

BE IT REMEMBERED THAT THERE WAS BEGUN AND HELD A SPECIAL MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI ON OCTOBER 16, 2006 AT 5:00 P.M. IN THE BOARDROOM OF SAID CITY.

THOSE PRESENT	MAYOR CARL SCOTT
ALDERMEN	DAVID CLAYTON KAY FAIRLEY JAMES MOORE STEVE STRINGER LIESA WEAVER
OTHERS	BRUCE ROGERS DON PITTMAN DARRIN CARROLL LARRY BYRD LEROY READY JAMES KNIGHT

THE MAYOR DECLARED A QUORUM PRESENT AND DELCARED THE CITY COUNCIL IN SESSION.

THEREUPON, THE ALDERMEN WERE CALLED ON THE PHONE PRIOR TO THE SPECIAL MEETING.

THE NOTICE OF SPECIAL MEETING WAS PRESENTED FOR FILING. THE NOTICE READS AS FOLLOW:

SEE EXHIBIT "A"

NOTICE OF SPECIAL MEETING

WHEREAS, MAYOR SCOTT PRESENTED THE FOLLOWING ORDINANCE 2006(101).

SEE EXHIBIT "B"

ORDINANCE 2006(101)

AN ORDINANCE REGULATING THE KEEPING OF ANIMALS, INCLUDING DOGS, CATS, AND FOWL, PROVIDING FOR THE MAKING OF AN IMPOUNDMENT OF CERTAIN ANIMALS, PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE, AND REPEALING ORDINANCE 2001(100)

THEREUPON, ALDERMAN MOORE MADE A MOTION TO ADOPT THE FOREGOING ORDINANCE. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED THE FOLLOWING ORDINANCE.

SEE EXHIBIT "C"

ORDINANCE 1979(42A-184)

THEREUPON, ALDERMAN CLAYTON MADE A MOTION TO ADOPT THE FOREGOING ORDINANCE. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER

ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, MICHELLE LANGLEY ADDRESSED THE MAYOR AND BOARD OF ALDERMEN ABOUT HER HOUSE LOCATED AT 1075 SUNRISE ROAD. MS LANGLEY STATED THAT SHE WAS TRYING TO SELL HER HOUSE, BUT SINCE IT WAS TWO HOUSES IN ONE, SHE NEEDED SOME GUIDE LINES ON SELLING IT AND TRYING TO RENT OUT PART OF IT.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ADJOURN. ALDERMAN CLAYTON SECONDED THE MOTION.

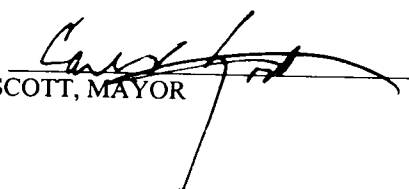
THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON  
ALDERMAN KAY FAIRLEY  
ALDERMAN JAMES MOORE  
ALDERMAN STEVE STRINGER  
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

THEREBEING NO FURTHER BUSINESS, THE SPECIAL MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI WAS ADJOURNED ON THIS THE 16<sup>TH</sup> DAY OF OCTOBER, 2006.

  
CARL SCOTT, MAYOR

(SEAL)

ATTEST:

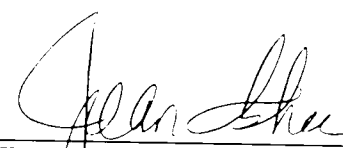
  
JEAN ISHEE, CITY CLERK

EXHIBIT "A"

Need special  
meeting notice!

AN ORDINANCE REGULATING THE KEEPING OF ANIMALS, INCLUDING DOGS, CATS, AND FOWL, PROVIDING FOR THE MAKING OF AN IMPOUNDMENT OF CERTAIN ANIMALS, PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE, AND REPEALING ORDINANCE 2001 (100).

## EXHIBIT "B"

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

State law references: Authority of municipalities to regulate or prohibit animals running at large, Miss. Code 1972, § 21-19-9.

**Section 1. Definitions.**

(The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.)

- a. *Animal* means any live, vertebrate creature, domestic or wild, except homo sapiens
- b. *Animal control division* means the review and enforcement authority under the supervision of the police department empowered to administer this ordinance
- c. *Animal control officer* means any person designated by the city as a law enforcement or animal control officer who is qualified to perform such duties under the laws of this state
- d. *Animal shelter* means any facility operated by a humane society or municipal agency, or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this ordinance or state law
- e. *Feral dog* means a dog that has escaped from domestication and become wild, dangerous, or untamed
- f. *Hunting Dog Kennel* means any collection of five (5) or more of a hunting breed of dog kept for the purpose of sport
- g. *Owner* means any person, partnership, or corporation owning, keeping, or harboring one (1) or more animals. An animal shall be deemed to be "harbored" if it is fed or sheltered
- h. *Performing animal exhibition* means any spectacle, display, act, or event, other than a circus, in which performing animals are used
- i. *Pet* means any animal kept for pleasure rather than utility
- j. *Pet store* is any place of business that sells birds, fish, reptiles or mammals intended for use as pets
- k. *Public nuisance* means any animal which:
  - 1) Damages private or public property;
  - 2) Barks, whines, screams or howls in an excessive, continuous, or untimely fashion, or
  - 3) Defecates or frequently urinates on public property or private property of one other than its owner
  - 4) Is allowed by its owner to become a nuisance to people or other animals
- l. *Restraint* means the condition of securing any animal by a leash or lead of less than six (6) feet; within the fenced real property limits of its owner, or by tethering in such a way that the animal is within the real property limits of its owner
- m. *Running at large* means any animal not under restraint

ninety (90) days, or by both such fine and imprisonment, unless otherwise provided for herein. Each day's violation shall be deemed a separate offense.

**Section 2-4. Cruelty to animals; fighting animals, etc.**

- a) No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate, promote or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans
- b) Any person who leaves any animal or fowl unattended for a period exceeding forty-eight (48) hours shall receive a mandatory fine of two hundred fifty dollars (\$250.00). This fine shall not be suspended.
- c) Any person who confines an animal without food, water or shelter and thereby causes the death of that animal shall receive a mandatory fine of two hundred fifty dollars (\$250.00). This fine shall not be suspended
- d) Trapping animals. It shall be unlawful for any person to set or bait any steel leg-trap or other contrivance which would maim, mutilate or seriously injure any animal.

State law references: Promoting or having interest in animal or cockfights prohibited, Miss. Code 1972, § 97-41-11.

**Section 2-5. Exposing to poisons.**

No person shall expose any known poisonous substance, whether mixed with food or not, so that the same may be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common pest-control poison mixed only with vegetable substances

**Section 2-6. Performing surgical procedures.**

No person except a licensed veterinarian shall perform any surgical procedure on animals

**Section 2-7. Leaving unattended inside motor vehicle; authority to remove from vehicle.**

It shall be unlawful to leave an animal unattended inside a motor vehicle when such action is reasonably potentially harmful to the animal. The division of animal control or any police officer shall have the authority to remove an animal from such a vehicle. A notice of removal shall be placed on the vehicle by the person removing the animal. The animal control division or the police department shall not be held liable for any damages caused to the vehicle during such removal.

**Section 2-8. Operator of vehicle striking animal to report accident.**

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall report the accident to the police department, the division of animal control or to the local humane society. No such report shall be used against the maker thereof in any civil or criminal prosecution arising from the collision.

**Section 2-9. Molesting birds, bird's nest prohibited.**

It shall be unlawful for any person to kill, wound or injure in any manner whatever or to fire or shoot with a gun, pistol, arrow or any other deadly weapon or to throw any stone or other missile at, or to catch or capture, or to set traps, or spread nets or snare, with intent to catch or capture any birds of any kind whatever, for any person to break, tear down, or destroy any bird's nest or the eggs or other contents of the nest of any bird when found in or upon any natural object or vegetation except, when the population of the feral pigeon is deemed by the supervisor of animal control to be a clear and present menace to the public health and private or public property, such official is empowered to and shall promptly review and may approve reasonable plans presented by property owners by which the owners will attempt to reduce such population

State law references: Using nets or traps for capture of wild fowl or some birds prohibited, Miss. Code 1972, § 49-7-63; molesting birds' nests or eggs prohibited, Miss. Code 1972, § 49-7-73.

**Section 2-10. Responsibility of owner generally.**

- a) No owner shall fail to:
  - 1) Exercise proper care and control of his animals including but not limited to dogs or cats,

*Veterinary hospital* means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals

*Vicious animal* means any animal, except dogs, that constitutes a physical threat to human beings or other animals.

*Vicious dog* means:

- 1) Any dog which has shown a propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals.
- 2) Any dog which, when unprovoked, (a) bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property, or (b) chases or approaches a person upon the streets, sidewalks or on any public grounds in a menacing or terrorizing manner or apparent attitude of attack.
- 3) Any dog which is owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
- 4) Notwithstanding the above no dog may be considered a vicious dog if an injury or damage is sustained by a person who, at the time of such injury or damage, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime. No dog may be considered vicious if an injury or damage was sustained by a domestic animal that, at the time of such injury or damage, was teasing, tormenting, abusing or assaulting the dog. No dog may be considered vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

*Wild animal* means any animal that can normally be found in the wild state and is not ordinarily domesticated by man, whether raised in captivity or in the wild.

*Boarding kennel* means any commercial establishment where any dogs, cats or other animals are boarded for a fee

*Grooming establishment* shall mean any commercial establishment at which dogs, cats, or other animals are bathed, groomed, clipped, trimmed or shorn, and where no animals are kept or maintained on the premises overnight as a rule.

*For-profit pet breeder* means any owner who breeds more than two (2) litters of offspring per year and received monetary compensation for the sale of these offsprings

**Section 2-1. Police department, animal control officer to enforce ordinance; interfering with prohibited.**

- a) *Enforcement.* The provisions of this ordinance shall be enforced by the division of animal control and the city police department. [It shall be a violation of this ordinance to interfere with an animal control officer or city policeman in the performance of his duties under this ordinance.]

**b) Issuance of Warrant.**

- 1) Any police officer or animal control officer having probable cause to believe that any person(s) has violated a section of this ordinance, other than a public nuisance violation as "public nuisance" is defined in section 1, may obtain a warrant for the arrest of such person or issue to such person a written citation requiring such person to appear at a date and time certain in the municipal court to answer the charge or charges specified in the citation.
- 2) Any citizen who has been harmed through a violation of any provision of this ordinance, including a public nuisance violation as "public nuisance" is defined in section 1 may obtain a warrant for the arrest of the owner of the animal.

**Section 2-3. Violations; penalties.**

A person violating any provision of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) or imprisonment in the county jail not to exceed

- 2) Prevent them from becoming a public nuisance as defined in Section 1, or private nuisance, or
- 3) Comply with the standards set out next below and all other provisions of this ordinance.

- b) It shall be unlawful for any lot or stall or stable, or other place where animals are kept, to be in an unclean, filthy or unsanitary condition. All lots, stalls, stables, pens, yards and other places where cattle, horses, mules, hogs, dogs, cats or other animals are kept for any purpose whatsoever, anywhere in the city, shall be kept clean and wholesome by removal of all offensive matter and by suitable cleansing and disinfecting as often as may be necessary, which care is hereby required and made the duty of every person having, owning or controlling such places.
- c) The owner of every animal including, but not limited to, cats and dogs, shall remove any fecal matter deposited by such animals on public walks, streets, recreation areas, or private property of another. It shall be unlawful for the owner of any property to allow unsanitary or malodorous conditions to develop on his property due to the keeping, maintaining, owning, or harboring of animals. Reasonable efforts shall be made to keep yards, pens, premises and animals free of insect infestations.
- d) Animal pens or enclosures shall be large enough to provide reasonable freedom of movement to the animals contained therein. Food supplies shall be stored in rodent-proof containers. Food and water containers shall be kept clean and litter and/or bedding materials shall be changed as often as necessary to prevent an odor nuisance. Feces shall be removed daily from yards, pens, and enclosures. The owner or one harboring any animal shall so conduct his ownership and control of the animal in a manner so as not to cause or give rise to any nuisance condition on or about the premises.
- e) No owner of an animal shall abandon such animal or fail to maintain such animal in a healthy condition or to provide appropriate veterinary treatment immediately, if ill.
- f) No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather and to generally provide humane care and treatment
- g) No owner shall house no more than six (6) animals or fowl over the age of six (6) months at a single residence unless licensed under section 2-19 a.
- b) (1) A petition to abate the nuisance shall be filed in municipal court if after the person(s) had the opportunity to comply and the animal control division has probable cause to believe that a public nuisance violation of this chapter, as "public nuisance" is defined in section 6-1 continues to exist. The division shall file, or cause to be filed, the petition which shall have attached at least one (1) supporting affidavit from the division and/or the complainant. A copy of the petition with the affidavit(s) shall be served upon the person(s) along with a written notice of the date, time and place for the person(s) to appear to show cause, if any, why an order of abatement should not be entered and why penalties, as hereinafter set forth, should not be assessed. The hearing shall be held no less than seven (7) days after service of the petition and notice to appear and show cause shall be made. During the hearing, the municipal court may hear testimony regarding prior violations of the person(s) or prior citations or warnings to the person(s) provided that such testimony is with regard to the same animal(s)

(2) If the person(s) is found in violation of the chapter, the court shall order the nuisance conditions abated within five (5) days after entry of the order unless the person(s) are able to show cause why a longer period of time is necessary and the order shall contain authority for the animal control division to remove any animals involved, if necessary, upon terms and conditions set by the court.

(3) If, after entry of the order adjudicating the person(s) to be in violation and ordering the nuisance to be abated and imposing the penalties, the person(s) shall fail to comply with any aspect of the order of the court, the division may file, or cause to be filed, a motion requesting the person(s) to be held in contempt of court. A copy of the motion shall be served upon the person(s) along with a written notice of the date, time and place for the person(s) to show cause, if any, why an order finding the person(s) in contempt should not be entered and why penalties, as hereinafter set forth, should not be assessed. The hearing shall be held at least five (5) days after service of the petition and notice to appear and show cause shall be made.

(4) (a) If the person(s) is found in violation of this section, the court, in addition to ordering the nuisance abated, shall assess penalties as follows: (a) for the first adjudicated violation, a fine of not less than one hundred and fifty dollars (\$150.00) and court costs; (b) for a second violation, a fine of not less than two hundred dollars (\$200.00) and court costs; and (c) for a third or subsequent violation, a fine of not less than two hundred and fifty dollars (\$250.00) and court costs or incarceration in the county jail for a period not to exceed thirty (30) days, or both such penalty and incarceration.

(5) If the person(s) is found in contempt of any aspect of the order of the court, the court shall, as a minimum, assess a penalty equal to the penalty imposed by the court for the violation of the ordinance; provided, however, that each day the person(s) has allowed the nuisance to exist in violation of the court's order or has otherwise violated the court's order shall be a separate violation for the purposes of assessing the penalty for contempt. The court may impose the same penalty originally imposed for violating this section for each day the violation has continued after entry of the court's order or for each day the person(s) are otherwise found to be in contempt. In addition to these penalties, the court may impose such other penalties or conditions authorized by law or inherent to the powers of the court for persons found to be in contempt of an order of the court.

**Section 2-11. Keeping of animals within city limits.**

- a) *Keeping animals, fowl near residences prohibited, exception for dogs and cats.* It shall be unlawful for any person to keep or maintain any chickens, ducks, geese, turkeys or other domestic fowl of any kind, or any sheep, cattle, mules, goats, horses or any other four-legged animal of any kind, within one hundred (100) feet of any building or structure in the city used as a residence by another. The provisions of this section subparagraph shall not apply to keeping and maintaining cats and dogs.
  - b) *Swine prohibited, exception for dealers.* It shall be unlawful for any person to raise or keep hogs and pigs within the corporate limits of the city; provided that this section shall not apply to dealers in hogs and pigs who are hereby permitted to maintain hog and pig pens in areas zoned for such; provided, however, that such pens shall meet the sanitary requirements of the state health department.
- Disposal of animals.* No person shall leave or throw into any stream or river, nor offensively expose the body, or any part thereof, of any dead animal, nor shall be same be kept where it may be dangerous to the life or detrimental to the health of any person. The animal control division shall be promptly notified of the existence of any such dead animal and where it is to be found so that it may be removed and disposed of in a sanitary manner.

State law references: Authority to regulate or prohibit hog pens, Miss. Code 1972, § 21-19-1.

**Section 2-12. Domestic fowl running at large.**

It shall be unlawful for any person who may own or have in his possession or control, any chicken, duck, turkey, goose or other domestic fowl to intentionally, knowingly, carelessly or negligently permit any such domestic fowl to run at large within the corporate limits of the city.

**Section 2-13. Livestock running at large or allowing on streets, sidewalks prohibited.**

It shall be unlawful for any person who may own or have in his possession or control, any horse, mule, ox, cow, yearling, sheep, goat or hog to intentionally, knowingly, carelessly or negligently, permit such animal to run or be at large at any time within the corporate limits of the city. It shall also be unlawful for any person who may own or have in his possession or control any animal mentioned in this section to stake or tether such animal on any vacant property in the city adjacent to any street or sidewalk or so near thereto as to allow or permit such animal to be or go upon any sidewalk or street within the corporate limits of the city. Horses used by the police department shall be excluded from this prohibition.

**Section 2-14. Permitting to run at large.**

- a) *Prohibited.* It shall be unlawful for the owner of any animal, except cats, to permit it to run at large within the corporate limits of the city.
- b) *Impoundment of animals at large.* Animals running at large may be impounded as provided elsewhere herein.

**Section 2-15. Keeping of wild animals.**

- a) *For display or exhibition.* No person shall keep or permit to be kept on his premises, or in any roadside zoo or pet store, any wild animal for display or for exhibition purposes, whether gratuitously or for a fee. This subsection shall not be construed to apply to zoological parks, petting zoos, performing animal exhibitions, or circuses.
- b) *As pets.* No person shall keep or permit to be kept any leopard, cheetah, lion, tiger, panther, cougar, bear, coyote, wolf, alligator or crocodile or any other wild animal except as authorized by state or federal law.
- c) *Enforcement.* The supervisor of animal control shall have the power to release, order the release, or seize any wild animal being kept in violation of this ordinance, federal law, or state statute and shall notify the Mississippi Department of Wildlife.

**Section 2-18. Pet stores, boarding kennels, grooming establishments and for-profit pet breeders.**

- a) *License required.* The city clerk's office shall issue a license to pet stores, boarding kennels, grooming establishments and for-profit pet breeders upon submission of a completed application, payment of a fee and inspection of the premises by the animal control supervisor to ensure all conditions set forth in paragraph (b) are being met. Each such license shall expire one (1) year from the date of issuance, unless earlier revoked for cause. Such license shall not be transferable.
- b) *Conditions for issuing and maintaining license.* Upon application for issuance or renewal of license, an inspection shall be made to determine compliance with the following provisions:
  - 1) The building shall be in good repair, structurally sound, shall not leak and shall be easy to clean and sanitize. Drains must rapidly eliminate excess water on the floor. There must be adequate heat, cooling, ventilation and lighting.
  - 2) Cages must allow the animals enough room to stand easily, turn about freely and sit and lie in a normal position. Cages must be kept clean and in a good state of repair.
  - 3) All animals must be maintained in a healthy condition or, if ill, shall be given appropriate veterinary treatment immediately. Proof of rabies vaccine for all kept animals is mandatory.
  - 4) Animal and food waste and bedding must be removed as often as necessary to prevent an odor nuisance.
  - 5) Food supplies shall be stored in rodent-proof containers. Food and water containers must be kept clean and sanitary.
  - 6) Premises and animals shall be kept reasonably free of insect infestations.
  - 7) No nuisance caused by odor, noise or animals running at large shall be permitted.
- c) *Periodic inspection, noncompliance.*
  - 1) Periodic unannounced inspections by the animal control division shall be conducted.
  - 2) Citations shall be issued for any violations of the provisions of this section. Each violation will be deemed a separate offense.
  - 3) Revocation of license. The supervisor of animal control may revoke a license for serious or repeated noncompliance with the provisions of this section. Any party in interest aggrieved by a decision of animal control may appeal to the state courts as provided by law.
- d) *Currently operating establishments.* Any pet store, boarding kennel, grooming establishment, hunting dog kennel or for-profit pet breeder that is currently lawfully operating within the city at the time this ordinance is enacted shall be given a license for the first year without having to meet the conditions set forth above. However, before any license is renewed after the first year, the owner of any such establishment must first meet the conditions of paragraph (b). If the owner of any establishment that is currently operating changes its location or ownership the first year, the owner must apply for a new license and comply with all the requirements established in paragraph (b).

