking spaces shall be located on the lot on which the principal use is located. The minimum number of required spaces shall be according to the following criteria:

- 503.01 Single-Family Dwellings Two parking spaces per unit.
- 503.02 Multi-Family Dwellings Two parking spaces per unit.
- 503.03 Churches One space for each 6 seats in principal place of assembly.
- 503.04 Public Buildings
- 503.04-1 In schools, one space for each staff member and employee. In the case of secondary schools, one additional parking space for each 8 students in grades 9-12, shall be provided.
- 503.04-2 In community centers, libraries, galleries, and museums, 10 parking spaces and 1 additional parking space for each 300 square feet of floor area.
- 503.05 Hospitals One parking space for each employee and one additional parking space for each four patient beds.
- 503.06 Golf Courses Forty parking spaces.
- 503.07 Restaurant, Cafe, Night Club or Similar Establishments One parking space for every 2 employees and one additional space for each 100 square feet of gross floor area.
- 503.08 Office Building, Banks and Similar Institutions One parking space for each 200 square feet of gross floor area.
- 503.09 Retail Business and Service Establishments One space for each company vehicle and one space for each 200 square feet of gross floor area.
- 503.10 Motels, Hotels, and Lodging Houses One parking space for each employee and one parking space for each rental unit.
- 503.11 Wholesale Establishments One parking space per two employees.
- 503.12 Manufacturing, Industrial or Processing One parking space for each employee on the largest shift and one space for each company vehicle.
- 503.13 Theaters One parking space for every two seats.
- 503.14 Funeral Homes One parking space for every 50 square feet of gross floor area.

THEREUPON, Alderman A. L. Henderson, Jr. made a motion to adopt Section 503: Required Off-Street Parking. The motion was seconded by Alderman W. H. Clearman.

Those present and voting "Yea":

Alderman W. H. Clearman
 Alderman Mitchell Curry
 Alderman George B. Draughn
 Alderman A. L. Henderson, Jr.
 Alderman Charles A. Sumrall

Those present and voting "Nay":

NONE

SECTION 504: Signs and Outdoor Advertising

The regulations herein set forth shall apply to all zoning districts, except as hereinafter provided. No sign or outdoor advertis-

MINUTES - PETAL, MISS.

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

504.01 General Requirements

- 504.01-1 Outdoor advertising of a permanent nature shall be permitted only the C-1, C-2, C-3, I-1, I-2, and A-1 Districts. Such signs shall not exceed one hundred fifty (150) square feet in total area, and there shall not be more than one (1) such sign per land parcel or for each one thousand (1,000) linear feet highway, whichever is more restrictive.
- 504.01-2 The placing, tacking painting, hanging, or otherwise affixing of any kind of sign, outdoor advertising, or poster so as to be visible from the public highways on the walls of buildings, barns, sheds, trees, fences, or any other structure except as otherwise provided in this ordinance is prohibited.
- 504.01-3 No outdoor advertising display or sign shall be erected, placed, or hung nearer to the street right-of-way line upon which said display faces than the established building setback lines in commercial and industrial districts. One (1) sign advertising the primary nature of the business of use conducted on the premises may be placed not closer than five (5) feet to the street right-of-way line, provided it does in any way obstruct the view of traffic.
- 504.01-4 In arriving at the area of any sign or other outdoor advertising display, the measurement shall include the entire display area of the sign, together with any lattice work, fencing, or wall work incidental to its ornamentation.
- 504.01-5 Temporary signs containing less than twelve (12) square feet and advertising for sale or rent the specific property on which they are placed may be erected without a special permit, provided they comply with all other district zoning regulations.
- 504.01-6 Small professional or announcement signs of professions or business permitted in residential zoning districts shall not exceed two (2) square feet in area.
- 504.01-7 Directional signs not exceeding two (2) square feet in area may be erected, provided they are not placed within the right-of-way of any public dedicated street.

504.01-8 Overhead and/or projecting signs suspended from any building shall be placed not less than twelve (12) feet above the finished grade of the sidewalk. No sign projecting or suspended from any building shall contain more than thirty-six (36) square feet in area unless it is designed as an integral part of the building. All signs exceeding thirty-six (36) square feet in area and designed as an integral part of the building may be permitted if approved by the Mayor and Board of Aldermen. Overhead and projecting signs shall be permitted only in the C-1, C-2, C-3, I-1, I-2, and A-1 Districts. The total area of all signs for any one establishment shall not exceed sixty-four (64) square feet.