**Section 2-19. Performing animal exhibitions or circuses.**

- a) No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering. All equipment used on a performing animal shall fit properly and be in good working condition. An animal control officer shall be authorized to inspect the premises at any time on demand.

**Section 2-20. Vaccination of dogs and cats against rabies.**

- a) *Required.* Any person owning, keeping, harboring, or having custody of any dog or cat three (3) months of age or older within the city shall have that animal vaccinated against rabies with the approved dosage of an approved antirabic virus vaccine properly administered by one legally authorized to do so. It shall be unlawful for any person to own or have in his possession any dog or cat not so vaccinated. Every dog or cat must be vaccinated immediately upon attaining the age of three (3) months, and annually thereafter.
- b) *Tag bearing vaccination serial numbers to be worn.* The owner of any dog or cat shall see that the animal wears a securely braided metal tag with the serial number of the vaccination and the year in which the animal was inoculated stamped thereon and shall see that the collar and tag are worn by the animal at all times.
- c) *Microchip.* Identification by microchip and verification of vaccine is equally acceptable.
- d) *Penalties for violations.* The failure to comply with this section shall constitute a misdemeanor, and the offender shall, on conviction thereof, be fined fifty dollars (\$50.00) for the first offense, seventy-five dollars (\$75.00) for the second offense; and one hundred

*Permit required.* Any owner of any wild animal that has been so owned and kept within the city limits for two (2) years or more, to continue to lawfully keep such animal, must within ninety (90) days of the effective date of this ordinance, apply for a special permit from the supervisor of animal control, who shall before issuing said permit inspect the premises where such animal has been kept to ascertain if special precautions and confinement and proper care facilities are present and functioning and have been so present and utilized during the two-year period and, if the premises meet with the approval of the supervisor and the owner agrees to continue such precautions that are in effect and submit to inspection upon two (2) days' written notice from the supervisor, said special permit shall be issued. In this regard, the supervisor of animal control shall establish regulations for the confinement and proper care of any wild animal.

**Section 2-16. Keeping of vicious animals or vicious dogs; penalty.**

- a) A vicious dog shall be securely confined indoors or confined in a securely enclosed and childproofed locked pen or structure upon the premises of the person owning or harboring the same. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded in the ground no less than two (2) feet.
- b) No person owning or harboring or having the care of a vicious dog shall suffer or permit such dog to go beyond the premises of such person unless such dog is securely leashed and muzzled, except that a vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the supervisor of animal control. Such dog may not be leashed to inanimate objects, e.g. trees, buildings, etc. and the muzzle must be sufficient to prevent such dog from biting persons or other animals.
- c) No vicious dog may be kept on a porch or patio or any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or doors are the only obstacle preventing the dog from exiting the structure.
- d) All owners, keepers or harborers of vicious dogs within the city shall within ten (10) days of the effective date of this chapter display in a prominent place on their premises a sign easily readable by the public using such words as "Beware of Dog." In addition a similar sign shall be posted on the kennel or pen of such animal.
- e) The owner or harborer of any dog which according to the records of the animal control division seriously injures a person without provocation or which has aggressively killed another dog or large animal shall be required to provide public liability insurance or post a surety bond in a single incident amount of fifty thousand dollars (\$50,000.00) for bodily injury to or death of any person or persons or for damage to property resulting from the ownership, keeping or maintenance of such dog. Such insurance shall contain a provision that the same may not be canceled until ten (10) days' notice of cancellation has been given to the animal control division. "serious injury" means any physical injury resulting in two (2) or more sutures or hospitalization.
- f) Every vicious animal shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
- g) Before filing of any affidavit for ordinance violation under this section, the animal control supervisor shall give written notice to the person suspected of a violation that their animal is deemed a vicious dog and subject to the requirements of this ordinance.
- h) The persons having the enforcement duty under this ordinance may enter the premises where a vicious dog or animal is kept for the purpose of inspection of the premises to ascertain whether such complies with the provisions of this ordinance. Such inspection shall be made only after five (5) days notice to the occupant of the premises.
- i) This section shall not apply to dogs kept by law enforcement agencies.
- j) In addition to any other penalty the municipal court may impose upon a person convicted of a violation of this section, the court shall impose a mandatory fine of two hundred dollars (\$200.00) for violation of this section or any part thereof, no portion of which fine may be suspended.

State law references: Responsibility of owner for animals killing human beings, Miss. Code 1972, § 97-3-45.

**Section 2-17. Giving away as prizes, inducements to trade, etc.**

No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game, or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade, unless and except such person or organization shall have first obtained a permit for such activity from the supervisor of animal control.

dollars (\$100.00) for the third offense. It shall be the duty of the division of animal control to enforce said section.

State law references: State requirements as to rabies inoculation, Miss. Code 1972, §§ 41-53-1-41-53-13.

**Section 2-21. Impoundment—Generally.**

- a) *Authority to seize, confinement period.* An unrestrained dog or an animal constituting a public nuisance shall be taken by the police or animal control officers and impounded in an enclosure or animal shelter kept for that purpose, to be provided for by the city, and there confined in a humane manner. Such an animal shall be kept for at least five (5) days unless sooner claimed by the owner; impounded dogs and cats not suffering from an injury or infectious disease shall be kept for not less than five (5) working days.
- b) *Conditions for seizure.* Any vicious dog shall be immediately seized by the division of animal control if:
  - 1) The owner does not secure the liability insurance coverage required under Section 2-14(e) herein within thirty (30) days of enactment of this ordinance.
  - 2) Owner does not maintain the dog in a proper enclosure.
  - 3) The owner willfully or negligently permits the dog out side the dwelling of the owner or outside the proper enclosure and does not have the dog muzzled and under personal physical restraint of the owner.
- c) *Notice to owner, redemption.* If, by a tag or other means including microchip, the owner of an impounded animal can be readily identified, the animal control officer shall, upon impoundment, notify the owner by telephone or mail. Within five (5) days, the rightful owner of any animal held under this section may, provided the animal is properly vaccinated, licensed and tagged, obtain the animal upon the payment of a pound fee as hereinafter provided; however, if an unvaccinated animal is claimed by the owner, the owner must make arrangements for the vaccination of the animal satisfactory to the supervisor of animal control. Any owner reclaiming an impounded animal shall pay a fee as follows:

TABLE INSET:

Dogs and Cats	\$ 25.00
Second Impoundment of Same Dog or Cat	\$ 50.00 and the owner shall be served with written citation for permitting the animal to run at large in violation of said ordinance
Third Impoundment of Same Dog or Cat	\$ 75.00 and the owner shall be served with written citation for permitting the animal to run at large in violation of said ordinance
Plus, for each day of impoundment	\$ 15.00

- d) *Disposition if not reclaimed by owner; waiver of waiting period.* Any animal not reclaimed by its owner within five (5) working days shall become the property of the city or designated impoundment facility and shall be placed for adoption in a suitable home for a fee as set forth by the impoundment facility, or humanely euthanized with an injection of sodium phenobarbital; provided that, if an unclaimed animal is adopted, the adoptive owner must make arrangements for the vaccination of the animal satisfactory to the supervisor of animal control. The five-day waiting period is waived for a vicious or feral dog and/or feral cat. For any animal suffering from a serious injury or of an infectious disease as determined by the animal control officer after consultation with a licensed veterinarian, the five day waiting period shall also be waived. Pursuant to section 97-41-3, Mississippi Code Annotated (1972), an injured or neglected animal may be humanely euthanized without any waiting period.
- e) *Additional proceedings against owner authorized.* The owner of an impounded animal may also be proceeded against for any violation of this ordinance.

**Section 2-22. Same—Livestock.**

Any hog, cow, bull, sheep, goat, horse, or mule found straying or running at large shall be captured and impounded in an enclosure provided and maintained for such purpose by the division of animal control. Within five (5) days of its capture, the rightful owner or owners of any animal so impounded may claim and obtain the release of the said by payment of an impoundment fee in the amount of one hundred dollars (\$100.00) and a boarding fee in the amount of twenty dollars (\$20.00) per day for each day, or fraction thereof, during which the said animal has remained impounded. If any such animal is not claimed and redeemed by its owner

within the five-day period, the same shall be sold at a lawfully constituted public livestock auction in satisfaction of all fees and expenses, with any surplus revenue transferred to the impoundment facility.

**Section 2-23. Impoundment of animals attacking, injuring persons, destruction of rabid animals.**

In case of an attack by any animal resulting in injury to any person, such animal unless otherwise provided herein shall be impounded or caused to be confined by the animal control division for observation for a period of ten (10) days, or the owner thereof may, upon notification to the animal control division, have such animal impounded for ten (10) days with a private veterinarian licensed to practice veterinary medicine within the state. If, at the end of such period of time, or any time prior thereto, it is determined that the animal has rabies, such animal shall be immediately destroyed.

**Section 2-24. Elimination of animals, when authorized.**

- a) *Vicious animal or feral or vicious dogs.* When an animal is determined by the supervisor of animal control to be a vicious animal or a feral or vicious dog, that animal may be destroyed by the supervisor of animal control or his designee providing two (2) of the following requirements are met:
  - 1) The animal is running at large or not properly confined or muzzled as described herein.
  - 2) There is no vaccination tag around the animal's neck.
  - 3) The animal cannot be identified by microchip.
  - 4) Attempts to peacefully capture the animal have been made and proven unsuccessful.
- b) *Quarantine.* Any dog that aggressively attacks and causes severe injury or death of any humans shall be immediately confiscated by animal control, placed in quarantine for ten (10) days, and thereafter destroyed in an expeditious and humane manner. "Severe injury" means any physical injury that results in broken bones or any skin lacerations requiring medical attention.
- c) *Incurably injured or diseased animals, etc.* It shall be the duty of the police and duly authorized animal control officer either to humanely euthanize by sodium phenobarbital, or to discharge a firearm, in order to mercifully end the life of an animal suffering from an incurable injury or disease or as the sole effective means of controlling a public nuisance or health hazard, including, but not limited to, rabbits, squirrels, snakes, feral or vicious dogs, cats and vicious animals. Reasonable efforts not to exceed two (2) days shall be made to first locate the owner of any such injured animal.
- d) *Feral cats.* A cat determined by the supervisor of animal control to be a feral cat may be eliminated on that sole basis.

**Section 2-25. License-Required; exceptions**

All dogs and cats kept, harbored or maintained by their owners in the city shall be licensed and registered if over three (3) months of age, provided, however, that this section shall not apply to dogs and cats whose owners are nonresidents temporarily within the city, nor to dogs and cats brought into the city for the purpose of participating in any dog or cat show, nor to "assistance" dogs properly trained to assist visually impaired persons, when such dogs are actually being used by blind or disabled persons for the purpose of aiding them in going from place to place. Duly licensed pet shops and any duly chartered humane society shall be exempt from the requirements of this section.

**State law references:** Authority of municipalities to tax, regulate dogs, Miss. Code 1972, § 21-19-9.

**Section 2-26. Same-Contents of application.**

The owner shall state at the time application is made for such dog or cat license, and upon forms printed for such purpose, his name and address, and the name, breed, color and sex of each dog or cat owned or kept by him. Further, at the time of license application the owner shall provide proof of rabies vaccine, including the date of administration, serial number of the vaccine, contact information and license number of the veterinarian who administered the vaccine.

**Section 2-27. Same-Issuance; fee.**

- a) Dog and cat licenses, as required by the preceding section, shall be issued by the animal control division, city clerk or his designee upon meeting all the requirements of this chapter and are provided at no charge.

**EXHIBIT "B"**

**Section 2-28. Same-License certificate, dog tag required.**

The animal control division, city clerk or his designee shall issue to the owner a license certificate and a metallic tag for each dog or cat so licensed which shall be good for the life of the animal and the number on the tag will correspond with the number on the license certificate. Before the animal control division, city clerk or his designee shall issue any such license certificate and metallic tag as provided herein, any owner applying therefore shall present to the animal control division, city clerk or his designee satisfactory proof that his dog or cat has been vaccinated according to the provisions of this ordinance. Every owner shall be required to provide each dog or cat with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn except in the case of show dogs or cats. In case a dog or cat tag is lost or destroyed, a duplicate will be issued by the animal control division, veterinarian, city clerk or his designee upon presentation of a receipt showing the payment of the license fee for the current year, and upon payment of a one dollar (\$1.00) fee for such duplicate. Dog or cat tags shall not be transferable from one dog or cat to another. Microclips are also considered an acceptable alternative to a fixed collar and tag.

**Section 2-29. Same-When license fee due; when certificates available.**

The license fee herein required shall be due and payable yearly during the life of the dog or cat. The license certificates as herein required shall be available for issuance thirty (30) days prior to the due date of each yearly period.

**Section 2-30. Change of fees.**

All fees provided for herein may be subsequently changed by resolution of the Board of Alderman.

**Section 3. Repeal**

Ordinance 2001(100) is hereby repealed.

**Section 4. Effective Date**

This Ordinance shall be in full force and effect, thirty days (30) from and after its passage.

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, and 4 of the foregoing Ordinance:

- Alderman David Clayton
- Alderman Kay Fairley
- Alderman James Moore
- Alderman Steve Stringer
- Alderman Liesa Weaver

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

None

Those present and voting "AYE" and in favor of the adoption of the foregoing Ordinance as a

whole:

- Alderman David Clayton

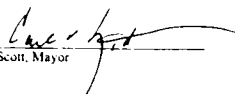
- Alderman Kay Fairley
- Alderman James Moore
- Alderman Steve Stringer
- Alderman Liesa Weaver

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

None


WHEREUPON, the foregoing ordinance be, and the same is hereby passed, adopted and approved

on this, the 16<sup>th</sup> day of October, 2006.

  
Carl Scott, Mayor

(SEAL)

ATTEST:

  
Jean Lee, City Clerk

CITY OF PETAL  
MINUTE BOOK 26

EXHIBIT "C"

ORDINANCE 1979(42A-184)

AN ORDINANCE CHANGING AND AMENDING THE COMPREHENSIVE  
ZONING ORDINANCE NUMBER 1979 (42) OF THE CITY OF PETAL,

MISSISSIPPI, AS AMENDED BY ORDINANCE NUMBERS 1979(42-1)

THROUGH 1979(42-A183) SO AS TO AMEND THE ZONING ORDINANCE

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

SECTION 1: The following article of Ordinance 1979(42) be added as follows:

4.15 Preliminary Site Plan Required

Before any action can be taken by the planning commission, a preliminary site plan shall be submitted to the zoning administrator at a scale no smaller than one (1) inch to one hundred (100) feet, shall include three (3) 24 x 36 copies and nine (9) reduced 8 1/2 x 14 copies, and shall identify and locate, where applicable, the information listed in Section

h site plans shall be reviewed by the City of Petal Planning Commission and the fielding inspector, and the factual determination approving or rejecting such plans be made in accordance with requirements of this and other applicable sections of this ordinance.

All site plans approved shall be binding upon the applicants, their successors and assigns and shall limit the development to all conditions and limitations established in such plans.

Amendments to plans may be made in accordance with the procedure required by this ordinance subject to the same limitations and requirements as those under which such plans were originally approved.

After final approval, the subject area may be developed in phases, provided all of the procedures required by the City of Petal Planning Commission have been complied with.

4.16 Preliminary Plan Requirements

A. Preliminary Plan Requirements: provide the following information:

1. Plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
  - a. The total area in the project;
  - b. The present zoning of the subject property and all adjacent properties;
  - c. All apparent public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned.
  - d. Existing topography, and approximate delineation of any topographical changes shown by contour with intervals not to exceed five (5) feet.
  - e. Delineation of all existing and proposed residential areas in the project with a statement indicating net density of the total project:
    1. Detached housing - location and approximate number of lots, including a typical section(s) identifying approximate lot sizes and dimensions, and setback and height of buildings.
    2. Attached housing - location and garden of the various housing types (i.e., townhouse, fourplex, garden apartment, etc.) including approximate heights of typical structures, and the approximate number of units by housing type.
  - f. Delineation of all existing and proposed nonresidential uses in the project:
    1. Commercial uses - location and type of all uses including approximate number of acres, gross floor area and heights of buildings.
    2. Open-Space-Recreation - The approximate amount of area proposed for common open space, including the location of

approval of the Planning Commission recommendation to the Mayor and Alderman per section 11.52:

6.077. Sign Regulations - As required in Section 7.5

6.082.1. Conditional Uses: The following uses may be permitted subject to approval by the City of Petal Planning Commission in compliance with section 11.65 and subject to approval of the Planning Commission recommendation to the Mayor and Alderman per section 11.52:

6.085. Sign Regulations - As required in Section 7.5

6.092.1. Conditional Uses: The following uses may be permitted subject to approval by the City of Petal Planning Commission in compliance with section 11.65 and subject to approval of the Planning Commission recommendation to the Mayor and Alderman per section 11.52:

6.082.1. Conditional Uses: The following uses may be permitted subject to approval by the City of Petal Planning Commission in compliance with section 11.65 and subject to approval of the Planning Commission recommendation to the Mayor and Alderman per section 11.52:

6.095. Sign Regulations - As required in Section 7.5

6.195. Sign Regulations - As required in Section 7.5

6.012 Permitted Uses.

7. Accessory uses including accessory signs.
  - a. Permitted accessory uses and structures: Accessory uses and structures are permitted in the RF District, provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:
    1. Any accessory use or structure permitted in the R-1A Single-family Residential District.
    2. Farm buildings and structures: Windmills, silos, tank houses, buildings or shelters for farm equipment and machinery, water wells, water reservoirs, and storage tanks.
    3. Buildings or structures required for the housing, nurture, confinement or storage of animals, products, or other uses lawfully produced or permitted on the property.
    4. Roadside stands: Stands for the purpose of displaying and selling agricultural or farming products which are grown or produced on the premises on which said stand is located. Said stand shall not exceed a ground coverage of three hundred (300) sq. ft. and will be limited to one stand per parcel of property. Off-street parking is required.
    5. Manufactured homes and dwellings for farm employees and for adult children or parents of occupants of a farm dwelling.

6.022 Permitted Uses.

6. Accessory uses and buildings incidental to the above permitted uses.
  - a. Permitted accessory uses and structures: Accessory uses and structures are permitted in the R-1 District provided they are used in conjunction with and are incidental to a principal use or structure. Such accessory uses and structures include, but are not limited to the following:
    1. Garages, carports, recreation rooms, hobby workshops and similar structures which are customarily used in conjunction with and are incidental to a principal use or structure.
    2. Private swimming pools and incidental bathhouses.
    3. Private tennis courts.
    4. Storage of recreational vehicles, campers, boats and trailers.

recreational facilities, and identification of unique natural features to be retained.

3. Other public and semi-public uses - location and type of all uses, including approximate number of acreage, and height of buildings.
- g. Location of proposed pedestrian walkways, identifying approximate dimensions.
- h. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades.
- i. Other information that may be determined necessary for description and/or to insure proper integration of the proposed project in the area.