504.01-9 All signs and outdoor advertising structures not conforming to the provisions of this Ordinance shall not be repaired. Any sign which is found to be abandoned, or in such a state of disrepair, as to be considered an unsightly nuisance may be removed by the City of Petal and costs of such removal charged to the owner of said sign if the owner does not remove the sign after the Mayor and Board of Aldermen have notified the owner to remove such sign and no action has been taken.

504.02 General Limitations

504.02-1 No signs or other outdoor advertising structures shall be erected or maintained in other than commercial or industrial districts unless they comply with all of the following conditions:

- a. The sign shall be erected and maintained only to advertise a use specifically permitted in the zoning district in which the sign is located, or for a legally existing nonconforming use.
- b. The sign shall be clearly associated with the use or its operation, and shall be located on the same premises as the use it advertises.
- c. The content of the sign shall be limited to the name, intent, picture, phone number, or address of the owner, operator, builder, sales agent, managing agent, lessor, or lessee of the premises, or of the activity conducted on the premises, or of the merchandise handled or services rendered.
- d. Signs shall not be permitted which present advertising unrelated to specifically permitted uses, or containing substantially more information than specified in the preceding paragraph.

MINUTES - PETAL, MISS.

e. Temporary signs advertising the property for sale, rent, lease, or trade shall be permitted in all zoning districts, provided such signs are not wider than (10) ten feet, are erected entirely upon the property advertise, the lowest point of the sign is at least ten (10) feet above grade at the property line, the nearest point of the sign to the existing or proposed street curb is not less than five (5) feet and the sign in no way constitutes a traffic hazard because of obstruction of vision or other interference with the safe movement of traffic.

504.03 Exceptions

504.03-1 The following types of signs are exempt from the regulations contained in this section, but this extension shall not be construed as relieving the owner of the sign from responsibility for its erection, maintenance, and compliance with the provisions of any law or ordinance regulating same.

- a. Professional name plates not exceeding two (2) square feet in area.
- b. Bulletin boards not over twelve (12) square feet in area advertising public, charitable, or religious institutions, when located on the premises of said institutions.
- c. Signs not over twelve (12) square feet in area denoting the name of the architect, contractor, or engineer when placed upon work actually under construction.
- d. Memorial tablets or signs, and names of buildings cut into the masonry surface or constructed of bronze or other incombustible materials.
- e. Signs of public service companies indicating danger, and other public service and safety signs.
- f. Temporary signs required by this ordinance or other resolutions or regulations imposed by the Board of Aldermen, provided such signs shall not remain in place longer than five (5) days after completion of the hearing or stated activity.
- g. Signs on canopy structures other than marquees, provided such sign shall not be illuminated, and shall contain no advertising other than the name of building the name of the owner, or the name of the occupant and his street address.

504.04 Signs Permitted

504.04-1 R-1 and R-2 District - None, except as outlines in 504.01 and 504.02.

MINUTES - PETAL, MISS.

- 504.04-2 R-3 District - Signs shall be regulated as in the R-1 and R-2 Districts and additionally a sign on the premises of a mobile home park, the sign must not be in excess of 20 square feet in size and must identify only the mobile home park on whose premises it is located.
- 504.04-3 C-1 District - Maximum area of all signs shall not exceed eighteen (18) square feet, maximum height shall not exceed thirty-five (35) feet, and no sign shall be placed closer than five (5) feet to the street right-of-way line. In no case shall a sign obstruct the view of traffic or constitute a hazard. All signs shall be illuminated by a nonocillating concealed light source only.
- 504.04-4 C-2 District - Maximum area of signs shall be seventy-five (75) square feet and otherwise regulated as in the C-1 District.
- 504.04-5 C-3 District - Maximum area of all signs shall be seventy-five (75) square feet with a maximum height of thirty-five (35) feet. No sign shall be placed so as to obstruct the view of traffic, or create a hazard or nuisance.
- 504.04-6 I-1 and I-2 Districts - Signs shall be regulated as in the C-3 District
- 504.04-7 A-1 District - Signs shall be regulated as in the C-3 District.

THEREUPON, Alderman Charles Sumrall made a motion to adopt Section 504: Signs and Outdoor Advertising. The motion was seconded by Alderman Mitchell Curry.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 505: District Dimensional Requirements

Minimum requirements within the various districts shall be observed as shown in the following table:

NOTE: On all corner lots the side yard facing the intersecting street will be one half the required front yard.

<u>District</u>	<u>Depth of Front Yard in Feet</u>	<u>Width of Side Yard in Feet</u>	<u>Depth of Rear Yard in Feet</u>	<u>Lot Size in Square Feet</u>	<u>Minimum Lot Width At Setback Line</u>
R-1	25	10	20	11,000	80
R-2	25	7	20	9,000	70
R-3	25	5	20	7,500	60
C-1	35	None (2)	25 (2)	NONE	None
C-2	None	None (3)	None (3)	None	None

MINUTES - PETAL, MISS.

<u>District</u>	<u>Depth of Front Yard in Feet</u>	<u>Width of Side Yard in Feet</u>	<u>Depth of Rear Yard in Feet</u>	<u>Lot Size in Square Feet</u>	<u>Minimum Lot Width At Setback Line</u>
C-3	35	10 (4)	25 (4)	None	None
I-1	60	25 (5)	50 (5)	26,780	100
I-2	100	25 (5)	50 (5)	43,560	200
A-1	None	None	None	None	None
FP	None	None	None	None	None
FW	None	None	None	None	None

(1) 7,500 square feet for first dwelling unit, 3,500 for the second additional unit, 3,000 for the third additional unit, and 2,500 for each additional unit.

(2) 30 feet is required when lot is abutting a residential district.

(3) 20 feet is required when lot is abutting a residential district.

(4) 40 feet is required when lot is abutting a residential district.

(5) 90 feet is required when lot is abutting a residential district.

THEREUPON, Alderman Mitchell Curry made a motion to adopt Section 505: District Dimensional Requirements. The motion was seconded by Alderman George B. Draughn.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 506: Prohibited Uses

Within the City of Petal, Mississippi, no land, lot, place, or structure may be used for any of the following specific uses;

506.01 Storage or manufacture of explosives.

506.02 Smelting, quarrying, mining or petroleum production.

506.03 Acid manufacture or storage.

506.04 Distillation of bones.

506.05 Slaughter houses.

506.06 Confinement feeding operations of agricultural livestock.

506.07 Glue manufacturing.

506.08 Storage, curing or tanning of rawhides or skins.

506.09 Stockyards.

506.10 Any similar use that would be hazardous to the public health, safety and welfare.

THEREUPON, Alderman George B. Draughn made a motion to adopt Section 506: Prohibited Uses. The motion was seconded by Alderman Mitchell Curry.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry

Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

ARTICLE VI

NON-CONFORMITIES

SECTION 600: General Regulations Affecting Non-Conformities

Within the districts established by this Ordinance or by amendments that may later be adopted, there exist lots, premises structure, and uses of land which were lawful before this Ordinance was effective or amended, but which would be prohibited, regulated, or restricted under the provisions of this Ordinance of future amendment. The following regulations apply to all non-conformities:

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

THEREUPON, Alderman Charles Sumrall made a motion to adopt Section 600: General Regulations Affecting Non-Conformities. The motion was seconded by Alderman W. H. Clearman.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

MINUTES - PETAL, MISS.

SECTION 601: Non-Conforming Uses of Land

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

- 601.01 No such non-conforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance.
- 601.02 No such non-conforming use of land shall be moved in whole or in part to any other portion of the lot or tract of land occupied on the effective date of adoption or amendment of this ordinance.
- 601.03 If any such non-conforming use of land ceases for any reason for a period of more than 6 consecutive months, any subsequent use of such land shall conform to the restrictions and standards set by this Ordinance for the district in which such land is located.
- 601.04 A non-conforming use of land shall not be changed to any other use, except to a use permitted in the district in which the land is located.

THEREUPON, Alderman W.H. Clearman made a motion to adopt Section 601:

Non-Conforming Uses of Land. The motion was seconded by Alderman Mitchell Curry.

Those present and voting "Yea":

Alderman W. H. Clearman
 Alderman Mitchell Curry
 Alderman George B. Draughn
 Alderman A. L. Henderson, Jr.
 Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 602: Non-Conforming Structures

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

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

destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

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

THEREUPON, Alderman A. L. Henderson, Jr. made a motion to adopt Section 602: Non-Conforming Structures. The motion was seconded by Alderman Mitchell Curry.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 603: Non-Conforming Uses of Structures

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

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

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

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

MINUTES - PETAL, MISS.

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

THEREUPON, Alderman Mitchell Curry made a motion to adopt Section 603: Non-Conforming Uses of Structures. The motion was seconded by Alderman Charles Sumrall.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

SECTION 700: Administrative Officer

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

THEREUPON, Alderman W. H. Clearman made a motion to adopt Section 700: Administrative Officer. The motion was seconded by Alderman A. L. Henderson, Jr.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles A. Sumrall

Those present and voting "Nay":

NONE

SECTION 701: Powers and Duties

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

701.01 Issue all Certificates of Compliance and make and maintain records thereof.

701.02 Conduct inspections of buildings, structures, and the use of

land to determine compliance with the terms of this Ordinance.