The aforementioned information required may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.

ARTICLE VI. SCHEDULE OF REGULATIONS  
AND DISTRICT REGULATIONS

6.013. Conditional Uses: The following uses may be permitted subject to approval by the City of Petal Planning Commission in compliance with section 11.65 and subject to approval of the Planning Commission recommendation to the Mayor and Alderman per section 11.52:

6.016 Sign Regulations - As required in Section 7.5

6.023. Conditional Uses: The following uses may be permitted subject to approval by the City of Petal Planning Commission in compliance with section 11.65 and subject to approval of the Planning Commission recommendation to the Mayor and Alderman per section 11.52:

6.026 Sign Regulations - As required in Section 7.5

6.033. Conditional Uses: The following uses may be permitted subject to approval by the City of Petal Planning Commission in compliance with section 11.65 and subject to approval of the Planning Commission recommendation to the Mayor and Alderman per section 11.52:

6.036 Sign Regulations - As required in Section 7.5

6.043. Conditional Uses: The following uses may be permitted subject to approval by the City of Petal Planning Commission in compliance with section 11.65 and subject to approval of the Planning Commission recommendation to the Mayor and Alderman per section 11.52:

6.046. Sign Regulations - As required in Section 7.5

6.053. Conditional Uses: The following uses may be permitted subject to approval by the City of Petal Planning Commission in compliance with section 11.65 and subject to approval of the Planning Commission recommendation to the Mayor and Alderman per section 11.52:

6.057. Sign Regulations - As required in Section 7.5

6.062.1. Conditional Uses: The following uses may be permitted subject to approval by the City of Petal Planning Commission in compliance with section 11.65 and subject to approval of the Planning Commission recommendation to the Mayor and Alderman per section 11.52:

6.063. Sign Regulations - As required in Section 7.5

6.072.1. Conditional Uses: The following uses may be permitted subject to approval by the City of Petal Planning Commission in compliance with section 11.65 and subject to

5. Guest house, provided it is located on the rear one-half (1/2) of the lot or parcel of land, or at least twenty-five (25) feet away from the main building and only on lots which are one and one-half (1 1/2) times the minimum area of the district. Rent or payment for shelter is prohibited in these structures.
6. Storage buildings are allowed in addition to detached garages, but are limited to one (1) per lot or per dwelling. A building permit is required. A building permit is required unless they are portable, manufactured, light-duty lawn-care sheds, not to exceed one hundred twenty (120) square feet.
7. Fallout, bomb and severe weather shelters are permitted but must not be occupied as a dwelling or as a guesthouse and must essentially be underground at or below grade.
8. Radio broadcast towers for hobbyists living on the premises.
9. Satellite dishes more than three (3) feet in diameter must be installed on rooftops. Those three (3) feet or less in diameter may be installed on rooftops.
10. Parking.
11. Private green house; gardening shed; and fruit, flower and vegetable gardens.
12. Landscape furniture such as trellises and gazebos, flagpoles, barbecues, ornamental light standards, outdoor clotheslines, Christmas and holiday decorations.
13. Temporary political signs.
14. Real estate for sale and for rent signs.
15. Shelter to house animal pets. No site plan or building permit required unless size of structure warrants.
16. Children's playhouse and play apparatus. No building permit or site plan is required unless playhouse includes wiring and/or plumbing. Play house and play apparatus must be located in the rear yard. Does not apply to tree houses.

6.0345 Accessory Buildings

6. Accessory uses and buildings incidental to the above permitted uses.

- a. Permitted accessory uses and structures: Accessory uses and structures are permitted as per section (6.022,6,a.) in the R-1 District provided they are used in conjunction with and are incidental to a principal use or structure.

6.0446 Accessory Buildings

1. Accessory uses and buildings incidental to the above permitted uses.

- a. Permitted accessory uses and structures: Accessory uses and structures are permitted as per section (6.022,6,a.) in the R-1 District provided they are used in conjunction with and are incidental to a principal use or structure.

6.0546 Accessory Buildings

1. Accessory uses and buildings incidental to the above permitted uses.

- a. Permitted accessory uses and structures: Accessory uses and structures are permitted as per section (6.022,6,a.) in the R-1 District provided they are used in conjunction with and are incidental to a principal use or structure.

6.062 Permitted Uses

9. Accessory uses and buildings incidental to the above permitted uses.

- a. Permitted accessory uses and structures: Accessory uses and structures are permitted as per section (6.022,6,a.) in the R-1 District provided they are used in conjunction with and are incidental to a principal use or structure.

6.072 Permitted Uses

11. Accessory uses and buildings incidental to the above permitted uses.

- a. Permitted accessory uses and structures: Accessory uses and structures are permitted as per section (6.022,6,a.) in the R-1 District provided they are used in conjunction with and are incidental to a principal use or structure.
- b. Rear setback set at 0 feet, side setback 15 feet.

EXHIBIT "C"

6.082 Permitted Uses

19. Accessory uses and buildings incidental to the above permitted uses
  - a. Permitted accessory uses and structures: Accessory uses and structures are permitted as per section (6.022.6.a.) in the R-1 District provided they are used in conjunction with and are incidental to a principal use or structure.
  - b. Rear setback set at 0 feet, side setback 15 feet.

6.092 Permitted Uses

2. Accessory uses and buildings incidental to the above permitted uses.
  - a. Permitted accessory uses and structures: Accessory uses and structures are permitted as per section (6.022.6.a.) in the R-1 District provided they are used in conjunction with and are incidental to a principal use or structure.
  - b. Rear setback set at 0 feet, side setback 0 feet.

6.10 Permitted Uses

6. Accessory uses and buildings incidental to the above permitted uses
  - a. Permitted accessory uses and structures: Accessory uses and structures are permitted as per section (6.022.6.a.) in the R-1 District provided they are used in conjunction with and are incidental to a principal use or structure.
  - b. Rear setback set at 0 feet, side setback 0 feet.

6.11 Permitted Uses

3. Accessory uses and buildings incidental to the above permitted uses.
  - a. Permitted accessory uses and structures: Accessory uses and structures are permitted as per section (6.022.6.a.) in the R-1 District provided they are used in conjunction with and are incidental to a principal use or structure.
  - b. Rear setback set at 0 feet, side setback 0 feet.

6.3 Special zoning districts.

6.31 Special zoning districts: For the purposes of this ordinance, there are two (2) types of special districts: overlay zones and floating zones

6.32 Purpose of overlay district: An overlay district is a mapped zone that imposes a set of requirements in addition to those of the underlying zoning district. In an area where an overlay zone is established, property is placed simultaneously in the two (2) zones, and the land must be developed only under the conditions and requirements of both zones or the more restrictive of the two. The purpose of overlay zones is to deal with a special public interest in a specific geographic area.

6.33 Development procedures: Unless otherwise noted, applications for development shall be handled administratively.

6.4 Flood Plain Overlay District

6.41 Purpose of district: This overlay district is intended to identify those areas which are subject to periodic or occasional inundation from streams and river overflows and are, therefore, usually unsuited for residential, commercial and industrial uses. All lands lying within this district are subject to inundation by the base flood as defined on the current flood insurance rate maps. The district acts as an overlay zone and does not eliminate or change any requirements of other zoning districts.

6.42 Uses permitted: Uses are subject to the requirements of the zoning district and shall, in addition, comply with the current flood damage prevention ordinance.

6.5 Evelyn Gandy Parkway District

6.51 Purpose of district: The purpose of this overlay district is to protect and preserve the quality of the Evelyn Gandy Parkway while encouraging compatible development on property contiguous to the parkway. It is further intended that all uses within this overlay

district be pedestrian oriented. The Parkway is hereby declared to be designed open space

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6.52 Exemptions: The provisions set forth in this section shall not apply to the construction or reconstruction of any existing or proposed development for which:

1. A valid building permit exists; or
2. A certificate of occupancy has been issued; or
3. A site plan has been approved, including special use permit site plans; or
4. Building plans and specifications have been submitted to the building inspection division for review and said review has been substantially completed prior to the effective date of this ordinance.

6.53 Boundaries: The Evelyn Gandy Parkway Overlay District consists of all property located within the respective boundaries of the Parkway generally described as one hundred thirty (130) feet on the side of the centerline for each individual lane of traffic from the Leaf River to Fairchild Drive.

6.54 General use regulations: To the extent that regulations established for the use of property located within the Evelyn Gandy Parkway Overlay District are inconsistent with regulations established by a particular underlying district or other provisions of the Code, these regulations shall be controlling. However, unless a use is specifically prohibited in any sub district, all uses otherwise permitted shall continue to be permitted in any given base district.

6.55 Site development regulations applicable to all sub districts: To the extent that regulations established for the development of property located within the Evelyn Gandy Parkway Overlay District are inconsistent with regulations established by a particular base district or other provisions of this ordinance, these regulations shall be controlling; provided, however, that development of property shall comply with the Compatibility Standards unless a waiver is approved. The following standards apply to all development in the Evelyn Gandy Parkway Overlay District:

1. Site plan approval required: No building permit to construct or certificate of occupancy to occupy any structure located within the Evelyn Gandy Parkway Overlay District shall be issued except in accordance with a site plan which demonstrates compliance with these Evelyn Gandy Parkway Overlay District regulations and all other applicable ordinances.
2. Overlay district site plan review: Site plans for property located in the overlay district submitted pursuant to this subsection or in accordance with any other requirement for site plan review imposed by ordinance shall include all information required by applicable ordinances, plus information reasonably required to determine compliance with these Evelyn Gandy Parkway Overlay District regulations, including the following:
  - a. The boundaries and location of all setback lines and a computation of the gross square feet and percentage of site contained respectively within the setback lines, and the total site;
  - b. Location and designation of proposed uses;
  - c. Architectural presentations of the exterior of buildings (including proposed building materials and, where required, the percentage of clear or lightly tinted glass sufficient to demonstrate compliance with regulations governing the design of structures located in this overlay district;
  - d. Any proposed alterations to the drainage way within the boundaries of the Evelyn Gandy Parkway.
3. Primary setback: No surface or above ground parking area, structure or portion of a structure may be located on any land between the primary setback line and the centerline of the Evelyn Gandy Parkway for which a primary setback line has been established, however, that this provision shall not apply to park related facilities including, without limitation, picnic tables, observation decks, trails, gazebos, pavilions, or similar amenities located on land dedicated or used for public park purposes, restricted to a maximum impervious cover of fifteen (15) percent. This maximum percentage may be increased as determined by the Board of Alderman when justification for such increase is shown by the building inspection department.

This setback refers to the easement which MDOT and the City has and is generally 130 feet from the centerline of Evelyn Gandy Parkway to the boundary of the parkway on both sides of the completed roadway.

4. Secondary setback: A transition zone shall be provided which allows for, but is not limited to, the construction of fountains, patios, terraces, outdoor restaurants or similar amenities. Impervious cover on land between the primary setback line and the secondary setback line, in sub districts where a secondary setback line has been defined, is restricted to a maximum of thirty (30) percent. This maximum percentage may be increased only as determined by the building inspection department when justification for such increase is shown by the applicant. Said allowance or increase shall be handled by application for variance submitted to the planning commission. Unless a variance is granted, all secondary setbacks are fifty (50) feet. The secondary setback becomes a building's rear setback.

5. Parking:

- a. Surface parking should not be visible from the Evelyn Gandy Parkway. Surface parking should be oriented along the roadways and the view screened. This screening shall include dense massing of trees, shrubs, other vegetative screening wall or berms. Topographic changes shall be considered in reviewing this provision. A median of not less than ten (10) feet in width, containing trees, shrubs or berms shall be placed between each parking bay. A "parking bay" is defined as a parking area serviced by one drive and back-up space. This may include a single bay, with two (2) rows of parking and a common drive.
- b. Parking structures above grade shall be creatively integrated architecturally with the building and or thoroughly screened from the Evelyn Gandy Parkway. The parking structure shall maintain the same building setback as required in the base zone, provided it is architecturally integrated with the other structures and is pedestrian oriented.

6. Underground utilities: All utilities shall be located underground unless otherwise required by the utility providing the service. All utilities within the right-of-way of the Evelyn Gandy Parkway Overlay District shall be below grade.

7. Design:

- a. Exterior mirrored glass or glare-producing glass surface building materials are prohibited.
8. Screening requirements: Trash receptacles, air conditioning and heating equipment, utility meters, loading areas, and external storage shall be screened from public view.

6.56 Use and site development regulations

1. Prohibited uses:
  - a. Automotive rentals
  - b. Automotive repair services
  - c. Automotive sales
  - d. Automotive washing
  - e. Commercial off-street parking
  - f. Any use with a drive-in service.
  - g. Service stations.
  - h. Multifamily residential.
2. Uses permitted by special use permit:
  - a. Hotels/Motels
3. Height: Same as imposed by underlying district.
4. Impervious cover: Same as imposed by underlying district.

6.7 M1 Municipal Use District

6.71 Purpose of district: A use owned and/or operated by city, county, state, or federal government, or their board, commission or authority for the benefit and well being of the general public.

6.72 Fences, Walls and Hedges: Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any

front yard shall be over two and one-half feet in height within twenty (20) feet from the street or curb line.

7.33 Visibility at intersections in residential districts: On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to obstruct vision between a height of two and a half (2.5) and ten (10) feet above the centerline grades of the intersecting streets in the sight triangle formed by the street edge-of-pavement lines running back from the street intersection for a distance of fifty (50) feet and joined by an imaginary line crossing the corner of the lot.

7.37 Erection of more than one principal structure on a lot: In any district except R-1 and R-2, more than one structure containing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

7.38 Structures to have access: Every building hereafter erected or moved shall be on a lot adjacent to a public street, or an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. The city is not obligated to extend utilities on private streets or drives or beyond public streets.

7.39 Parking, storage, or use of major recreational equipment: For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), recreational vehicles, motor homes, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No recreational equipment shall be parked or stored on any residential street. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

7.42 Parking and storage of certain vehicles: Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any zoned property within the City of Petal. The parking of commercial vehicles in streets is prohibited in all zoning district. At no time is parking of commercial vehicles allowed on property adjacent to a main City arterial, collector or connector road.

7.4 Automotive Service, Filling Stations, Public Garages, New and Used Car Dealers

7.41 In the case of new and/or used car dealers, not more than 10 wrecked vehicles used for parts or to be rebuilt, may be kept on the dealers lot provided that they are behind the principle building used for sales and totally out of the public view. Any question as to what constitutes out of the public view shall be determined by the City Building Inspector. The intent of this section is to prohibit new and/or used car dealers from becoming or appearing to become a junk yard as defined in section 5.36 of this ordinance.

7.42 It shall be unlawful for any commercial establishment in a C0, C1, C2, C3, I1 or I2 zoning district to place for sale any new or used vehicle on their premise without prior approval by the Mayor and Board of Alderman or unless specifically licensed and permitted to do so.

7.43 No resident residing in a RF, R1, R2, R3 or R4 zoning district shall have more than one (1) new or used vehicle for sale on their premises at any given point in time.

7.5 This Ordinance shall be known as the "Sign Regulation Ordinance of the City of Petal, Mississippi" and for ease of reference, may also be referred to as the "Sign Code."

7.51 Statement of Purpose and Need For Regulation



The Mayor and Board of Aldermen of the City of Petal, Mississippi, after due and careful study and deliberation, and in full consideration of comments received from interested members of the general public, hereby find and declare:

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1. That the people of the City have a primary interest in controlling the erection, location and maintenance of signs in a manner designed to protect the public health, safety and morals and to promote the public welfare.
2. That the rapid economic development of the City has resulted in a great increase in the number of businesses located in the City, with a marked increase in the number and size of signs advertising such business activities, creating conflicts between advertising signs themselves and between traffic regulating devices and advertising signs, which by their primary purpose draw mental attention to them potentially to the detriment of sound driving practices.
3. That it is necessary to the public safety that these official traffic regulating devices be easily visible and free from such nearby visual obstructions as blinking signs, distracting signs, as excessive number of signs, or signs in any way resembling official signs.
4. That it is necessary to provide equity and equality in displaying identification signs by establishing regulations on size and location of such signs to afford local businesses equal and fair opportunity to advertise and promote their products and services.  
That, in addition thereto, the construction, erection and maintenance of large outdoor signs, suspended from or placed on top of buildings, walls or other structures constitutes a direct danger to pedestrian traffic below such signs, especially during periods when winds of high velocity are prevalent.
6. That the uncontrolled erection and maintenance of large or distracting signs seriously detracts from the enjoyment and pleasure of the natural scenic beauty characteristic of the Petal area, and the fact that such signs are intended to command visual contact grants them a proportionately greater role than other structures in determining the overall aesthetic and visual quality of the community.
7. That this code is enacted to provide for fair and equal treatment of all sign users and for a reasonable period of time for the elimination of non-conforming signs, to assure that sign users who erected signs prior to this code shall not have an unfair advantage over sign users who conform to this code.
8. That this code shall apply to the design, quality of materials, construction, location, electrification, illumination and maintenance of all signs and sign structures to be located within the City.
9. That the purpose of the adoption of the Sign Code is hereby declared to be:
  - a. The protection of the health, safety and welfare of the citizens of Petal;
  - b. The protection and preservation of property values and the promotion of economic well-being throughout the community; and
  - c. The preservation and maintenance of the visual and aesthetic quality of the community in accord with the character of the City of Petal and the surrounding area through the establishment and enforcement of standards for the design, quality of materials, construction, location, electrification, illumination and maintenance of all signs and sign structures within the City.

7.52 Definitions - For the purposes of this Sign Code, and unless the context indicates clearly contradictory intent, words used in the present tense include the future, the singular number includes the plural, the word "shall" is mandatory and not discretionary, the word "building" includes "structures" except "sign structures."

7.521 Abandoned On-Premise Sign An abandoned on-premise sign is an on-premise sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, entity, product, or actively conducted, or product available on the premises where such sign is displayed.

7.522 Abandoned Off-Premise Sign An abandoned off-premise sign is an off-premise sign which:

1. No longer correctly directs or exhorts any person;

7.5218 Illuminated Sign An illuminated sign is any sign which has characters, letters, figures, designs or outlines illuminated by an interior or exterior light source that is primarily designed to illuminate such sign.

7.5219 Individual Letter Sign An individual letter sign is any sign made of self-contained letters that are mounted directly on the face of a building, a parapet, a roof edge of a building or on or below a marquee without being attached to a structure defined herein as a "sign face."

7.5220 Inflatable Sign An inflatable sign is any sign dependent in whole or in part for its structural integrity on the infusion into said sign of compressed air or other fluids, and specifically including balloons larger than two (2) feet in diameter or two (2) foot square in area or other gas or liquid filled figures.

7.5221 Lights

1. Searchlight - A strong or bright light with a reflector in a swivel so that its beam may be sent or directed in various directions.
2. Beacon - A strong or bright light focused or directed in one or more directions.
3. Flashing Lights - Any light or light source or reflection of light source which is intermittent in duration, color or intensity or which creates or is designed to create an illusion of intermittency in duration, color or intensity.
4. String of Lights - A string of electrical conductors containing two (2) or more lights or light sockets.
5. Laser - A device emitting a narrow, very intense beam of light waves that have been amplified and concentrated by stimulated atoms, or the light produced by such device.
6. Tubular Signs - Neon will only be permitted if it is considered as an integral part of the sign being regulated. Anything within the boundary of the outline of the neon will be considered a part of the sign face.

7.5222 Marquee Sign A marquee sign is any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather. Signs painted or sewn onto awnings or canopies shall be considered marquee signs.

7.5223 Monument Sign A monument sign is a freestanding sign (a) the sign area of which is constructed or connected directly on or to a sign support consisting of a concrete slab base or foundation or a base or foundation of similar type of construction; or (b) which is of monolithic construction in which the sign's base or support is of uniform composition with the material comprising the sign area of said sign and the base or support of said sign is directly affixed in or to the ground. Provided, however, no sign, base, foundation or support of which consists in whole or in part of above ground poles, piers, piling or similar types of supports exceeding twenty-four (24) inches in height measured above the ground shall constitute a monument sign.

7.5224 Moving Message or Changing Image Sign A moving message or changing image sign is any sign including public service signs designed to convey sign copy which changes in form or content with greater frequency than once an hour or which otherwise includes action or motion or the illusion of action or motion within its message or sign copy.

7.5225 Murals A work of art painted or otherwise applied to an exterior wall surface. Such work shall not serve to advertise or promote a business, service, product, cause, or event. If such work does serve to advertise or promote a business, service, product, activity, cause, or event, it will be considered a "sign" and as such, will be subject to the Sign Ordinance.

7.523 Address Sign A sign that only conveys the numeric address of the premises on which it is located.

7.524 Amplifying Sign An amplifying sign is one that provides additional information regarding particular products or services available on a premise.

7.525 Attached Sign An attached sign is any sign that is physically connected to and derives structural support from a building or building appurtenance.

7.526 Audible Sign An audible sign is any sign which is designed to or which does produce sound discernible to a person of normal hearing situated off the premises on which the sign is located.

7.527 Bench Sign A bench sign is an advertising message on any portion of a bench or other non-mobile structure or device intended for public seating or convenience.

7.528 Billboard A billboard is an off-premise sign owned by a person, corporation, or other entity that engages in the business of selling or leasing the advertising space on that sign.

7.5210 Changeable Message Sign A changeable message sign is a sign on which the copy, message or sign panels may be, when specifically issued a permit as a changeable message sign, changed either electronically or manually in the field through the removal, replacement, or rearrangement of letters, symbols, blocks or panels designed for attachment to said sign.

7.5211 Construction Sign A construction sign is a temporary sign erected and maintained by an architect, contractor, developer, financial institution, subcontractor or materials supplier upon premises for which said person or persons is presently furnishing labor, materials, services or capital financing.

7.5212 Directory Sign A directory sign is an outdoor sign listing and identifying the occupants within shopping centers, industrial centers, retail centers, office centers, and other multi-use commercial or industrial sites.

7.5213 Electrical Sign An electrical sign is any sign containing a motor or wiring which is connected or attached or intended to be connected or attached to an electrical energy source.

7.5214 Flags, Banners, Seals Flags, banners and seals are mottos, emblems, designs, shapes or symbols on cloth, plastic, canvas or devices of similar type and materials intended to convey any message or to identify any person, place, idea or thing other than duly adopted flags or seals of nations, states, parishes or municipalities.

7.5215 Freestanding Sign A freestanding sign is a sign supported by a sign structure secured in the ground and which is wholly independent of any guy wire, support wire, building, fence, vehicle or object other than the sign structure, for support.

7.5216 Home Occupation Sign A home occupation sign is any on-premise sign advertising a home occupation.

7.5217 Identification Sign An identification sign is a sign that is limited to the name, address, and/or number of a building or institution, person, or entity which is primary to the identification of the building and to a general statement of the activity carried on in the building or institution.

7.5226 Neon Signs Neon will only be permitted if it is considered as an integral part of the sign being regulated. Anything within the boundary of the outline of the neon will be considered a part of the sign face.

7.5227 Non-Conforming Sign A non-conforming sign is any sign structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this code or any amendments thereto and which fails to conform to all applicable regulations and restrictions of this code, or a non-conforming sign for which a special permit has been issued.

7.5228 Off-Premise Sign An off-premise sign is a sign that directs a person to a different premise or location than that on which the sign is located; which identifies advertised goods, products, or services not available on the premises on which the sign is located; or which conveys a non-advertising idea or message; or identifies or advertises a business, person, firm or corporation not located on or occupying the premises where the sign is located; or which is not otherwise defined as an on-premise sign.

7.5229 On-Premise Sign An on-premise sign is a sign identifying or advertising a business, person, firm, corporation, activity, goal, product or service located or available on the premises where the sign is installed and maintained or which is displayed and maintained by the owner or occupant of the premises on which it is located and conveys a non-advertising or non-commercial idea or message.

7.5230 Parapet Sign A parapet sign is a sign extending above a roof line or which serves as a parapet.

7.5231 Political Sign A political sign is any sign urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure, but not including any billboard owned or maintained by a commercial firm or advertising company when leased or used as a political sign.

7.5232 Portable Sign A portable sign is any sign other than a trailer or vehicle sign that is not permanently affixed to a building, structure or the ground or a sign designed to be moved from place to place. These signs primarily include, but are not limited to: A frame or sandwich board signs, signs attached to wood or metal frames, and signs designed to be self-supporting and moveable.

7.5233 Sign Premise A Sign Premise is defined as the contiguous land in the same ownership which is not divided by any highway, street, alley or right-of-way. For purposes of this ordinance a single premise:

1. May include more than one lot of record when such lots are devoted to a single unity of use; or
2. May consist of a separate structure on the same lot of record when, in the opinion of the CAC, such separate structure appears to be a separate premise.

7.5234 Premises Total Premises total is defined as the total square footage of freestanding signage allowed on a premise under the provisions of this Sign Code.

7.5235 Private Directional Signs Private directional signs are on-premise signs directing vehicular or pedestrian traffic movement into a premise or within premises.

7.5236 Project Sign A project sign is a temporary sign announcing a proposed land development or construction project.

7.5237 Projected Sign A projected sign is a sign or visual image created by the projection of light onto a surface.

7.5238 Projecting Sign A projecting sign is any sign other than a wall sign affixed to any building or wall which sign has a leading edge extending twelve (12) inches or more beyond such building or wall. Projecting signs are of two (2) types:

1. Fixed - A sign, other than a wall sign, which extends outward twelve (12) inches or more from the facade of any building and is rigidly affixed thereto.

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7.5251 Sign Owner A sign owner is that person who owns a sign and/or who is responsible for a sign. In those cases in which the sign owner cannot be determined, the owner of the premises upon which the sign is located shall be deemed the owner of the sign.

7.5252 Sign Structure A sign structure is the supporting structure upon which a sign or sign face is fastened, attached or displayed or is intended to be fastened, attached or displayed, provided however, this definition shall not include a building or fence.

7.5253 Snipe Sign A snipe sign is a sign, which is tacked, nailed, posted, pasted, glued or otherwise attached to poles, stakes, fences, or to other like objects.

7.5254 Street Banner Sign

A street banner sign is any banner sign, which is stretched across and hung over a public right-of-way.

7.5255 Subdivision Sign A subdivision sign is a sign located within the boundaries of a subdivision identifying the subdivision and denoting the entrance or exit to the subdivision.

7.5256 Temporary Sign A temporary sign is any sign, the display of which is limited by law, ordinance, or regulation and which advertises a situation or event that is designed, intended, or expected to occur and be completed within a reasonably short or definite period after the erection of such sign.

7.5257 Trailer Sign A trailer sign is any sign or sign structure attached to or composed in whole or in part of a trailer frame or chassis or skid or skid frame or body or of any materials which have ever previously constituted in whole or in part such a trailer, skid, frame, chassis or body.

7.5258 Vehicle Sign A vehicle sign is any sign displayed on or from any mode of transportation, including but not limited to cars, buses, trucks/trailers, trains, boats, or airplanes.

7.5259 Wall Sign A wall sign is a sign other than a parapet sign which is painted on or which projects less than twelve (12) inches from the wall of a building, and is painted on, attached to or erected against any exterior wall or window of a building or structure with the exposed face of the sign being in a plane parallel to the plane of said wall or window and not extending above the building.

7.5260 Window Sign A window sign is any sign which is painted on, applied to, attached to or projected upon the exterior or interior of a building glass area, including doors, or located within one foot of the interior of a building glass area, including doors, whose identification, message, symbol, insignia, visual representation, logo type or any other form which communicates information, can be perceived from any off-premises contiguous property or public right-of-way.

7.53 Adoption of Definitions from other Sources

Any word, term or phrase used in this Sign Code and not otherwise defined herein but defined elsewhere in any other ordinance or regulation of the City of Petal shall be defined in accordance with the definition set forth in such other ordinance or regulation unless the context in which such word, term or phrase is used in this Article indicates that the application of that definition would lead to a result which is inconsistent, unintended, or out of character with the purpose of this Sign Code and the plan of regulation set forth herein. All remaining terms of this Sign Code shall carry their usual and customary meanings. Terms indigenous to the industry shall be defined in accordance with their usual and customary understanding in the trade industry or profession to which they apply, unless such terms are otherwise defined herein.

5. Integral decorative or architectural features of buildings, other than letters, trademarks, logos, or any feature containing moving parts or moving or flashing lights;
6. Indoor Signs not visible from any street right-of-way;
7. Private directional signs not exceeding five (5) square feet in sign area per sign;
8. Home occupation signs not exceeding two (2) square feet in sign area which are non-illuminated, and mounted flat against and parallel to the plane of the wall of the building to which the sign is attached;
9. Temporary window signs displayed on the inside of windows and intended for the purpose of disseminating information about special sales or promotional campaigns in accordance with the provision of Section 7.551;
10. Fuel service station pump signs, oil rack signs, and pricing signs in accordance with the provisions of Section 7.5512;
11. Temporary real estate signs in accordance with the provisions of Section 7.5513;
12. Temporary yard or garage sale signs in accordance with the provisions of Section 7.5514;
13. Menu boards for drive-thru [drive-through] facilities providing food for off-premise consumption which signs do not exceed forty-eight (48) square feet in sign area and which are located so as not to be visible from the street right-of-way from which primary access to the premise is obtained;
14. Vehicle signs in accordance with the provisions of Section 7.5515;
15. Address signs in non-residential and combined use districts in accordance with 7.551;
16. Signs which convey a non-advertising or non-commercial idea or message, but only in accordance with the applicable provisions of Section 7.5534 or Section 7.5547 of this Sign Code.
17. One Roadside Vendor Sign will be permitted on signs facing each side not to exceed a maximum of 16 square feet
18. Chamber of Commerce, Business of the Month, banners for the month of the award

7.5511 Temporary Window Signs, Additional Requirements for Erection or Display without Necessity of Permit

Any temporary window sign erected or displayed without necessity of a permit pursuant to the provisions of Section 7.551 of this Sign Code;

1. Shall be constructed of such materials as to indicate the temporary nature of the sign;
2. Shall not, in the aggregate, cover more than fifty (50%) percent of the area of any windows in which such signs are displayed.

7.5512 Fuel Service Station Pump Signs, Oil Rack Signs, Tire Rack Signs, and Pricing Signs, Additional Requirements for Erection or Display without Necessity of a Permit

Any fuel service station pump signs, oil rack sign, tire rack sign or pricing sign erected or displayed without necessity of a permit pursuant to the provision of Section 7.551 of this Sign Code shall conform to the following regulations and requirements:

1. Fuel Service Station Pump Signs - Fuel service station pump signs may be displayed on fuel pumps to provide required information to the public regarding the available fuel such as "gallons," "price," "octane rating" and "type of fuel." If a trade name of the business or supplier is incorporated into the name or designation of the different types of fuels available, said trade name and any associated symbols therewith may be displayed on the pumps provided that such signs are flat signs that do not exceed three (3) square feet per sign face and an aggregate area of six (6) square feet of sign face per pump.
2. Oil Rack Signs - If a fuel service establishment markets engine oil on the pump island, any identification signs on the merchandise itself visible to the public shall be permitted. Additional signs on the oil rack may be permitted provided that each such sign shall not exceed three (3) square feet per sign face with an aggregate area of six (6) square feet of sign face per rack.

2. Swinging - A sign projecting twelve (12) inches or more from the outside wall or walls of any building that is supported by only one rigid support affixed thereto.

7.5239 Public Directional Signs Public directional signs are either:

1. Signs permanently or temporarily erected in the public right-of-way or on public property with the approval of the Board of Aldermen which denote the name of route to any educational institution, public building of facility, historic place, shrine, church, synagogue, hospital, library or similar facility or institution, or
2. Signs permanently or temporarily erected identifying a person or entity who has undertaken to plant or maintain landscaping of that portion of the right-of-way

7.5240 Public Service Sign A public service sign is a sign the primary purpose of which is to provide information as a service to the general public such as time, temperature or the promotion or announcement of public events, or other events of a civic, philanthropic, charitable or religious purpose of general interest to the public.

7.5241 Real Estate Sign A real estate sign is any temporary sign pertaining to the sale, lease or rental of land or buildings, which is erected or displayed on the lot or parcel to which it applies.

7.5242 Resident Identification Sign A resident identification sign is any on-premise sign limited in content to no more than the name of the premises, its municipal address and the names of the present occupant or occupants of the premises.

7.5243 Revolving or Rotating Sign A revolving or rotating sign is any sign whose sign face is designed to move or turn on any axis.

7.5244 Roof Sign A roof sign is any sign erected or painted upon, against or directly above a roof or on top of or above the parapet of a building.

7.5245 Shingle Sign A shingle sign is an identification sign customarily identified with the practice of the professions, such as law, medicine and dentistry.

7.5246 Sign "Sign" is defined as a medium of communication, including its structure and component parts, which is used or intended to be used to attract attention to its subject matter or location usually for advertising purposes, including paint on the surface of a building. Each distinctive message painted or placed on a building or other structure shall be considered an individual sign.

7.5247 Sign Area The area of a sign shall be defined as the square foot area enclosed within the perimeter of the sign face with each face contributing to the aggregate area of any sign. With respect to signs which are composed of individual symbols, letters, figures, illustrations, messages, forms, or panels, the sign area shall be defined as that area enclosed by one continuous line connecting the extreme points or edges of the advertising message. In cases where there is no definable simple geometric shape, the simplest geometric shape or rectangle enclosing the outer edges of the advertising message shall determine the sign area. In cases of back-lighted awnings with advertising messages, the entire area of the awning shall be considered as the sign area.

7.5248 Sign Face Sign face is the part of the sign that is or can be used to identify, advertise, communicate, inform or convey a visual representation, which attracts the attention of the public for any purpose. "Sign face" includes any background material, panel, trim, frame, color and direct or self-illumination that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure, unless it is outlined in neon.

7.5249 Sign Height Sign height of a sign shall be defined as the vertical distance from the adjacent street grade or upper surface of the street curb to the highest point of either the sign or sign structure. Elevated roadways shall not be used to measure height.

7.54 Prohibited Signs

7.541 Enumerated: The following types of signs are prohibited within the City of Petal:

1. Abandoned signs
2. Audible signs
3. Beacons
4. Bench signs
5. Directory signs except as permitted for professional centers under the provisions of subsection 7.54 b
6. Flashing signs
7. Inflatable signs
8. Lascis
9. Parapet signs
10. Portable signs
11. Projected signs
12. Revolving or rotating signs
13. Roof signs
14. Search lights
15. Signs attached to trees, shrubs or any living vegetative matter
16. Signs, other than public directional signs, public service signs, public information signs, subdivision signs or official notices which encroach into a public right-of-way
17. Signs resembling traffic control devices or emergency devices
18. Freestanding signs, which restrict or impair visibility at the intersection of the right-of-way lines of two streets, or of a street and a railroad right-of-way, or of a street and a pedestrian or bicycle right-of-way
19. Snipe signs other than real estate signs, garage sale signs, political signs or signs used to convey or express a non-advertising or noncommercial idea or message
20. Strings of lights, except when used as holiday decorations during the period beginning the Sunday prior to Thanksgiving to the second Sunday in January of the succeeding year
21. Trailer signs
22. Any sign, other than a sign displaying or conveying a non-advertising or noncommercial idea or message, which is located in a development area (such as, for purposes of illustration only, shopping centers, industrial parks or developments, planned unit developments, subdivisions or neighborhoods of general historic or aesthetic value or character) and which, due to its proposed height, setback, location, landscaping, illumination or type of material by which it is constructed is out of character or harmony with the overall character of similar types of signage existing within the development area or is in violation of any publicly or privately imposed regulations or covenants established in order to impose an overall consistency or harmony of signage within the development area which are applicable to the sign.
23. Any sign not specifically defined and allowed by the provisions of this article.
24. Any sign, which consists or comprises immoral, deceptive or scandalous matter or that carries a letter combination or message which is offensive to good taste and decency.

7.55 Regulations of On-Premise Signs and Murals

7.551 On-Premise Signs Allowable without a Permit - Subject to all provisions and requirements of this Article the following on-premise signs, where permissible, may be erected and displayed without the necessity of issuance of a permit by the Building Inspector:

1. Public Directional Signs;
2. Official notices duly issued by any court, public agency or officer;
3. Resident identification signs not exceeding three (3) square feet in sign area;
4. Flags and insignia of any government except when displayed in connection with a commercial promotion;

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garage sale sign erected or displayed without necessity of a permit pursuant to the provisions of Section 7.551(12) of this Sign Code shall be limited to one non-illuminated sign displayed on the residential premises at which the sale is conducted, provided that such erection and display shall be limited to three (3) days in any sixty-day period. Such sign shall not exceed six (6) square feet in sign area. Two (2) additional garage sale signs, a maximum of six (6) square feet may be placed off-premise on private property with permission of the property owner.

7.5515 Vehicle Signs; Additional Requirements for Erection or Display without Necessity of Permit

1. Vehicle signs may be displayed on any vehicle operated in the daily conduct of any business enterprise without necessity of a permit so long as such signs:
  - a. Are limited to content to a noncommercial message; or
  - b. Are required to be displayed by any federal, state or local law, rule or regulation; or
  - c. Are limited in content to an identification of the name, address and/or telephone number of the business entity operating the vehicle or the goods, products or services available from or provided by said business entity;
  - d. Are not parked in front of or in line with any greenbelt areas when on the premise of the business entity operating or advertising on such vehicle;
  - e. Are on a vehicle that is operable and not parked primarily for the purpose of signage.
2. Vehicle signs shall not be used as off-premise signs and shall not be displayed or parked on sites other than the premise of the business entity operating such vehicle other than when the vehicle is being used in connection with the business operations of the entity operating said vehicle. Such vehicles may also be parked at the residence of its operator, so long as such vehicle and vehicle sign is in conformance with the provisions and restrictions of the zoning district in which the residence is located.
3. Billboards may not be erected or displayed on any vehicle.

7.5516 Address Signs in Non-Residential and Combined Use Districts Allowed Without a Permit

One address sign may be provided for each premise in addition to all other permitted signs in accordance with the following requirements:

1. Address sign shall not exceed two (2) feet by three (3) feet in sign area
2. A minimum setback from the projected line of five (5) feet shall be required
3. The maximum height of an address sign shall be two (2) feet from the ground.

7.552 On-Premise Signs allowable by Temporary Permit Only

Subject to all provisions and requirements of this Article, except for the requirement for the approval of the Building Inspector, the following on-premise temporary signs, where permissible, may be erected and displayed upon the issuance by the Building Inspector of a temporary sign permit:

1. Street Banner Signs;
2. Flags, Streamers, Banners and Pennants;
3. Political Signs;
4. Construction Signs;
5. Proposed Project Signs;
6. Vehicle Signs;
7. Temporary Signs preceding permanent sign approval

7.5521 Public Service Signs; Limitations and Requirements for Temporary Permit

Public service signs including Street banner signs are permitted only in connection with the promotion or identification of special events of a civic, philanthropic, charitable or religious purpose.

1. General Application - Any person, firm, corporation or organization in charge of any festival, spectacle, play, show, or other event of such a general civic and public nature and who is in charge of placing, erecting, constructing and

failure to timely remove such signs the City may thereafter remove and dispose of any remaining signs.