- 701.03 Require that all construction or work of any type be stopped when such work is not in compliance with this Ordinance.
- 701.04 Revoke any Certificate of Compliance which was unlawfully issued or any Certificate wherein defective work has been performed, and such work has not been corrected within 90 days of notification.
- 701.05 Maintain permanent and correct records of this Ordinance including, but not limited to, all maps, amendments, variances, appeals, and applications.
- 701.06 Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.
- 701.07 Forward to the Planning Commission all applications for amendments to this Ordinance.
- 701.08 Forward to the Mayor and Board of Aldermen, applications for appeals, variances, or other matters on which the Mayor and Board of Aldermen are required to pass under this Ordinance.
- 701.09 Issue permits regulating the erection and use of tents for periods not to exceed 10 days for specific purposes such as temporary carnivals, churches, charities, or charitable uses, and revival meetings, such uses not being detrimental to the public health, safety, morals, comfort, convenience, or general welfare; provided however, that said tents or operations are in conformance with all other Ordinances of the City of Petal.
- 701.10 Initiate, direct and review, from time to time, a study of the provisions of said Ordinance, and to make such reports available to the Planning Commission not less than once a year.

THEREUPON Alderman Charles Sumrall made a motion to adopt Section 701:

Powers and Duties. The motion was seconded by Alderman W. H. Clearman.

Those present and voting "Yea":

Alderman W. H. Clearman
 Alderman Mitchell Curry
 Alderman George B. Draughn
 Alderman A. L. Henderson, Jr.
 Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 702: Certificate of Compliance Requirements

- 702.01 No building or other structure shall be erected, moved, added, to, or structurally altered without a Certificate of Compliance issued by the Administrative Official.
- 702.02 No Certificate of Compliance for alteration, repair or construction of any building shall be issued unless the plans and specifications show that the building or structure, and its proposed use, will be in compliance with provisions of the Zoning Ordinance.
- 702.03 No existing use of a building, structure, or land may be

changed to any other use without first obtaining a Certificate of Compliance from the Administrative Official.

- 702.04 A temporary Certificate of Compliance may be issued by the Administrative Officer for a period not exceeding 6 months during alteration or construction for partial occupancy of a building pending its completion, provided that such temporary permits shall require such conditions and safeguards as will protect the safety of the occupants and the public.
- 702.05 The failure to obtain the necessary Certificate of Compliance shall be punishable under Section 704 of this Ordinance.
- 702.06 Certificates of Compliance issued on the basis of plans and applications approved by the Administrative Officer authorize only the use, arrangement, and construction set forth in such approved plans and specifications. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance and shall be punishable as provided under Section 704 of this Ordinance.

THEREUPON, Alderman Charles A. Sumrall made a motion to adopt Section 702: Certificate of Compliance Requirements. The motion was seconded by Alderman W. H. Clearman.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 703: Certificate of Compliance

- 703.01 Applications for Certificates of Compliance shall be accompanied by a duplicate set of plans drawn to scale with the following information indicated in order to determine compliance with this Ordinance.
- 703.01-1 The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;
- 703.01-2 The location of the said lot with respect to adjacent rights-of-way;
- 703.01-3 The shape, dimensions, and location of all buildings, existing and proposed, on the said lot;
- 703.01-4 The nature of the proposed use of the building or land including the extent and location of the use, on the said lot;
- 703.01-5 The location and dimensions of the off-street parking and loading space and means of ingress and egress to such space; and
- 703.01-6 Any other information which the Administrative Officer may deem necessary for consideration in enforcing the provisions of this Ordinance.

MINUTES - PETAL, MISS.

Ordinance, the applicant may appeal the action of the Administrative Officer to the Mayor and Board of Aldermen.

703.03 No building or structure shall be erected, moved, added to, or structurally altered unless in compliance with the appropriate city regulations pertaining to Building Permits nor shall a Building Permit be issued unless such building or structure is in compliance with the Zoning Ordinance and a Certificate of Compliance has been issued.

703.04 The Administrative Officer shall act on all applications within 7 days after applicant has fully complied with provisions of Section 703.01 within the 7 day period. The Administrative Official shall either issue a Certificate of Compliance or notify the applicant in writing the reasons for the refusal.