7.5524 Construction Signs; Limitations and Requirements for Temporary Permits

One non-illuminated construction sign may be permitted on the premises being developed or improved subject to the following conditions and requirements:

1. A building permit for the project must have been obtained prior to the issuance of the sign permit.
2. In residentially zoned districts such sign shall not exceed sixteen (16) square feet in area and shall be limited to the denoting of the architect, engineer, contractor, subcontractor, owner and/or financing agency providing labor, materials, services or financial capital for the proposed construction. Such sign may be displayed only during construction and for a period of not more than ten (10) days after completion of actual construction identified by the first issuance of a certificate
3. In any non-residential or combined use district such sign shall not exceed thirty-two (32) square feet in area and shall be limited to the name of the project and the denoting of the architect, engineer, contractor, subcontractor, owner and/or financing agency providing labor, materials, services or financial capital for the proposed construction. Such sign may be displayed only during actual construction and for a period of not more than ten (10) days after completion of the construction as identified by the first issuance of a certificate of occupancy for the project or development in question or upon expiration of the building permit for the project or development, whichever is first to occur.
4. The location of such sign shall be in strict conformance with all applicable setback requirements of this code and of other laws and ordinances of this City, provided, however, that in no instance may such sign be located within ten (10) feet of the property line of the premises on which it is displayed.

7.5525 Proposed Project Signs; Limitations and Requirements for Temporary Permits

One non-illuminated temporary sign announcing a proposed land development may be erected on the premise proposed for the project provided that such sign does not exceed fifty (50) square feet in area, is set back at least ten (10) feet from any property line, and is removed within one year from the date the sign permit for its erection was issued or upon the issuance of the sign permit for a construction sign or the lapse of sixty (60) days from the issuance of a building permit for the project whichever is first to occur. The applicant for such a sign permit shall post with the Building Inspector a cash bond of one hundred dollars (\$100.00) payable to the City prior to the issuance of the required sign permit. If construction of the project is not begun within one year of the issuance of this sign permit and the sign is not timely removed, the cash bond shall be forfeited and the City shall be authorized to remove and dispose of the sign.

7.5526 Vehicle Signs; Limitations and Requirements for Display by Temporary Permit

1. Vehicle signs not otherwise allowed under the provisions of Section 7.5515 may be displayed only in connection with events governed by and subject to all restrictions and provisions set forth in Sections 7.5521 and 7.5522 of this Sign Code and subject to the following restrictions:
  - a. A vehicle sign shall not exceed a maximum of one hundred twenty (120) square feet visible from any one direction.
  - b. The vehicle upon which the vehicle sign is placed shall not be parked in front of or in line with any greenbelt areas.
2. Billboards may not be erected or displayed on any vehicle.

7.5527 Temporary Signs Preceding Permanent Sign Approval

1. One temporary attached identification sign not exceeding thirty-two (32) square feet may be permitted for a period of not more than thirty (30) days for an occupant who has no other on-premise signs to identify the occupant's business subsequent to the filing of a complete application for sign approval and approval by the Building Inspector.

3. Tire Rack Signs - If a fuel service station, tire store, auto repair shop or any other business which markets tire displays the tires on racks visible to the public, additional signage on the tire rack identifying the tires displayed on that rack may be permitted, provided that such additional signage shall not exceed three (3) square feet per sign face with an aggregate area of six (6) square feet of sign face per rack.
4. Pricing Signs - A sign advertising the price of motor fuel, other than pump signs, shall be permitted provided that such sign shall not exceed twelve (12) square feet of sign face per sign with an aggregate sign face area of twenty-four (24) square feet per sign. Such sign shall not exceed five (5) feet in height, if freestanding. One such sign per premise shall be allowed with a maximum of two (2) such signs per premises. However, should such pricing sign be attached to, or be made part of, a permanent freestanding sign which identifies the premises, such sign shall not be allowed without permit and shall conform to the requirements of freestanding signs in the applicable zoning district. Pricing signs, however, when made a part of freestanding identification signs and when no additional freestanding pricing signs are placed on the premises may be allowed in excess of the allowable square footage of identification signage, provided that the maximum square footage for the premise is not exceeded in total signage.

Temporary Real Estate Signs; Additional Requirements for Erection or Display of Rare Real Estate Signs without Necessity of a Permit

Any real estate sign erected or displayed without necessity of a permit pursuant to the provisions of Section 7.551(11) of this Sign Code shall conform to the following regulations and requirements:

1. In all residential zoning districts, real estate signs shall be limited to:
  - a. One non-illuminated real estate sign, not exceeding six (6) square feet in sign face area and six (6) feet in total area and, if freestanding, not exceeding five (5) feet in height. Premises with two (2) or more frontages shall be allowed one additional sign conforming with all of the requirements of this subsection; and
  - b. Not more than two (2) additional real estate signs, each not exceeding one square foot in sign face area and two (2) square feet in total sign face area; provided however, that these additional signs may only convey information regarding the features of the property or home offered for lease or sale, state that the property or home is sold, announce that the house or property is open for inspection, or identify the agent listing the property or house.
2. In all other zoning districts, any such signs shall be limited to one real estate sign per listing broker on any premises offered for sale, rent or lease. Such sign shall be non-illuminated and shall not exceed thirty-two (32) square feet in sign area. A double-faced real estate sign is permitted, provided that such sign shall not exceed sixteen (16) square feet in area per sign face and an aggregate sign face area of thirty-two (32) square feet. If freestanding, any such sign, whether single or double-faced, shall not exceed seven (7) feet in height. Property with two (2) or more premises Street frontages shall be allowed to display one additional sign conforming with all of the requirements of this subsection on a second frontage.
3. For purposes of the regulation under this code of real estate signs only, and irrespective of whether such sign is erected or displayed with or without necessity of a permit, each separately designated unit of a condominium development created by virtue of written instruments duly recorded by the Chancery Clerk of Forrest County shall be considered a separate premise and real estate signs relating to any such unit shall be regulated depending upon the residential or commercial use of the unit in question, in accordance with the applicable provisions of this Sign Code.

7.5514 Temporary Yard or Garage sale Signs, Additional Requirements for Erection or Display without Necessity of a Permit

maintaining any public service banner, flag, emblem, bunting or freestanding public service sign upon or over any public Street, or other public place in the City shall first secure a temporary permit subject to the approval of the Building Inspector and the conditions provided herein prior to the placement of the sign.

2. Application for Permit - Applications for such a permit shall state the name of the person, firm, corporation or organization sponsoring the event, the location where such device or devices are to be installed and the contemplated dates during which such devices shall remain upon or over any Street or other public place in the City. Such application shall have attached to it a chart or drawing showing that the device would not interfere with traffic or the safety of persons using such public places.

7.5522 Flags, Streamers, Banners and Pennants; Limitations and Requirements for Temporary Permits

1. Flags, streamers, banners or pennants may be displayed in connection with grand openings or special events no more than once semi-annually for any one business entity or applicant. Such signs may be displayed for a period not to exceed fourteen (14) consecutive calendar days upon the issuance of a temporary permit by the Building Inspector.
2. Flags, streamers, banners or pennants may be displayed in connection with events governed by, and subject to all provisions and restrictions set forth in, Section 7.5521 of this Sign Code.
3. Application for Permit - Applications for such a temporary permit must state the name of the person, firm, corporation or organization sponsoring the event; the locations where such device(s) are to be installed and the contemplated dates during which such devices shall remain on display.
4. Banners shall not exceed 32 square feet.

7.5523 Political Signs; Limitations and Requirements for Temporary Permits

1. Any person desiring to distribute or display political signs in connection with an organized campaign in support of or opposition to and candidacy, political state or ticket, or ballot proposal shall first make application to the building inspector for the issuance of a temporary sign permit. Such application shall include the name, address and telephone number of the applicant. The applicant for the permit shall provide the building inspector with specimen copies of all signs to be distributed or displayed under the permit.
2. The Building Inspector shall issue the requested permit upon receipt of the following:
  - a. An application with all requested information supplied
  - b. A specimen of the sign(s) to be used as required by paragraph 1, above
  - c. A surety bond in the amount of \$100 redeemable by the City of Petal if any sign permitted hereby remains on any property for more than ten (10) days following the election for which it was permitted. Said permit shall authorize the distribution, erection and display of an unlimited number of signs of the type or types submitted as specimens by the applicant and shall allow for the placement of one sign to be erected per premise/Street frontage.
3. Any such permit shall be issued for a period of time not to exceed sixty (60) consecutive calendar days prior to an election date; provided, however, that in the event that signs are distributed, erected or displayed under any such permit in connection with any candidacy or ballot proposal which involves more than one election, the permit shall be automatically extended to the tenth day following the date of the general election to which the sign pertains.
4. No political sign shall be erected or displayed in any public right-of-way. No solicitation of votes shall take place in the public right-of-way.
5. No political sign shall exceed thirty-two (32) square feet in sign face area. No political sign can be stacked one on top of the other in billboard fashion.
6. The applicant shall remove all political signs erected or displayed under any permit issued to him under the provisions of this section no later than ten (10) calendar days following the last election to which the sign pertains. Upon the

- An additional sixty (60) days extension may be requested in writing by the sign applicant subsequent to the filing of a complete application for a sign variance from the Planning Commission

7.553 On-premise Signs allowed in all Residential Zoning Districts

7.5531 Signs allowed in all residential zoning districts without necessity of a permit shall be limited to those identified as numbers (1) through (6), inclusive, (8), (11), (12), (14), (15), and (16) in subsection 10.5.1 of this sign code, but in no case shall any such signs other than those identified as number (10) in subsection 7.551 be illuminated.

7.5532 Signs allowed in all residential zoning districts upon issuance of a temporary permit shall be limited to those identified as numbers (3) through (6), inclusive, in Section 7.552 of this Sign Code

7.5533 Subdivision signs not greater than forty-eight (48) square feet in sign area or ninety-six (96) square feet for a two-sided sign may be located at the entrances to approved subdivisions by permit.

7.5534 Non-advertising signs or signs conveying non-commercial ideas or messages displayed in any residential zoning district shall not exceed eight (8) square feet in total sign area and, if freestanding, shall not exceed a height of six (6) feet above the ground.

7.5535 Additional on-premise signs allowed in R-1, R-2 and R-3 Zoning Districts.

The following signs, in addition to those allowed under Section 7.5531 and Section 7.5532 may be erected and displayed, by permit, in the R-1 and R-2 zoning districts:

- For premises containing permitted non-residential structures or uses, other than accessory uses, one non-illuminated wall sign, not exceeding twenty-four (24) feet in area shall be permitted
- Churches, schools or public buildings shall be permitted to erect on their premises in addition to the permitted wall sign as allowed in Section 7.5534(1), a freestanding sign, either non-illuminated or illuminated, no closer than fifteen (15) feet to the right-of-way, not to exceed twenty-four (24) square feet per sign face an aggregate sign face area of forty-eight (48) square feet and not exceeding seven (7) feet in height, provided that such sign is so situated and shielded that its source of illumination is not visible from any abutting residence.

7.5536 Additional On-Premise Signs Allowed in R-4 and MHP Zoning Districts

The following signs may be erected and displayed, by permit, in the R-3 and MH zoning districts:

- One (1) attached sign identifying the premises sized at a ratio of one square foot per one linear foot of building frontage but under no circumstance to exceed forty-eight (48) square feet, shall be permitted. No attached sign shall be required to be less than twenty-four (24) square feet in sign area
- One (1) freestanding sign identifying the premises may be permitted in lieu of an attached sign, provided it does not exceed thirty-two (32) square feet per sign face and aggregate area of sixty-four (64) square feet for a two-sided sign, does not exceed seven (7) feet in height, is not closer than fifteen (15) feet to the public right-of-way and is not erected in any required greenbelt. No sign shall be allowed in any area between the right-of-way and any required greenbelt
- Any sign permitted in an R-1, R-2 or R-3 district

7.554 On-Premise Signs Allowed in Non-Residential and Combined Use Districts

7.5541 Any sign which does not require a permit under the provisions of Section 7.551 of this Sign Code may be erected or displayed in any C-O, C-1, C-2, C-3, I-1, I-2, or PUD District

- During special events and seasonal campaigns the Building Inspector may permit special signage of a scale and size appropriate to the historic and human-scale quality of the C-3 area.

7.5545 Regulation of On-Premise Signs in C-O, C-1, C-2, C-3, I-1, I-2 and PUD Zoning Districts

7.55451 Subdivision Signs

Subdivision signs not greater than forty-eight (48) square feet in sign area or ninety-six (96) square feet for a two-sided sign may be located at the entrances to approved subdivisions by permit.

7.5546 Regulation of On-Premise Signs in C-O, C-1, C-2, C-3, I-1, I-2 and PUD Zoning Districts.

In conjunction with the issuance of a building permit, a signage plan designating location, size, type and color of signage must be approved by the Planning Commission for all commercial developments.

7.55461 On-Premises in C-O, C-1, C-2, C-3, I-1, I-2 and PUD Zoning Districts

One of the following two (2) alternatives shall be permitted in addition to those signs listed in Section 7.5541 and Section 7.5542. At the discretion of the Building Inspector, alternate three shall be permitted.

- One (1) freestanding identification sign located at least fifteen (15) feet from the Street right-of-way and to the rear of the required greenbelt. (No sign shall be allowed in any area between the right-of-way and the required greenbelt.) A freestanding sign must be set back from the public right-of-way from which it is intended to be viewed the same distance as any setback line required on any residentially zoned property facing the same public right-of-way within one hundred (100) feet of the sign. This additional setback provision affects only signs on commercial, institutional and industrial premises on the same block and on the same side of the right-of-way as residentially zoned property.
- Such freestanding sign-face shall be sized at a square foot ratio equal to one-half (1/2) times the Street frontage of the premise on which the sign is located. The maximum allowable sign area shall be one hundred twenty (120) square feet per sign face or a maximum of two hundred forty (240) square feet aggregate total for a two-sided back-to-back sign. A maximum of forty (40) square feet, or eighty (80) square feet aggregate total for a two-sided back-to-back sign, shall be allowed on premises with a frontage of less than eighty (80) linear feet. No freestanding sign face, shall exceed twenty (20) feet in height or except for monument signs exceed twenty (20) feet in width.
- On-premises with non-intersecting Street frontages a second freestanding sign on a separate Street frontage at a minimum distance of two hundred fifty (250) feet, following the Street frontage line, from the first sign may be allowed in accordance with the requirements of (2) above.

For purposes of this Section as it applies to multi-occupant centers, only the name of the center, the address of the center and or a general statement of the use, such as "Shopping Center," shall be allowed on the freestanding identification sign.

Notwithstanding anything contained herein to the contrary, in no event shall any one occupant of a multi-occupant center be allowed more than 50% of the total signage allowable for the premises. This limitation shall be interpreted to include signage in which the name of an occupant is included within the name of the multi-occupant center.

In the event of the conversion of a single occupant premise to a multi-occupant center, the existing signage shall be reconfigured as necessary to effect compliance with Section 7.55461, and this requirement shall be incorporated into Section 10.3, Permit Application Requirements for Non-Residential and Multi-Family Developments as necessary to ensure compliance with this section.

EXHIBIT "C"

7.5543 Regulation of On-Premise Signs in Planned Zoning District

Unless otherwise specifically provided for within the terms of the approved site plan, the regulation of signs within planned residential districts shall comply with the signage regulations applicable to an R-2 Residence District and the regulation of signs in all other types of planned districts shall comply with the signage regulations applicable to a Neighborhood Shopping District. In no event, however, shall any approval given to a site plan for a planned district allow the erection or display within the planned district of off-premise signs other than those listed in, and only in accordance with the requirements set forth in Section 7.561 and 7.562.

7.5544 Regulation of On-Premise Signs in R-1, R-2 and PUD Zoning Districts

The following signs shall be allowed in addition to those listed in Sections 7.5541 and 7.5542 in conjunction with the issuance of a sign permit.

7.55441 Subdivision

Signs in R-1, R-2, and PUD Districts Subdivision signs not greater than forty-eight (48) square feet in sign area or ninety-six (96) square feet for a two-sided sign may be located at the entrances to approved subdivisions by permit.

7.55442 Regulation of On-Premise Signs in R-1, R-2, and PUD Districts

As this subsection is applied to multi-occupant commercial centers, only the name and/or address of the center shall be considered its main use, and only one freestanding identification sign which identifies that main use shall be permitted in any center.

On single and multi-occupancy premise one of the following is permitted:

- One freestanding identification sign not to exceed thirty-two (32) square feet in sign area per sign face and an aggregate sign area of sixty-four (64) square feet if two-sided, not exceeding ten (10) feet in height and situated no closer than five (5) feet to any public right-of-way.
- Attached signage per Street frontage not to exceed a ratio of one square foot per one linear foot of store frontage but under no circumstance to exceed sixty-four (64) square feet in area. No attached sign shall be required to be less than twenty-four (24) square feet in area.

In addition to the allowable site identification sign one wall sign not to exceed maximum of eight (8) square feet shall be allowed each occupant in a multi-occupant premises.

7.55443 Regulation of Special Signs in the C-3 District

The C-3 District, being the historic center of the City and the location and focus of special events such as festivals, parades and celebrations and being an area acknowledged as having a pedestrian orientation, provides a unique opportunity for special activities to occur. In addition, the mixture of residential and non-residential uses in the district, with many commercial establishments being located in former residential structures calls for special treatment of signage and promotional identification to distinguish the location of non-residential uses from residential uses. In response to these unique characteristics and needs of the district, the following criteria shall be utilized by the Building Inspector in evaluating applications for Special Event and Sign Permits:

- Identification banners not to exceed eight (8) square feet in area may be displayed on non-residential sites to distinguish non-residential uses from residential uses.
- Changeable message signs not to exceed eight (8) square feet total on one side shall be allowed during specific hours to be determined in conjunction with approval by the Building Inspector of the issuance of a permit.

One attached identification sign per facade not to exceed one and one-fourth (1.25) square feet per linear foot of facade frontage upon which the sign is to be placed. On building facades with linear frontage of less than twenty-six (26) feet a maximum of thirty-two (32) square feet of total signage shall be allowed. However, no attached signage may be placed on the wall of the building which faces the exterior of a premise as designed in the direction of an interior property line.

The premise total based on a ratio of one-half (.5) times the Street frontage of the premise, may be divided as follows:

- One freestanding sign not to exceed a maximum allowable sign area of one hundred twenty (120) square feet per sign face or a maximum of two hundred forty (240) square feet aggregate total for a two-sided back-to-back sign
- Attached signage, not to exceed a ratio of 20% (.2) of the one-half (.5) times the Street frontage of the premise. Attached signage not to exceed 24 square feet.

7.55462 Monument Signs

A bonus of twenty (20) percent of the total square footage of freestanding signage allowed under Section 7.55461 shall be allowed for a monument type sign in lieu of a freestanding identification sign. Any or all of this bonus may be allocated to an attached identification sign or included in the sign area of the monument sign. At the discretion of the premise owner a maximum of fifty (50) percent of the allowable square footage of monument sign may be used to identify major occupants of the premises. A monument sign may be permitted in the most rearward ten (10) feet of the front fifteen (15) feet of the premises, provided that such monument sign is landscaped in accordance with Section 7.594 "Landscaping Requirements In Conjunction With the Issuance of a Sign Permit". Monument signs shall not exceed a maximum of seven (7) feet in overall height from the ground. Mounds or berms on which a monument sign is located shall be no more than three (3) feet in height measured from the ground level of the lot. Changeable message signs and public service signs attached to and an integral part of the structure of a freestanding monument sign shall be allowed, however, such signs shall be considered in the calculation of the allowable square footage of the monument sign.