THEREUPON, Alderman A. L. Henderson, Jr. made a motion to adopt Section 703: Certificate of Compliance. The motion was seconded by Alderman George B. Draughn.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 704: Penalties

Penalties for violation of the Ordinance shall be as follows:

704.01 Any person, firm or corporation who violates any provisions of this Ordinance or any lawful order of the Mayor and Aldermen, Planning Commission, or Administrative Officer pursuant thereto shall be fined not more than One Hundred Dollars (\$100.00). Each day during which such violation shall be permitted to exist shall be deemed a separate offense.

704.02 The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent or other persons who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and be subject to the penalties herein provided.

704.03 Nothing herein contained shall prevent the City from taking such other lawful action as it deems necessary to prevent or remedy any violation.

THEREUPON, Alderman George B. Draughn made a motion to adopt Section 704: Penalties. The motion was seconded by Alderman Mitchell Curry.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 705: Amendments and Changes

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

THEREUPON, Alderman A. L. Henderson, Jr. made a motion to adopt Section 705: Amendments and Changes. The motion was seconded by Alderman Charles Sumrall.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George, B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 706: Amendment Procedure

This Ordinance shall be amended in the following manner:

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

MINUTES - PETAL, MISS.

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

- 706.06-1 Relation of the proposed amendment to goals and objectives of the long range physical plan of the City of Petal, Mississippi.
- 706.06-2 Existing uses of property within the general area of the property in question.
- 706.06-3 The zoning classification of property within the general area of the property in question.
- 706.06-4 The suitability of the property in question to the uses permitted under the existing zoning classification.
- 706.06-5 The trend of development, if any, in the general area of the property in question, including changes if any, which have taken place in its zoning classification.
- 706.07 The Mayor and Board of Aldermen shall not act upon a proposed amendment to the Ordinance until it shall have received a written report and recommendation from the Planning Commission on the proposed amendment.
- 706.08 The Mayor and Board of Aldermen shall approve or deny the proposed amendment. If an application for such an amendment is not acted upon by the Mayor and Board of Aldermen within 90 day period following its initial submission, it shall be deemed to have been approved.

THEREUPON, Alderman Mitchell Curry made a motion to adopt Section 706: Amendment Procedure. The motion was seconded by Alderman W. H. Clearman.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 707: Appeals

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

- 707.01 All appeals shall be taken within 60 days of the date of the action which is appealed.
- 707.02 Appeals from the enforcement and interpretation of this Ordinance signed by the appellant, shall be addressed to the Mayor and Board of Aldermen and presented to the Administrative Officer. A fee of Ten Dollars (\$10.00) shall be paid to the

MINUTES - PETAL, MISS.

and administrative cost. The appeal shall contain or be accompanied by such legal descriptions, maps, plans, and other information so as to completely describe the decisions or interpretation being appealed and the reasons for such appeal.

707.03 The Administrative Officer shall transmit to the Mayor and Board of Aldermen, the appeal and all papers constituting the record upon which the action appealed was taken. The Mayor shall schedule a hearing to be held within 60 days from the filing of the appeal.

707.04 An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Officer certifies to the Mayor and Board of Aldermen that by reason of facts in the record a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall be stayed otherwise than by a Court Order.

707.05 Any further appeals from the Mayor and Board of Aldermen shall be in manner prescribed by law.

THEREUPON, Alderman Mitchell Curry made a motion to adopt Section 707:

Appeals. The motion was seconded by Alderman A. L. Henderson, Jr.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 708: Variances

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

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

708.02 A fee of Ten Dollars (\$10.00) shall be paid to the City of Petal for each application to cover the costs of advertising and administrative costs. The application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and existing- conditions.

708.03 The administrative Officer shall review the application and determine that sufficient data is contained to adequately describe the situation to the Mayor and Board of Aldermen. If the data is not adequate, the Administrative Officer shall return the application to the applicant for additional information. Completed applications shall be forwarded to the Mayor and Board of Aldermen.

THEREUPON, Alderman George B. Draughn made a motion to adopt Section 708:

Variances. The motion was seconded by Alderman Charles Sumrall.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 709: Procedure and Criteria

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

- 709.01 The Mayor shall schedule a public hearing to be held within 60 days after an application is filed. Public notice of the hearing shall be published in a newspaper of general circulation in the City at least once a week for two successive weeks prior to the hearing. The Administrative Officer shall post notice on the property involved for a period of one week prior to the hearing.
- 709.02 The Mayor and Board of Aldermen shall approve or deny the application for a variance following the public hearing. Before any variance is granted, the Mayor and Board of Aldermen must find that all of the following criteria are met:
- 709.02-1 Special circumstances exist which are peculiar to the applicant's land, structure or building and do not generally apply to the neighboring lands, structures or buildings in the same district or vicinity.
- 709.02-2 Strict application of the provisions of this ordinance would deprive the applicant of reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures, or buildings in the same district.
- 709.02-3 The special circumstances are not the result of action of the applicant taken subsequent to the adoption of this Ordinance.
- 709.02-4 Relief, if approved, will not cause substantial detriment to the public welfare or impair the purposes and intent of this Ordinance.
- 709.03 The following rules will be considered by the Mayor and Board of Aldermen when approving or denying a variance:
- 709.03-1 Financial disadvantages to the property owner shall not constitute conclusive proof of unnecessary hardships within the purpose of zoning.
- 709.03-2 The Board does not possess the power to grant a variance permitting a zoned use of land or building that is not permitted as a principal use of structure, accessory use or structure in the district involved.

709.03-3 In granting a variance, the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this Ordinance.

709.03-4 Unless otherwise specified at the time the variance is granted, the variance applies to the subject property and not to the individual who applied. Consequently, the variance is transferable to any further owner of the subject property, but cannot be transferred by the applicant to a different site.

709.03-5 A variance shall continue for an indefinite period of time unless otherwise specified at the time the variance is granted, except that when a variance has not been used within one year after the date it was granted, the variance shall be cancelled by the Administrative Officer and written notices shall be given to the property owner.

THEREUPON, Alderman A. L. Henderson made a motion to adopt Section 709: Procedure and Criteria. The motion was seconded by Alderman Mitchell Curry.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

ARTICLE VIII

LEGAL PROVISION

SECTION 800: Conflict

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

THEREUPON Alderman W. H. Clearman made a motion to adopt Section 800: Conflict. The motion was seconded by Alderman Charles Sumrall.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 801: Validity

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

MINUTES - PETAL, MISS.

Those present and voting "Yea":

- Alderman W. H. Clearman
- Alderman Mitchell Curry
- Alderman George B. Draughn
- Alderman A. L. Henderson, Jr.
- Alderman Charles Sumrall

Those present and voting "Nay":

NONE

SECTION 802: Effective Date

This Ordinance shall take effect and be in force on and after the 20th. day of February, A. D., 1976.

The foregoing Ordinance having been reduced to writing the same was introduced and read and a vote was taken thereon, first section by section, then upon the Ordinance as a whole, with the following results:

Those present and voting "Yea" and in favor of the passage and adoption, approval of Sections 100 thru 802, inclusive, of the foregoing Ordinance:

Alderman W. H. Clearman	<u>Yea</u>	"VOTE"
Alderman Mitchell Curry	<u>Yea</u>	"VOTE"
Alderman George B. Draughn	<u>Yea</u>	"VOTE"
Alderman A. L. Henderson, Jr.	<u>Yea</u>	"VOTE"
Alderman Charles Sumrall	<u>Yea</u>	"VOTE"

Those present and voting "Nay" or against the adoption of Sections 100 thru 802, inclusive, of the foregoing Ordinance:

Alderman W. H. Clearman	<u>No</u>	"VOTE"
Alderman Mitchell Curry	<u>No</u>	"VOTE"
Alderman George B. Draughn	<u>No</u>	"VOTE"
Alderman A. L. Henderson; Jr.	<u>No</u>	"VOTE"
Alderman Charles Sumrall	<u>No</u>	"Vote"

Those present and voting "Yea" and in favor of the adoption of the foregoing Ordinance as a whole:

Alderman W. H. Clearman	<u>Yea</u>	"VOTE"
Alderman Mitchell Curry	<u>Yea</u>	"VOTE"
Alderman George B. Draughn	<u>Yea</u>	"VOTE"
Alderman A. L. Henderson, Jr.	<u>Yea</u>	"VOTE"
Alderman Charles Sumrall	<u>Yea</u>	"VOTE"

Those present and voting "Nay" or against the adoption of the foregoing Ordinance as a whole.

Alderman W. H. Clearman	<u>No</u>	"VOTE"
Alderman Mitchell Curry	<u>No</u>	"VOTE"
Alderman George B. Draughn	<u>No</u>	"VOTE"
Alderman A. L. Henderson, Jr.	<u>No</u>	"VOTE"
Alderman Charles Sumrall	<u>No</u>	"VOTE"

WHEREAS, the foregoing Ordinance be and the same is hereby passed, adopted, and approved, on this, the 20th. day of January, A. D. 1976.