7.55463 Occupant Signs

On multi-occupancy premises, in addition to the identification signs permitted under Section 7.55461, the following additional signage shall be permitted for each occupant:

- One attached store front sign per occupant to be sized at a ratio of one and one-fourth (1.25) square feet of sign area per linear foot of the facade of the store front. For store fronts of less than twenty-three (23) linear feet the maximum allowable size sign shall be thirty-two (32) square feet. However, all occupant signs shall maintain a minimum distance of one foot from the lease line of the occupant's portion of the facade and the linear footage shall be measured along the wall of the facade on which the sign will be located.
- On store frontages located at the corner of a building, which face two different Street frontages of a 90 degree angle, or if a business occupies an entire separate structure within a center, additional wall signs, the area of which shall be calculated as per Section 7.55463(1) above, shall be permitted, provided that a minimum distance of thirty (30) feet, measured along the store front, is maintained between the extremities of any two signs and each sign is mounted on a separate wall facing in a separate direction. However, under no circumstances shall an attached occupant sign be allowed on a wall which is finished in a manner inferior to the quality of the facade where the main entrance is located or on a wall where the placement of the sign will call attention to building equipment or the unfinished side of a false building facade.
- One rear identification wall sign must be displayed on or at a rear door of each separate business entity for purposes of emergency access and deliveries only. Such sign shall be limited in size to the minimum size required by the state fire marshal. Any door not utilized as a primary entrance-way for patrons during normal business hours or not opening directly onto the patron area of any premise

shall be considered a rear door. No door located on any store frontage on which there exists a door utilized as a primary entranceway for patrons during normal business hours or which opens directly onto the patron area of any premise shall be considered a rear door.

- An occupant in a commercial or industrial center shall be permitted, as additional signage, one non-illuminated identification sign not to exceed eight (8) feet in area identifying the occupant and such additional sign shall be located on or within ten (10) feet of the primary public entrance of the occupant.
- Occupants located on the interior of a building without benefit of store frontage shall be allowed one maximum twenty-four (24) square feet attached sign at the entrance nearest the occupant's space.

7.55464 Professional Centers

- For purposes of this Section, professional centers are defined as multi-use business or commercial establishments:
  - In which the primary business activity of occupants consists of the rendition to the general public, or a discrete segment thereof, of specialized skills or services; and
  - In which no tangible personal goods are sold or offered for sale or in which offers for the purchase of tangible goods are not taken or solicited. Examples of professional occupants would include, but need not be limited to, offices maintained by physicians, surgeons, nurses, midwives, psychologists, counselors, therapists, dentists, orthodontists, lawyers, engineers, architects, accountants, chiropractors, optometrists, bookkeepers, notaries public, appraisers, realtors, insurance agents and brokers, and persons pursuing similar professions or vocations.
- For purposes of this Section a professional center is defined as a commercial center in which at least seventy-five (75) percent of the occupied or occupiable units are occupied by professional occupants.
- A professional center may include in or attach to its otherwise permissible identification sign information further identifying the name (including professional or educational degrees earned) of each of its professional occupants and a designation of no more than two (2) of the professional services provided by each such occupant, provided that:
  - No such attachment to an identification sign may exceed eight (8) square feet in sign area or sixteen (16) square feet for a two-sided sign; and b. Any such attachment must conform to the character, materials and type of the identifying sign to which it is attached; and
  - The aggregate area of all such attachments to an identification sign may not exceed one-half (50%) of the area of any permissible identifying sign which could be displayed on the premises; and
  - All professional occupants desiring to display exterior signage in the center take part in such plan of on-site signage.
- Any further on-site sign relating to any such professional occupant shall be limited to a non-illuminated wall or projecting sign with a total sign area of not more than two (2) square feet per sign face or four (4) square feet aggregate total for a two-sided sign:
  - Identifying the occupants of the premises and no more than two of the professional services provided; and
  - Located on or within three (3) linear feet of the primary public entrance to the professional office of the occupant.
- A professional occupant shall not lose his designation as a professional occupant because of the sale at his office of products ancillary to his professional, provided that the availability of such products is not advertised or announced other than by signs located within, and not visible from without, such premises.

7.5547 Identification and Amplifying Signs

Unless otherwise restricted herein any person has the option of apportioning the total permissible sign area for any premise between the permitted identification signs and amplifying signs. Amplifying signs are limited to the identification, which may include the price of particular products for sale or services available on the premises or to signs

development sub-areas, and business identification. Factors to be considered shall include the size of the development, the number of development sub-areas, and the division or integration of sign functions.

- Size - All signs shall be no larger than necessary for visibility and readability. Factors to be considered in determining appropriate size shall include topography, volume of traffic, speed of traffic, visibility range, proximity to adjacent uses, amount of sign copy, placement of display (location and height), lettering style and the presence of distracting influences. In no event shall a plan contain a sign that exceeds by more than 25% any maximum area standard contained in this Sign Code.
- Materials - Sign materials shall be compatible with architectural and/or natural features of the project. This may be accomplished through similarity of materials for sign structures and faces, the use of complementary colors, similarity of architectural style, or the use of a consistent lettering style or copy.
- Illumination - shall be in conformance with Section 7.58 of this Ordinance.

7.5554 - Requests for use permits under this Section shall be accompanied by an application including, but not limited to:

- The applicant's name and address;
- A legal description of the property;
- Existing zoning on the property;
- A site plan, depicting the proposed plan of development;
- A description and/or illustration of proposed sign locations;
- Standards for size, qualities, materials, and illumination; and
- A narrative description of the common theme for signage within the development, how it relates to architectural and/or landscaping elements of the development, and how the comprehensive sign plan relates to each of the criteria set forth in subsection 7.5553.

7.5555 - Modifications to a use permit approved under this Section shall require the applicant to follow the same procedure utilized in obtaining the original use permit.

7.5556 - No sign permit authorized under this Section may vary from the provisions of Sections 7.54, 7.57, 7.58, 7.59 or 7.5992 of this Sign Code.

7.5557 - In no event shall a plan contain a sign which exceeds by more than 25% the maximum height or size standard specified by this Sign Code.

7.56 Regulation of Off-Premise Signs

7.561 Off-Premise Signs Allowable without a Permit

Subject to all provisions and requirements of this Sign Code, the following off-premise signs may be erected and displayed in any zoning district without the necessity of a permit by the Building Inspector:

- Public Directional Signs;
- Official notices duly issued by any court, public agency or officer.

7.562 Off-Premise Signs Allowed by Temporary Permit Only

Subject to all provisions and requirements of this Sign Code, the following off-premise signs may be erected and displayed in any zoning district upon the issuance by the Building Inspector of a temporary sign permit:

- Street Banner Signs
- Political Signs

Off-premise Street banner signs shall be permitted only for such purpose and subject to all restrictions and requirements as are set forth in Section 7.5521 of this Sign Code. Off-premise political signs shall be regulated only in accordance with the restrictions and requirements set forth in Section 7.5523 of this Sign Code. Any permit issued and bond posted pursuant to the provisions of Section 7.5523 of this Sign Code shall authorize the erection of an unlimited number of off-premise political signs.

shall be evaluated based upon the following criteria:  
1. Placement - All signs shall be placed where they are sufficiently visible and readable for their function. Factors to be considered shall include the purpose of the sign, its location relative to traffic movement and access points, site features, structures, and sign orientation relative to viewing distances and viewing angles.  
2. Quantity - The number of signs that may be approved within any development shall be no greater than that required to provide project identification or directional information and directional circulation and directional information to destinations.

7.5553 Criteria for Evaluation - Comprehensive sign plans approved under this Section shall be evaluated based upon the following criteria:  
1. Placement - All signs shall be placed where they are sufficiently visible and readable for their function. Factors to be considered shall include the purpose of the sign, its location relative to traffic movement and access points, site features, structures, and sign orientation relative to viewing distances and viewing angles.  
2. Quantity - The number of signs that may be approved within any development shall be no greater than that required to provide project identification or directional information and directional circulation and directional information to destinations.

4. Condition of Approval - The approval of the Building Inspector may contain such conditions, requirements or standards to assure that the proposed signage will not be detrimental to persons or property in the vicinity or to the public welfare in general.

3. Type of Development - In conjunction with the Preliminary Subdivision approval of development proposed, the Building Inspector shall be required to obtain the approval of such signage plans prior to final approval of the subdivision.

2. Proposed Subdivision - Prior to site plan approval for new development, the Building Inspector shall review and approve or disapprove comprehensive signage plans in commercial centers with gross leasable areas in excess of 100,000 square feet, industrial centers, hospitals and Planned District developments in conjunction with the appropriate site plan review process for the proposed subdivision.

1. Existing Developments - In conjunction with an application from the owner of the premises, the Building Inspector may review and approve or disapprove applications for Comprehensive Signage Plans in commercial centers, hospitals and Planned District developments in excess of 50,000 square feet, industrial centers, hospitals and

7.5552 Scope of Procedure - In conjunction with an application from the owner of the premises, the Building Inspector may review and approve or disapprove applications for Comprehensive Signage Plans in commercial centers, hospitals and Planned District developments in excess of 50,000 square feet, industrial centers, hospitals and

7.5551 Purpose - The Comprehensive Signage Plan procedure is intended to encourage innovative, creative and coordinated signage design for a unified development site in a flexible procedure which allows signage which is not in strict compliance with the provisions of this Sign Code, but which is appropriate to the character of the development, provides adequate identification and information, provides a good visual environment, promotes traffic safety and is required to the extent necessary to be consistent with the purpose and intent of this Sign Code as specified in Section 7.52.

7.555 Comprehensive Signage Plans

Temporary seasonal cloth banners such as but not limited to those attached to light standards within a parking area may be allowed on multi-occupant premises upon review and approval by the Building Inspector prior to issuance of a temporary permit for the display of such banners subject to the following requirements:

- The total number, location and method of attachment display shall be approved by the Building Inspector
- No advertising message shall be conveyed on the banners, however, non-advertising seasonal greetings are allowed.
- The identifying name of the multi-occupant premises may be included on the banner but such name shall not exceed fifty (50) percent of the banner area.

7.5548 Seasonal Cloth Banners - Temporary seasonal cloth banners such as but not limited to those attached to light standards within a parking area may be allowed on multi-occupant premises upon review and approval by the Building Inspector prior to issuance of a temporary permit for the display of such banners subject to the following requirements:

- The total number, location and method of attachment display shall be approved by the Building Inspector
- No advertising message shall be conveyed on the banners, however, non-advertising seasonal greetings are allowed.
- The identifying name of the multi-occupant premises may be included on the banner but such name shall not exceed fifty (50) percent of the banner area.

code. sign for any premise, unless such use is specifically allowed by express provision of this code.

conveying a non-advertising or non-commercial idea or message. The combined area of the identification sign and all amplifying signs shall not exceed the total allowable sign area for the premise or occupant as elsewhere set forth in this Sign Code, nor shall any amplifying sign be erected as an additional and separate freestanding or fixed projecting sign for any premise, unless such use is specifically allowed by express provision of this code.

7.563 Regulations of all Off-Premise Signs; Height, Clearance and Setback Requirements

The following regulations shall apply to all off-premise signs:

- Maximum Height - Twenty-five (25) feet
- Minimum Clearance between Ground Level and Sign Face - Ten (10) feet on signs of one hundred (100) square feet of sign face or greater.
- Minimum Setback - Five (5) feet from any property line.

7.564 Regulation of Off-Premise Signs; Maximum Sign Area

7.5643 Maximum Sign Area; Regulated by Width of Right-of-Way

- The maximum sign area of any off-premise sign located on a premise fronting or adjacent to any Street right of way of a width of less than two hundred (200) feet shall be one hundred fifty (150) feet.
- The maximum sign area of any off-premise sign located on a premise fronting or adjacent to any Street right of way of a width of two hundred (200) feet or more, except for those rights of way defined herein as the Gateway Corridors, shall be three hundred (300) square feet.

7.565 Regulation of Off-Premise Signs; Permitted and Prohibited Locations

- Off-premise signs other than those specifically enumerated under Section 7.561 and 7.562 may be located in I-Industrial zoning districts.
- No off-premise sign shall be located within one thousand (1,000) linear feet, measured along and on the same side of any Street or road frontage, of any other off-premise sign or, at Street intersections, within five hundred (500) feet, measured radially, of any other off-premise sign.
- Under no circumstances shall more than one off-premise sign be located on any one premise.
- No off-premise sign shall be located within two hundred (200) feet of any residential zoning district.
- No off-premise signs shall be permitted within the Evelyn Gandy Parkway Overlay District.

7.566 Limitation of Number of Off-Premise Sign Faces per Sign Structure

No more than one off-premise sign face visible from any one direction of travel on any roadway may be displayed on any single sign structure. A total of two signs each of which may meet the maximum sign areas permitted for off-premise signs, may be displayed on one back-to-back or V-type sign structure, provided that the angle between such signs be not more than sixty (60) degrees.

7.567 Regulation of Public Information Signs

The following regulations shall apply to all public information signs:

- Signs that designate area maintained 1' x 1' x 1 1/2' in size for beautification by company No more than 2' in height
- Historical markers 2' x 3' in size No more than 3' in height
- Approval of location required - No public information signs shall be constructed, erected or displayed until the location of the sign has been submitted to the CAC for its recommendation and approved by a resolution of the City Council.

7.57 Design and Construction Standards for Signs

7.571 Compliance with Building Code

- No sign shall be constructed, erected, installed, structurally altered, changed or relocated before first securing a permit, except those signs specifically excluded from the requirement of a permit by this Sign Code.

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2. All new signs shall comply with the structural requirements of the International Code Council (ICC) and with the provisions of this Sign Code and any other codes of the City of Petal, whichever is more restrictive.

7.572 Wind Pressure, Design Requirements and Working Stresses

1. Wind Pressure - In the design and erection of all signs, the effect of wind shall be carefully considered. All signs shall be constructed to withstand a wind pressure of thirty (30) pounds per square foot.
2. Design Requirements - Before any permit required by this Sign Code shall be granted the applicant shall submit to the Building Inspector a design and stress diagram or plans and elevations containing the necessary information to enable the Building Inspector to determine that such sign complies with all the regulations of this code. When necessary to make such a determination, the Building Inspector may require engineering data certified and signed by a Mississippi registered structural engineer.
  - a. Strength of parapet or wall - A parapet wall must be designed to have sufficient strength to support any sign which is attached thereto.
  - b. Supports and braces - Supports or braces shall be of metal and shall be adequate for wind loadings specified in Section 7.572. All metal, wire cable supports and braces and all bolts used to attach signs to brackets, or brackets and signs to the supporting building or structure, shall be of galvanized steel or of an equivalent material. All sign supports shall be an integral part of the sign design.
  - c. Sign anchoring - Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.
  - d. Marquee signs - Marquee signs shall be constructed entirely of metal or non-combustible material and may be attached to or hung from a marquee. Any such signs when hung from a marquee shall be at least nine (9) feet at its lowest level above the sidewalk or ground level, and further, such signs shall not extend outside the line of such marquee. Signs painted or sewn onto awnings or canopies, when considered as marquee signs, shall be exempt from the material provisions of this Section.
3. Working Stresses - In all signs, the allowable working stresses shall conform with the requirements of the International Code Council (ICC).
  - a. The allowable working stresses for steel and wood shall be in accordance with the provisions of the International Code Council (ICC).
  - b. The working strength of chains, cables, guys or steel rods shall not exceed one-fifth (1/5) of the ultimate strength of such chains, cables, guys or steel rods.

7.573 Material Specifications

Permitted signs shall be constructed only of the following materials:

1. Incombustible Materials - Corrosion resistant metal or other incombustible materials.
2. Fiberboard - Highly compressed fiberboard which weighs not less than sixty (60) pounds per cubic foot and is not less than one-eighth (1/8) inch in thickness.
3. Plywood - Exterior grade plywood not less than three-eighths (3/8) inch in thickness and bearing the stamp of an approved testing agency.
4. Approved Plastics - Of a thickness and shape necessary to withstand the loadings specified in Section 7.572 of this Sign Code. Proper allowance or provision shall be made in connections to provide for thermal contraction and expansion. Notwithstanding any other provisions of this code, plastic materials which burn at a rate no faster than two and one-half (2 1/2) inches per minute when tested in accordance with American Standard of Testing Material D 635 shall be deemed approved plastics and may be used as the display surface material and for the letters, decorations and facings on signs.
5. Glass - When glass is used for sign letters or transparent or translucent panels, it shall be at least double strength thickness for sign areas up to and including three hundred (300) square inches. When glass is used for sign letters or transparent or translucent panels for sign areas in excess of three hundred (300) square inches at

least one-quarter (0.25) inch wire glass shall be used and maximum span between supports shall be four (4) feet.

Wood Structure - The framework or standards upon which the sign rests may be of wood. Any wooden portion of such structure in contact with the ground shall be either of redwood or any other wood which is a commercially available wood treated with an approved preservative. Sign supports may be no more than two (2) in number and shall be of sufficient strength and foundation to preclude the need for visible cross-bracing.

7. Metal Structure - All signs of one hundred fifty (150) square feet or over shall be of metal construction and shall have no more than two (2) structural supports.

7.574 Auxiliary Specifications

1. Obstruction to Exits - No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.
2. Obstruction to Ventilation - No sign shall be erected which interferes with any opening required for ventilation.
3. Clearance from Electrical Power Lines and Communication Lines - Signs shall maintain all clearances from electrical conductors in accordance with the National Electric Code and all communications equipment or lines located within the City.
4. Clearance from Surface and Underground Facilities - Signs and their supporting structures shall maintain clearance and non-interference with all surface and underground facilities and conduits for water, sewage, gas, electricity, or communications equipment or lines. Furthermore, placement shall not interfere with natural or artificial drainage of surface or underground water.
5. Clearance of Projecting Signs - Signs projecting from a building or extending over public property shall maintain a clear height of nine (9) feet above the sidewalk and all such signs shall be at least eighteen (18) inches inside of the curb line as measured toward the building.
6. Signs at Intersections - Freestanding signs shall not restrict or impair visibility at the intersection of the right-of-way lines of two (2) streets, or of a Street and a railroad.

7.58 Electrical Signs Regulations

7.581 Electrical Code - All electrical signs shall be built and installed in compliance with the National Electric Code and the International Code Council. All electrical wiring for signs shall be permanently installed and placed underground in metal conduits in accordance with the National Electrical Code.

7.582 Licensing - Electrical signs may only be installed by an electrician licensed by the City of Petal.

7.583 Electrical Sign Permit - The following shall be required prior to the issuance of an electrical permit in conjunction with the erection of an electrical sign:

1. Wiring schematic or plan fully describing the electrical work to be done.
2. Compliance with U.L. Standards for electrical work to be done.

7.584 Electrical Inspection Fees - An electrical inspection shall be required in conjunction with the erection of an electrical sign. This fee in addition to the permit fee required under Section 7.599 "Required fees for sign permits." Such fees are hereby set as:

1. Twenty-Five Dollars (\$25.00) - To cover the cost of one electrical inspection.
2. Twenty-Five Dollars (\$25.00) - Shall be charged for each reinspection required.

7.59 Procedures and Fees for Sign Permits, Sign Inspections and Certificates of Completion

7.591 Requirement to Obtain a Sign Permit

It shall be unlawful to construct, erect, repair, alter, relocate or display with the City of Petal any sign without first obtaining a sign permit from the Building Inspector and paying the fee required herein, unless specifically excluded from the requirement of a permit by Section 7.551 of this Sign Code. All electrical and/or illuminated signs shall, in

addition, be subject to the provisions of Section 7.58 of this Sign Code and the inspection fees required therein. If a sign permit is required for any establishment that will also require a development permit, as per Section 7.53 for renovation, remodeling or new construction, the sign permit shall be applied for in conjunction with the development permit.