APPROVED: /s/ Ulmer Byrd
Ulmer Byrd

(SEAL)

ATTEST:

/s/ Susan B. Smith
Susan B. Smith, City Clerk

WHEREAS, Mr. Tyner stated to the Board of Aldermen that the Zoning Ordinance 1976 (29) will be published one (1) time in the Hattiesburg American.

WHEREAS, Mr. Tyner read the following order for the Zoning Map, the Order read as follows; to-wit:

ORDER ADOPTING THE ZONING MAP
OF THE CITY OF PETAL, MISSISSIPPI

WHEREAS, the City of Petal, Mississippi has heretofore established a Planning Commission comprised of Arthur E. Davis, Cecil Easterling, Carl M. Evans, Robert E. Russell, and Allen T. Steed, Chairman, and;

WHEREAS, the Southern Mississippi Planning and Development District, in cooperation with the said City of Petal Planning Commission has compiled and comprised a proposed Zoning Ordinance and proposed Zoning Map and presented same to the Mayor and Board of Aldermen of the City of Petal, Mississippi, and;

WHEREAS, after various joint meetings held with the City of Petal Planning Commission, representatives of the Southern Mississippi Planning and Development District and the Mayor and Board of Aldermen of the City of Petal, Mississippi, at which meetings changes were made in the original proposed Zoning Map and Zoning Ordinance, and;

WHEREAS, as a result of said meetings, there has been presented to the Mayor and Board of Aldermen of the City of Petal, Mississippi, a proposed Zoning Map including and reflecting the changes recommended by the Mayor and Board of Aldermen of the City of Petal, Mississippi.

NOW, THEREFORE, BE IT ORDERED that the proposed Zoning Map presented by the Southern Mississippi Planning and Development District, be, as the same is hereby, adopted as the official comprehensive Zoning Map of the City of Petal, Mississippi, a true and correct copy of which is attached hereto and made a part hereof as fully and completely as if set forth in words and figures at length herein.

SO ORDERED by the Mayor and Board of Aldermen of the City of Petal, Mississippi, on this the 20th., day of January, A. D., 1976.

THEREUPON, Alderman Mitchell Curry made a motion to adopt the aforesaid Order, the motion was seconded by Alderman W. H. Clearman.

Those present and voting "Yea":

- Alderman W. H. Clearman
- Alderman Mitchell Curry
- Alderman George B. Draughn
- Alderman A. L. Henderson, Jr.
- Alderman Charles Sumrall

Those present and voting "Nay":

NONE

WHEREAS, Mr. Tyner read the Notice of Public Hearing as follows, to-wit:

NOTICE OF PUBLIC HEARING

To the citizens of Petal, Mississippi, all property owners within the City, and other interested parties;

Please take notice that on Tuesday, January 20, 1976, at a regular meeting of the Mayor and Board of Aldermen of the City of Petal, Mississippi, there was adopted Ordinance 1976 (29), being "AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF PETAL, MISSISSIPPI, TO REGULATE AND RESTRICT THE LOCATION, HEIGHT, NUMBER OF STORIES, SIZE OF BUILDINGS AND OTHER STRUCTURES: SIZE OF YARDS AND OPEN

SPACES: OFF-STREET PARKING AND LOADING: DENSITY AND DISTRIBUTION OF POPULATION: USE OF BUILDINGS STRUCTURES AND LAND: PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF: AND REPEALING ALL ORDINANCES AND CONFLICTING LAWS", and an Order adopting the Zoning Map of the City of Petal, Mississippi, said Zoning Ordinance and Zoning Map to be effective on the 20th., day of February, A. D., 1976.

A public meeting will be held on Monday, February 9, 1976, at 7:30 P. M. at the Optimist Club Building, located on Hilltop Drive, Petal, Mississippi, where the Mayor and Board of Aldermen will receive and hear all exceptions and objections to said Zoning Ordinance and Zoning Map.

The above and foregoing Notice to the Public having being approved by the Mayor and Board of Aldermen of the City of Petal, Mississippi, and ordered to be published one (1) time in some newspaper having a general circulation in the City of Petal, Mississippi.

SO ORDERED by the Mayor and Board of Aldermen of the City of Petal, Mississippi, on this the 20th., day of January, A. D., 1976.

APPROVED:

/s/ Ulmer Byrd
Ulmer Byrd, Mayor

(SEAL)

ATTEST:

/s/ Susan B. Smith
Susan B. Smith, City Clerk

THEREUPON, Alderman Charles A. Sumrall made a motion to accept and publish the Notice of Public Hearing for the Zoning Ordinance; the motion was seconded by Alderman George B. Draughn.