7.592 Application Requirements for Issuance of Sign Permits

In applying to the Building Inspector for the issuance of a sign permit the following shall be required:

1. A completed sign permit application providing all applicable information requested by the Building Inspector;
1. Written consent of the owner of the property or his agent granting permission for the construction, maintenance and display of the sign or sign structure;
2. Name, address and telephone number of the premises owner, the sign owner, the sign contractor and any designated contact person;
3. A description of the size and location of all existing signs owned, leased or otherwise being used on the same premise by the entity making application for a sign permit; and
4. Such additional information as may be required by the Building Inspector in furtherance of a determination that the provisions of this Ordinance and all other applicable laws and ordinances of the City of Petal are being complied with. Such additional information may include, but shall not be limited to a current survey by registered land surveyor of the premises in question, detailed plans and specifications for any proposed sign or structure, or engineering certification of compliance with any technical requirements of this Sign Code, the Building Code or any other codes, ordinances or regulations of the City of Petal.

7.5921 Additional Information Which may be Required for Issuance of Sign Permits

When such information is needed to determine compliance of the sign or signs in question with the provisions of this Sign Code the following, without limitation, may be required by the Building Inspector to be submitted with the application for a sign permit:

1. Legal Description and/or Survey of Premise - The legal description or survey shall provide sufficient information to determine the allowable premise total, based on linear footage of Street frontage as required by this Sign Code.
2. Dimensional Plan of Premise - A required plan of the premise shall be drawn to scale and fully dimensioned indicating the location of all structures, including sign structures, both existing and proposed to be constructed, altered or moved on the premises. The applicant shall note in writing on the plan the existing and intended use of all buildings or structures. The applicant shall also depict on the plan the location and identity of all existing or proposed utility poles, lines, structures, servitudes and rights-of-way. The applicant shall also depict and identify upon the plan any applicable greenbelts or vegetation protection zones and the location, size and type of all existing trees within said greenbelts or protection zones or located elsewhere on said premises if such tree is proposed to be cut, trimmed or removed in the construction or use of the proposed sign structure or any displays exhibited thereon. Tree size shall be shown both in overall height above the ground and trunk diameter at breast height (dbh).
3. Elevations and Details
  - a. Sign elevations and details - Required elevations and details, shall be drawn to scale and fully describe the dimensions, structural supports and all pertinent structural details, foundations, materials, method of attachment, conformance with wind pressure requirements and electrical wiring and components of all signs to be constructed, altered or moved sufficient to determine compliance with the provisions of this Sign Code.
  - b. Building elevations - In the case of an application for a permit for an attached sign, an elevation of the building shall provide the linear footage of the facade upon which the sign or signs are proposed to be placed as well as an accurate depiction of the location and size of the proposed sign(s) and all existing signs on the facade occupied by the applicant.

7.593 Procedure for Issuance of Sign Permit: Appeals; Display of Proposed Signage pending Building Inspector Review

All applications for sign permits except permits for temporary signs included with the provisions of Section 7.552 shall be reviewed and approved by the Building Inspector prior to the issuance of any permit.

1. Required Review - If the applicant's proposed activity as set forth in his permit application is, upon review by the Building Inspector, found to be in conformity with the provisions of the Sign Code and of all other laws, ordinances and regulations of this City then in force, the Building Inspector shall issue the appropriate permit for the proposed activity. If the proposed activity is found by the Building Inspector to violate any provisions of this Sign Code or of any other laws, ordinances or regulations of the City then in force, the Building Inspector shall so advise the applicant in writing and the request for a permit shall be denied unless plans amended to conform to the stated codes are submitted by the applicant within thirty (30) days of the issuance by the Building Inspector of written notice of the nonconformity.
2. Appeals - If the violation or nonconformity so discovered involves a matter within the jurisdictional authority of the Planning Commission, the applicant shall then have thirty (30) days, from denial of the permit, in which to submit an amended application not in violation of said laws, ordinances or regulations or to submit to the Planning Commission an appeal of the decision of the Building Inspector or a petition for other applicable relief from the provisions of the otherwise offended law, ordinance or regulation. Timely application to the Planning Commission shall stay the denial of the sign permit application for ninety (90) days. The application shall be denied after said ninety (90) days and the requested permit refused if the applicant cannot show that all necessary relief has been granted by the Planning Commission.
3. Display of Property Signage - After review by the Building Inspector of a sign permit application found to be in conformity with the Sign Code; and when such conformity is so indicated by the initials of the Building Inspector on the sign permit application, the activity proposed under the application, but specifically excluding the cutting or removal of trees or vegetation.

7.594 Landscaping Requirements in Conjunction with the Issuance of a Sign Permit

If the application involves a freestanding sign, monument sign in the greenbelt or freestanding sign outside of the greenbelt or calls for the cutting or removal of any tree of a height in excess of twenty (20) feet or trunk diameter in excess of six (6) inches (dbh), the Building Inspector shall not approve the application or issue the requested permit until a landscaping plan for the proposed activity is submitted to and approved by the Building Inspector in conjunction with any conditions set forth in the tree ordinance. Such landscaping plan shall consist of a design to transition from the monument sign structure to a decorative ground cover and low planting. In reviewing such a plan, the Building Inspector shall consider such factors as the location, type, number and size of the trees to be removed or cut, any other vegetation which would be damaged or destroyed by the proposed activity, the size and nature of the proposed activity, the character of the premises on which the activity is proposed and of the area surrounding said premises, the obtusiveness or non-obtusiveness of the proposed activity on the surrounding area, and the avoidance of the creation or continuation of more or less denuded areas within view of adjacent properties or public ways. No permit shall in any case be granted on any application or for any activity which would call for the cutting or removal of any live oak tree or which might damage or injure any live oak tree.

7.595 Encroachment on Utilities in Conjunction with the Issuance of a Sign Permit

If the applicant's proposed activity as set forth in his permit application is, upon review, found to involve work or construction on, over or under any existing or proposed utility poles, lines, structures, servitudes or rights-of-way. The applicant shall then notify the affected utility in writing of his proposed activity and advise each such affected utility that any objections to the proposed activity must be submitted in writing to the Building Inspector within thirty (30) days of the receipt of such notice. The

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Building Inspector shall not issue any permit until such time as the applicant shall show that such notice has been received by each affected utility and the period for comment or objection to the proposed activity shall have expired. If a timely objection is submitted by an affected utility the Building Inspector shall not issue a permit until such time as the interposed objection shall be withdrawn. If the interposed objection shall not have been withdrawn after the lapse of forty-five (45) days of the last day for the timely submission of comments or objections, and if the interposition of said objection is the only impediment to the grant to the applicant of the requested permit, the Building Inspector shall submit the application to the Planning Commission, which shall take appropriate action on the application in accordance with the full scope of its power and authority. If a requested permit under this ordinance is refused the Building Inspector shall so advise the applicant and shall provide the applicant with a written statement of the reason or reasons for such refusal.

7.596 Issuance of Permit not a Waiver

The issuance of a sign permit shall in no case be construed as a waiver of any of the provisions of this ordinance or of any other ordinances or regulations of the City. No permit issued for a sign shall be deemed to constitute permission or authorization to erect an unlawful sign nor shall any permit issued constitute a defense in an action to remove an unlawful sign.

7. Commencement of Work under Sign Permit; Automatic Expiration

All permits issued under the terms of this ordinance shall expire automatically if the permitted activity or other work described in the application has not commenced within ninety (90) days from the date of the issuance of the permit and any construction or other work required under the terms of the application shall not be substantially completed within one hundred twenty (120) days of the date of issuance of the permit. The Building Inspector may, for good cause shown, grant an applicant two (2) extensions, not to exceed a total of ninety (90) days, of such periods. Any period of time in which progress on the completion of any work authorized by the permit is stayed by operation of law shall not be considered in the accrual of the periods of time for commencement and completion of permitted work.

7.598 Suspension or Revocation of Sign Permit

The Building Inspector may, in writing, suspend or revoke a sign permit issued on the basis of a misstatement of material fact or fraud.

7.599 Required Fees for Sign Permits

1. At the time of submission of an application for a sign permit, a non-refundable plan review application fee of ten dollars (\$10.00) shall be paid.
2. When application for a permit is approved and prior to the issuance of a permit, a permit fee shall be paid based on the following schedule of rates:
  - a. Electrical signs:
    - Up to 32 square feet ..... \$20.00 per face
    - Each square foot in excess of 32 square feet..... 0.50 per sq. ft.
  - b. Non-electrical signs:
    - Up to 32 square feet ..... \$15.00 per face
    - Each square foot in excess of 32 square feet..... 0.50 per sq. ft.
  - c. Temporary signs:
    - Up to 32 square feet ..... \$10.00 per face
    - Over 32 square feet ..... 0.50 per sq. ft.
3. Street banner sign ..... 15.00
4. Re-inspection fee (all signs) ..... 20.00
5. Billboards shall pay the following fees in addition to the above fees:
  - 6. Initial permit fee ..... \$100.00 per face
  - 7. Annual renewal fee ..... 50.00 per face
  - 8. Murals..... 25.00

2. Premises Maintenance - All freestanding signs and the premises surrounding them shall be maintained by the owner thereof in a clean, sanitary, and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

7.59942 Regulation of Legally Non-conforming Signs

1. Notification of Nonconformity - After November 4, 2005, the Building Inspector shall, as soon as practicable, survey the City and identify signs which do not conform to the requirements of this code. Upon determination that a sign is non-conforming, the Building Inspector shall make reasonable efforts to notify either personally or in writing the user or owner of the property on which the sign is located of the non-conforming character of the sign. If the sign owner, user, or owner of the property cannot be located, the notice may be affixed in a conspicuous place to the sign or to the business premises with which the sign is associated.
2. Signs Eligible for Characterization as "Legally Non-conforming" - Any sign located within the City limits on November 5, 2005, or located in an area annexed to the City thereafter which does not conform with the provisions of this code, is eligible for characterization as a "legally non-conforming" sign, if the sign was in compliance with all applicable laws prior to the effective date of this code or the date that the provisions of this code first became applicable to the sign. Such signs shall be affixed with a legally non-conforming sign identification sticker that shall note the date of the expiration of its non-conforming status in accordance with the provisions of Section 7.59943 of this Sign Code.
3. Loss of Legally Non-conforming Status - A legally non-conforming sign shall immediately lose its legally non-conforming designation if:
  - a. The sign is altered in any way, which tends to make the sign less in compliance with the requirements of this code than it was before the alteration; or
  - b. The sign structure is relocated; or
  - c. The sign face (except for copy on a sign permitted as a changeable message sign) is replaced with a sign face which differs in sign message. On the happening of any one of (a), (b) or (c), the sign shall be immediately brought into compliance with this code and a new permit secured therefor, or shall be removed.
4. Maintenance and Repair of Legally Non-conforming Signs - Nothing in this Section shall relieve the owners or users of legally non-conforming signs or the owners of the property on which legally non-conforming signs are located, from any provisions of this Sign Code regarding safety, maintenance and repair of signs provided, however, that any repainting, cleaning or other normal maintenance or repair of the sign or sign structure does not materially alter or modify the sign.
5. No legally non-conforming sign may be enlarged or altered in a way which would increase its nonconformity with the provisions of this Sign Code.
6. Should any legally non-conforming sign be damaged by any means to an extent of more than fifty (50%) percent of its replacement cost at time of damage, it shall not be reconstructed except in conformity with the provisions of this Article.
7. No conforming sign or sign structure shall be permitted to be erected for the same occupancy with an existing non-conforming sign until the non-conforming sign has been removed or brought into conformance with the provisions of this Article.

7.59943 Amortization of Legally Non-conforming Signs

1. Legally Non-conforming On-Premise Signs - All legally non-conforming on-premise signs not otherwise prohibited by the provisions of this Sign Code may be continued until:
  - a. The nature of the business conducted on the premises changes in such a manner as to occasion a change in the existing sign; or
  - b. The name of the business changes or the sign is changed or modified either in shape, size or legend; or
  - c. November 4, 2012 or seven (7) years from the date that this code first becomes applicable to the sign, whichever is sooner, but only if the area which the sign exceeds by greater than fifteen (15) percent the sign area which otherwise would be applicable under the provisions of this code.

- a. A foundation inspection prior to pouring concrete for any approved freestanding sign.
  - b. Final electrical inspection for all electrical signs.
  - c. Final inspection for completion of sign in accordance with approved plans
2. No structure or sign, the construction of which necessitates the issuance of a permit under the provisions of this Sign Code, shall be used or displayed until the Building Inspector shall have issued a certificate of completion stating that the Building Inspector shall have issued a certificate of completion stating that the Building Inspector has been found to be in compliance with the permit issued therefor and with the provisions of this ordinance. Within three (3) days after notification that a structure or sign constructed under a permit issued under the terms of this ordinance is ready for use or display it shall be the duty of the Building Inspector to make an inspection thereof and to issue a certificate of completion if the structure and proposed use are found to conform with the plans upon which the permit was issued and to conform with the provisions of this ordinance. If a requested certificate of completion is refused the Building Inspector shall state in writing the reasons for that refusal and deliver those written reasons to the applicant. No permanent utilities may be permanently connected until a certificate of completion is issued.
  3. A record of all certificates of completion, permits, applications sketches and plans shall be maintained in the office of the Building Inspector.

7.5992 Licensing of Sign Contractors

1. No person shall engage in any business or activity described in this Sign Code without complying with the terms of this Sign Code.
2. Every person commercially engaged in constructing, erecting, installing, maintaining or operating outdoor advertising, advertising structures, billboards, advertising signs, painted signs on structures, signboards or similar devices, whether as a primary or incidental activity, and whether or not such person is otherwise licensed by the City, shall obtain a sign contractor's license and pay a fee of one hundred fifty dollars (\$150.00) for the first year and fifty dollars (\$50.00) annually thereafter.
3. Application and Issuance - Applications for licenses shall be made to the City clerk, on forms to be provided by the clerk. If the application is accompanied by the fee provided in this Sign Code and if there is no violation of any state law or City Ordinance in the application, the license shall be issued.
4. Public Liability Insurance Required - It shall be unlawful for any person to engage in the business of constructing, erecting, installing, maintaining or operating signs within the City, unless and until such person shall have filed with the City a certificate evidencing the existence of public liability and property damage insurance issued to such person by an insurance or bonding company authorized to do business in this state in a sum of not less than three hundred thousand dollars (\$300,000.00) for bodily injury and not less than fifty thousand dollars (\$50,000.00) for damage to property in any one occurrence.

7.5994 Enforcement of the Provisions of the Sign Code and Penalty for Violation

7.59941 Maintenance of Signs and Premises

1. Sign Maintenance - Each sign which has been erected in accordance with the provisions of this Sign Code shall be maintained in substantially the same condition as when the final inspection was made and the sign inspection sticker was issued. Failure to maintain the sign, including exterior painting, shall constitute a violation of this chapter. The Building Inspector may after notice to the owner order the removal of any sign that is not maintained in accordance with the provisions of this Section. Such removal shall be at the expense of the owner or lessee.

2. Legally Non-conforming Off-Premise Signs - All legally non-conforming off-premise signs not otherwise prohibited by the provisions of this Sign Code may be continued until November 12, 2012 or until seven (7) years from the date that the code first becomes applicable to the sign, whichever is sooner.

7.59944 Permitting of Conforming Signs Erected without Permit prior to this Sign Code  
The owner of a sign that is found to be in conformance with the Sign Code but which was erected without a permit may, for ninety (90) days from the effective date of the adoption of this ordinance, apply for a permit and pay all required fees and, in such case, no further penalty shall be assessed.

7.59945 Unsafe and Unlawful Signs

1. If the Building Inspector shall find that any sign or other advertising structure regulated herein is unsafe or insecure, is a menace to the public, is abandoned, is maintained in a dilapidated condition, or has been constructed or erected or is being maintained in violation of the provisions of this ordinance, he shall give written notice to the permittee or owner thereof or, if he is unable to identify such persons, to the owner of the property on which the sign is located. If the person so notified fails to remove or alter the structure so as to comply with the provisions of this Sign Code, such sign may be removed or altered by the Building Inspector at the expense of the permittee, sign owner, or owner of the property upon which it is located. The Building Inspector shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Building Inspector may cause any sign which is an immediate peril to persons or property to be removed summarily without notice.
2. In addition to the penalties provided by Section 7.59949 of these regulations, the provisions of this Section may be enforced and violations thereof may be abated in accordance with the provisions and procedures set forth in the Zoning Ordinances or any other applicable ordinances adopted by the City of Petal.

7.59946 Interpretation and Application

The provisions of this ordinance are intended to supplement and to be read and applied in pari materia with all existing laws, ordinances and regulations of this City. The provisions of this ordinance shall not be deemed to have repealed or suspended any such existing law, ordinance or regulation of this City unless such result shall have been expressly stated or be clearly intended by the context and language of the provision in question. In the event of a conflict in any particular circumstances between the provisions or requirements of this ordinance and the provisions or requirements of any other law, ordinance or regulation of this City the more restrictive provision or requirement shall apply unless a contrary application thereof is expressly directed or clearly intended by the context and language of the laws, ordinances and regulations in question.

7.59947 Enforcement and Administration

The provisions of this ordinance shall be enforced and administered by the Building Inspector. The Building Inspector or Code Enforcement designee shall have the power and authority to make inspections of signs, sign structures or premises necessary to carry out their duties in the coordination and the enforcement of the provisions of this ordinance.

7.59948 Violation

1. In case any sign structure or sign is erected or structurally altered or maintained or used in violation of the provisions of this ordinance, any proper City official or his or her duly authorized deputies or representatives may institute any appropriate action or proceedings to prevent such unlawful act or to prevent any illegal act, conduct or use in or about or concerning any such sign, sign structure or premises. Each day any such violation continues shall constitute a separate violation of this ordinance. The Building Inspector may call upon the Chief of Police to furnish necessary personnel to carry out his orders.
2. Any resident of the community who believes that a violation of any of the provisions of this ordinance is occurring may file a written complaint with the

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Building Inspector. Such complaint shall fully set forth the acts or omissions constituting the alleged violation and the site or sites at which such violation or violations are alleged to be occurring. The Building Inspector shall record properly such complaint, investigate the allegations underlying said complaint, and take action on such complaint and investigation as provided by this ordinance.

7.59949 Penalty - Any person violating any provision of this Article shall be guilty of a misdemeanor, and upon conviction shall be punished as provided for as follows:

1. A violation of any of the provisions of this ordinance may result in a civil fine of one hundred dollars (\$100.00) per day per unit for each day that such violation continues up to thirty (30) days, or the maximum amount allowed under the Mississippi Annotated Code of 1972 as amended, whichever is greater.
2. The city may file a lien against residential rental property if the owner of such property or its agent fails to pay a fine within thirty (30) days of the date in which it was imposed. The amount of the lien may be calculated on the basis of the existing fine plus associated costs including legal fees incurred in connection with this action.
3. Nothing herein shall prevent the city from seeking any other means available at law or in equity in order to enforce this ordinance's provisions.

7.0 Accessory structures and uses.

7.01 Purpose. The uses of land, buildings, and other structures permitted in each of the districts established by this zoning ordinance are designated by tables or lists of principal uses permitted. In addition to such principal uses, this section shall regulate uses incidental to any principal uses permitted in the district. All setbacks, parking areas and accessory structures shall be so landscaped, located and constructed so as not to interfere with the use of the surrounding property. Outside storage areas, service, and machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings, or other screening methods as shall reasonably be required to prevent any adverse effect upon the environment or near by property.

7.02 General provisions. Each permitted accessory use shall:

1. Be customarily incidental to the principal use established on the same lot.
2. Be subordinate to and serve such principal use.
3. Be subordinate in area, extent, and purpose to such principal use.
4. Contribute to the comfort, convenience, or necessity of users of such principal use.
5. Be required to submit a site plan in order to review proposals for accessory uses, unless otherwise noted.