Those present and voting "Yea"

Alderman W. H. Clearman
Alderman Mitchell Curry
Aldermen George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles A. Sumrall

Those present and voting "Nay":

NONE

WHEREAS, Mr. Tyner stated that the Mayor needed authorization from the Board of Aldermen to obtain reproductions of the comprehensive Zoning Map to be presented to public hearing.

THEREUPON, Alderman W. H. Clearman, made a motion authorizing the Mayor to obtain reproductions of the comprehensive zoning map; the motion was seconded by Alderman A. L. Henderson, Jr.

Those present and voting "Yea";

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

WHEREAS, Mayor Byrd stated to the Board of Aldermen that on January 28th., 1976 at 9:30 A. M. the Federal Insurance Administration will hold a public hearing at the Petal Optimist Club for Petal Citizens on the problems of flood control and flood insurance. The meeting will help to explain the nature of the Flood Insurance Program and the study to be undertaken by the department of Housing and Urban Development to determine the flood elevations for the Petal area. Mayor Byrd urged all Aldermen to attend if at all possible.

Mayor Byrd stated to the Aldermen that the City of Petal had received a letter from MPL concerning the transfer of the traffic lights bill from the Forrest County Board of Supervisors into the City of Petal name. Mayor Byrd stated that this change had been anticipated in the 1975-76 fiscal year budget beginning October 1, but the Board of Supervisors had not voted for the change until January 1, 1976. Mayor Byrd stated that as of January 1 the City of Petal will be responsible for the billing of the traffic lights.

WHEREAS, Mrs. Smith presented to the Mayor and Board of Aldermen the annual dues for the Mississippi Association of Chief of Police, in the amount of \$25.00

THEREUPON, Alderman A. L. Henderson, Jr. made a motion authorizing payment of the dues for the Mississippi Association of Chief of Police, the motion was seconded by Aldermen W. H. Clearman.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

WHEREAS, Mrs. Smith presented to the Mayor and Board of Aldermen the annual dues for the Southern Building Code Congress International, Inc., membership dues for the 1976 year, in the amount of \$55.00.

THEREUPON, Alderman George B. Draughn made a motion authorizing payment of the dues for the Southern Building Code Congress International, Inc.; the motion was seconded by Alderman Mitchell Curry.

Those present and voting "Aye":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

THEREUPON, Alderman W. H. Clearman made a motion rectifying the actions of Mayor Pro Tempore Mitchell Curry during the absence of the Mayor; the motion was seconded by Alderman A. L. Henderson, Jr.

Those present and voting "Aye":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

WHEREAS, MR. Bob Himmelsbach addressed the Mayor and Board of Alderman. Mr. Himmelsbach stated that he was a representative of the Crippled Children Foundation located in Gulfport and that he would like to bring awareness to the citizens of the area the provisions the Crippled Children Foundation can provide to this area.

There being no further business the meeting was ordered adjourned on this the 20th., day of January A. D., 1976.

Ulmer Byrd
Ulmer Byrd, Mayor

(SEAL)

ATTEST:

Susan B. Smith
Susan B. Smith, City Clerk

BE IT REMEMBERED that there was begun and held a regular meeting of the Mayor and Board of Aldermen of the City of Petal, Mississippi, at 7:30 P. M. Tuesday, February 3rd., 1976 in the Mayor's office in the City Hall.

Those present:

Mayor:	Ulmer Byrd
Aldermen:	W. H. Clearman Mitchell Curry George B. Draughn A. L. Henderson, Jr. Charles A. Sumrall
City Attorney:	Thomas W. Tyner
Others Present:	Rev. Hogan Rev. W. A. Fordham Jo Ann Maxwell Betty Yow John Gamble Bobby Fennell Coda Ray Pace Leroy Scott L. A. Evans

Mayor Byrd declared a quorum was present and declared the City Council in session.

The invocation was offered by Rev. Hogan.

The minutes of the meeting held January 20th., 1976, were read by Susan B. Smith.

THEREUPON, Alderman Charles Sumrall made a motion to accept the minutes as read; the motion was seconded by Alderman Mitchell Curry.

Those present and voting "Yea":

Alderman W. H. Clearman
Alderman Mitchell Curry
Alderman George B. Draughn
Alderman A. L. Henderson, Jr.
Alderman Charles Sumrall

Those present and voting "Nay":

NONE

WHEREAS, Mayor Byrd requested from all present their public comment one at a time.

WHEREAS, Mrs. Jo Ann Maxwell addressed the Mayor and Board of Aldermen concerning the procedures of establishing the operation of a package store within the