7.03 Permitted accessory structures and uses. Accessory structures and uses shall be permitted as specified above, and such accessory uses shall be applicable to the principal use of the lot as follows:

1. For dwellings:
  - a. Shelter to house animal pets. No site plan or building permit required unless size of structure warrants.
  - b. Children's playhouse and playground equipment. No site plan or building permit required unless playhouse includes plumbing and electricity. All playhouses and playground equipment must be located in the rear yard. All tree houses require a site plan and permit.
  - c. Private greenhouse, vegetable, fruit, or flower garden, from which no products are sold or offered for sale.
  - d. Private garage or carport.
2. Private swimming pool and bath house.
3. Shed for the storage of maintenance of recreation and yard equipment used on the premises.

the city. These standards shall apply to all landscaping and screening required by other provisions of the zoning regulations.

7.73 General standards. Whenever any lot which is located in any commercial or industrial zone, and which is occupied by commercial, manufacturing, or agricultural or mining activities, and abuts a lot located in any residential zone, it shall be screened from the residentially zoned lot along the entire abutting lot line except where a driveway or maneuvering aisle is shared with the abutting lot. Screening shall be subject to the standards for required landscaping and screening (See 7.10.05). A site plan shall be required showing the proposed screening or buffering.

7.74 Site plan standards. Buffer yards and screens require site plan review. Such required site plan shall set forth yards and open spaces, screening walls, or fences and other development and protective requirements considered necessary to create a reasonable transition to and protection of the adjacent property. When the developer needs to ask for a variance from these buffer yard regulations, an alternative design plan which shall fulfill the intent of this ordinance must be submitted to the site plan review committee, which will, upon review, make a recommendation regarding the submission. (Reference: Site plan review, section 1300). Variances shall not be granted, which are less than the next lowest minimum standard, and only then if the size of the lot is such that a full buffer is not possible. The site plan should show plant succession, damage patterns, and landscape design in order to determine if the trees/vegetation grow well in this region, and also if they make good visual screens.

7.75 Buffer yard standards relating to abutting properties. In the table below, when a district abuts a use indicated, a buffer yard and screen shall be provided by the developing use applying for a building permit as listed.

TABLE INSET

Use District	Abutting Use District	Buffer Yard Minimum Width in Ft	Screen Minimum Ht in Ft
RF	R1, R2, R3, R4, CO, C1	15	6
R1	RF, R3, R4, CO, C1	15	6
R2	RF, R3, R4, CO, C1	15	6
R3	RF, R1, R2, R4, C1	15	6
R4	RF, R1, R2, C1	15	6
CO	RF, R3, R4	15	6
C1	All Residential Districts and CO	20	6
C2	All Residential Districts, CO and C1	20	6
C3	All Residential Districts, CO and C1	20	6
I1	All Districts except I-2	60	6
I2	All Districts except I-1	60	6

A buffer yard of the minimum width, unbroken except for vehicular and pedestrian access way shall be located parallel to the property line.

7.76 Screening relative to abutting properties. In the table above, when a district abuts a use indicated, screening shall be provided as listed. Screening fencing may consist of architectural and/or vegetative materials as follows:

1. Architectural screening: A screen fence of wood, masonry, stone, concrete or metal may be placed along the property line or along the inner perimeter of the buffer yard so as to provide visual screening at minimum height requirements, at the time of issuance of the certificate of occupancy.

4. Private tennis court.
5. Hobby workshop.
6. Qualifying guest house.
7. Fallout, bomb and severe weather shelters.
8. Radio broadcast towers for hobbyists.
9. Satellite dishes, in rear yards only.
10. See residential districts for other structures.
11. For church, chapel, temple or synagogue:
  - a. Parish house, or residence for the clergy of the congregation.
  - b. Religious education building.
  - c. Class B child care center.
12. For golf and country clubs:
  - a. Dwelling for caretaker.
  - b. Maintenance equipment storage shed.
  - c. Pro shop.
  - d. Lounge and dining area.
13. For industrial uses in the industrial districts:
  - a. Offices.
  - b. Restaurant or cafeteria.
  - c. Watchmen's quarters.
  - d. Research or pilot structure.

7.04 Location of accessory buildings and structures:

1. No accessory building shall be located in any required front yard, but must be located in the side or rear yard.
2. Accessory buildings shall not cover more than thirty (30) percent of any rear yard and shall be at least ten (10) feet from all rear and side lot lines and ten (10) feet from any other building on the same lot.
3. On any corner lot adjoining in the rear another lot which is in a residential district, accessory buildings within the rear yard shall conform to the side yard setback on corner lots as indicated in the specific residential zoning setbacks contained within this ordinance.

7.05 Nonconforming accessory uses and structures: If a principal nonconforming use or structure ceases to exist, neither shall any of its accessory uses or structures continue, unless such accessory use or structure shall thereafter conform to all the regulations of the zoning district in which it is located.

7.06 Limitation on commercial uses: Except in the case of a home occupation, no accessory use shall be of a commercial nature.

7.7 Buffer yards screening standards.

7.71 Purpose and intent. The purpose and intent of the buffer screening standards is to maintain many of the environmental features and amenities of the city for present and future generations. Adherence to these regulations will improve the appearance and compatibility of land uses and other development within the city through the installation and maintenance of plantings and fencing for screening and aesthetic effects, thereby serving to protect and preserve the appearance, character, value and safety of the total urban area and nearby properties. Attractive, well-maintained buffer yards improve the quality of development. They can also alleviate development disputes by reassuring neighboring property owners that the adjacent project will remain relatively unobtrusive. It is intended that these provisions shall constitute minimum requirements.

7.72 Purposes of buffer yards and screens: The purpose of a buffer yard is to provide a space or distance between two (2) incompatible uses. The purpose of screening is to provide an effective visual barrier between an unsightly or distracting activity and adjacent properties or public ways to preserve property values and assure compatibility of uses. It is also the purpose of these provisions to prescribe standards for development and maintenance of planting, fences, and walls, for the conservation and protection of property through provision of barriers against traffic, trespass, noise, heat, glare, and dust, and through improvement of the appearance of individual properties, neighborhoods, and

2. Vegetative screening: Trees and other vegetation as needed, shall be planted so as to provide year-round visual screening at heights required by Table 7.10.05. If screening is exclusively vegetation, minimum height requirements shall be met at the time of issuance of the certificate of zoning compliance. Earthen berms are considered a part of vegetative screening.
3. Combination of materials: Whenever two (2) or more alternative types of landscaping, fences, or walls are prescribed, they may be provided singly or in any combination.

7.77 Installation and maintenance: All buffer yards and screening shall be installed in a sound workman-like manner and according to accepted good planting procedures with the quality of plant material as herein described. All screening elements of buffer yards shall be installed so as to meet all other applicable ordinances and code requirements. Buffer yards shall require protection from encroachment. (Encroachment is defined as any protrusion of a vehicle outside of a parking space, display area or access way into a buffer yard.)

The owner shall be responsible for the maintenance of all buffer yards which shall be maintained in good condition so as to present a clean and orderly appearance. In the event that plants are destroyed or die of natural causes, such materials shall be replaced within six (6) months. Failure of the owner of the property to maintain the buffer yard in good condition, as set forth above, shall subject him to the penalties as set forth in this ordinance.

No buffer yard shall be abandoned, paved, or otherwise employed for purposes other than screening.

7.77 Visibility at intersections. See section 7.33.

7.78 Intersection of driveway and public ROW and/or private street: In any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impair or block vision between a height of two and one-half (2.5) and ten (10) feet above the center line grades of any intersecting street/driveways in the area bounded by the street lines/driveway lines of such corner and a line joining points along said street lines fifteen (15) feet from the point of intersection.

7.79 Credit for existing plant material: If the owner(s) can demonstrate that healthy plant material exists on a site prior to its development for the purposes of buffer yard, the application of the above landscape standards may be adjusted by the site plan review committee to allow credit for such plant material if such an adjustment is in keeping with and will preserve the intent of this ordinance.

7.791 Planned district standards: Fences, walls or vegetative screening shall be provided at the perimeter of planned developments where necessary to screen improvements, glare, uses or other influences having an adverse impact either on the planned development or on adjacent property. Such screening shall be of sufficient height as determined by the topography to improve the impact of such adverse elements on the first floor of any use located either within or adjacent to the planned development.

7.792 Zone screening standards. A screen (wall, fence, or landscaping) not less than six (6) feet or more than eight (8) feet in height shall be erected between commercially zoned property and abutting residentially zoned property at the time that any building or structure is erected on the commercial property. The height of the screening shall be the vertical distance measured from the top of the screen to the lowest point to grade within three (3) feet of such screen on the commercially zoned property. The screening shall be constructed on or immediately adjacent to the line dividing the residential and commercial properties. A new screen shall not be required where there is an existing screen, which substantially conforms to this section, on the abutting residential property. If the existing screen on abutting residential property is the only screen that conforms to this section, and if it is removed, a new screen shall be required.



7.793 Fencing and landscape standards. The screening required herein shall consist of a solid fence or wall at least fifty (50) percent opaque and not less than six (6) nor more than eight (8) feet in height, but shall not extend within fifteen (15) feet of any street or driveway opening onto a street. The screening shall be placed along the property lines or in case of screening along a street, fifteen (15) feet from the street ROW with landscaping (trees, shrubs, grass, and other planting) between the screening and the pavement. A louvered fence shall be considered solid if it blocks direct vision. Planting of a type approved by the site plan review committee may also be required in addition to, or in lieu of, fencing.

7.794 Disposal and area screening. A masonry, concrete or wooden wall may be provided around all sides of commercial, industrial, and multifamily residential trash containers, which shall be provided with a gate for access and be of such height as to completely screen said containers, the maximum height of which shall not exceed six (6) feet; provided, however, that in multifamily districts, the trash containers may be enclosed so as to block a person's view thereof by fencing, screening or a combination thereof, instead of the masonry or concrete walls. Any plan concerning screening or fencing shall be approved by the site plan review coordinator, with his approval being based upon whether the screening is adequate so as to block the view of said containers. Screening, which complies with minimum standards, may be used to meet the requirements of this ordinance.

7.795 Exceptions to screening requirements. The landscaping and screening requirements set forth in other provisions of the zoning regulations shall be subject to the following exceptions:

1. Equivalent screening of abutting lot. Prescribed fences, walls, or dense landscaping need not be provided along a lot line if a building, fence, wall or dense landscaping of at least equivalent height, opacity, and maintenance exists immediately abutting and on the opposite side of said lot line.
2. Height within required minimum yard. Required fences, walls, or dense landscaping need not be higher than three and one-half (3.5) feet in that portion of any required minimum yard which lies within ten (10) feet of any street line.
3. Lot too small to accommodate a full buffer. Property owner may be allowed to substitute a berm or landscaped wall for all or part of the transitional yard requirements. The solid fence or wall should be constructed of materials that are compatible with the principal building.

7.796 Maintenance of screens. All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences and walls shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

In the event that the owner fails to maintain a buffer yard or planting strip as required, the city shall have the right to go onto said property, maintain said buffer yard or planting strip and assess the property owner in the same manner as for taxes. Before such work by the city the owner shall be given notice of the offending condition and a reasonable opportunity to repair it and is entitled to a due process hearing concerning the same.

7.797 Permits. Whenever a buffer yard or planting strip is required, it shall be completed prior to issuance of any certificate of occupancy and shall thereafter be maintained with permanent plant materials to provide a screen to abutting properties.

#### 7.8. Open/outdoor storage.

7.81 Purpose: The regulations herein set forth shall apply to any open storage of junk or salvage materials, by-products, waste products of industrial or commercial establishments and general storage of equipment and materials, solid waste material or rubbish.

#### 7.82 General requirements:

1. The city may require the removal of junk or salvage or the screening of a nonconforming establishment in the interest of preserving the health, safety, and welfare of the general public.

The entire storage area shall be screened from view of the neighborhood and the public by solid fencing or natural terrain of evergreen trees or vegetation, a uniform minimum height of eight (8) feet, not to exceed fifteen (15) feet and shall be maintained in this manner at the completion of the project and prior to the issuance of the certificate of zoning compliance.

3. Open storage of trash, junk or rubbish such as abandoned vehicles, used appliances, garbage, debris, building material rubbish or similar items is not permitted on commercial, industrial, residential, or manufactured home premises unless approved in compliance with the provisions of this Code.
4. Open area: A ten-foot open area free of storage or structures shall be maintained inside the perimeter of the storage area when open storage is higher than six (6) feet. Open storage shall not exceed six (6) feet in height in business districts.
5. Any such establishment in existence prior to the adoption of these provisions shall not be expanded or enlarged or the number of car bodies or quantity of junk or salvage increased or additional land used unless such expansion is made to conform to these provisions and all the regulations of this ordinance.

7.83 On- or off-site storage of equipment and materials: Such as contractor's materials and storage yards, industrial equipment sales and storage, lumber and building materials, sales and storage:

1. Open storage of these items shall not be piled or stacked over twenty (20) feet in height above normal ground elevation.

#### 7.9 Excavation, Movement of Soil, Tree Removal, and Erosion and Sedimentation Control:

1. No governmental entity or other person or entity shall strip, excavate, fill, or otherwise move soil, trees, or other vegetation except for minor changes such as: the filling of small depressions, removal of vegetation which is diseased or endangering the public safety, etc. without first insuring that all requirements in this ordinance by the legislative body, if applicable, have been fulfilled and then obtaining a permit from the building inspector.
2. The building inspector may issue the required permit after determining that the resulting change in grade or removal of trees and other vegetation in the affected area will be in conformance with all applicable provisions of this ordinance. The provisions of this section shall not be construed to prohibit normal excavation or grading incidental to the construction or alteration of a building on the premises for which a building permit has been granted as required otherwise in this ordinance.
3. Erosion and Sedimentation Control: Erosion and sedimentation controls for excavation, movement of soil, and tree removal, shall be planned and applied according to the following:
  - a. The smallest practical area of land shall be exposed at any one time during development.
  - b. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
  - c. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
  - d. Sediment basins (debris basins or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
  - e. Provisions shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development.
  - f. Permanent final vegetation and structures shall be installed as soon as practical in the development.
  - g. The development shall be fitted to the topography and soils so as to create the least erosion potential.
  - h. Wherever feasible, natural vegetation shall be retained and protected.

#### 7.92 Storm drainage requirements:

1. Storm drainage must be shown on a site plan and acceptable to the city engineer.

2. Site plans must indicate drainage from paved parking surfaces by arrows that indicate the direction of sheet storm water flow toward inlets and drainage channels. Contours on parking site plans must be shown for sloping parking lots.
3. Developer must indicate steps to handle storm drainage so as not to harm adjacent properties. Developer must demonstrate that post construction watershed is no greater than before pre construction.
4. Large parking lots, such as for regional shopping centers, high-density multi-family residential developments and other developments per the discretion of the building inspector may require a separate on-site storm-water retention basin to retard the sudden discharge of high volumes of storm drainage off large expanses of paved surfaces into the community drainage system. The basin must be designed with curbs and barriers so that it does not contain any parking or loading spaces.

of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the City Clerk. A transcript of the minutes of the Board of Adjustment shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.

5. The Planning Commission shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it.
6. The chairman of the Planning Commission shall have the power to administer an oath to witnesses prior to their testifying before the commission of any issue.

#### 11.3 Duties

##### 11.31 Official Zoning Map

It shall be the duty of the Planning Commission to annually review in October of each year the official zoning map of the City of Petal and make determination as to the condition and difficultness of interpretation due to changes and additions. Should the Planning Commission determine that the official zoning map needs replacement such recommendation will be made to the Mayor and Board of Alderman per procedure outlined in section 3.1 of this ordinance. (Mississippi Code 1972 17-1-3).

##### 11.32 Comprehensive Plan

The planning commission of the City of Petal shall provide for the preparation, adoption, amendment, extension and carrying out of a comprehensive plan for the purpose of bringing about coordinated physical development in accordance with present and future needs of the City. The comprehensive plan as developed for the City of Petal shall consist of the following elements at a minimum:

1. Goals and objectives for the long-range (twenty (20) to twenty-five (25) years) development of the county or municipality. Required goals and objectives shall address, at a minimum, residential, commercial and industrial development; parks, open space and recreation; street or road improvements; public schools and community facilities.
2. A land use plan which designates in map or policy form the proposed general distribution and extent of the uses of land for residences, commerce, industry, recreation and open space, public/quasi-public facilities and lands. Background information shall be provided concerning the specific meaning of land use categories depicted in the plan in terms of the following: residential densities; intensity of commercial uses; industrial and public/quasi-public uses; and any other information needed to adequately define the meaning of such land use codes. Projections of population and economic growth for the area encompassed by the plan may be the basis for quantitative recommendations for each land use category.
3. A transportation plan depicting in map form the proposed functional classifications for all existing and proposed streets, roads and highways for the area encompassed by the land use plan and for the same time period as that covered by the land use plan. Functional classifications shall consist of arterial, collector and local streets, roads and highways, and these classifications shall be defined on the plan as to minimum right-of-way and surface width requirements; these requirements shall be based upon traffic projections. All other forms of transportation pertinent to the local jurisdiction shall be addressed as appropriate. The transportation plan shall be a basis for a capital improvements program.
4. A community facilities plan as a basis for a capital improvements program including, but not limited to, the following: housing; schools; parks and recreation; public buildings and facilities; and utilities and drainage.

The comprehensive plan shall be reviewed annually in October of each year and any amendments, changes, additions or deletions recommended to the Mayor and Board of Alderman for adoption through their governing authority. (Mississippi Code 1972 17-1-5).

## ARTICLE XI. PLANNING COMMISSION

### 11.0 Establishment of Planning Commission; Membership; Appointment; Terms; Vacancies; Compensation; Removal; Officers.

1. A Planning Commission is hereby established (Mississippi Code 1972, § 17-1-11).
2. The Planning Commission shall consist of nine (9) members, all of whom must be citizen members.
3. Planning Commission members shall serve with pay at the rate of \$100.00 per month upon attending all scheduled and special meetings.
4. The Mayor shall be the appointing authority of the Planning Commission, subject to the approval of the Board of Alderman.
5. The term of office for the Planning Commission shall be five (5) years, but the term of office of members first appointed shall be staggered so that a proportionate number serve, two (2), three (3), four (4) year and five (5) years, respectively.
6. Vacancies on the Planning Commission shall be filled within sixty (60) calendar days by the appropriate appointing authority. If the authority fails to act within that time, the planning commission shall fill the vacancy. When a vacancy occurs, other than through expiration of the term of office, it shall be filled for the remainder of that term.
7. Any member of the Planning Commission may be removed by the mayor, subject to the approval by the legislative body, for inefficiency, neglect of duty, malfeasance, or conflict of interest. The mayor exercising the power to remove a member from the Planning Commission shall submit a written statement to the Planning Commission setting forth the reasons and the statement shall be read at the next meeting of the Planning Commission which shall be open to the general public. The member so removed shall have the right of appeal from the removal to the Board of Alderman.
8. The Planning Commission shall elect annually a chairman, vice- chairman, and secretary, and any other officers it deems necessary, and any officer shall be eligible for re-election at the expiration of this term.

### 11.2 Meetings of the Planning Commission; Quorum; Minutes; Subpoena Power; Administration of Oaths.

1. The Planning Commission shall conduct meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of every month at 7:00 P.M. in the place designated for such meetings.
2. The Planning Commission may conduct meetings at the call of the chairman, who shall give written or oral notice to all members of the Commission at least three (3) days prior to the meeting, which notice shall contain the date, time, and place for the meeting, and the subject or subjects which will be discussed.
3. A simple majority of the total membership of the Planning Commission, as established by regulation or agreement shall constitute a quorum. Any member of the Planning Commission who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question.
4. The Planning Commission shall keep minutes and records of all proceedings including regulations, transactions, findings, and recommendations and the number

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11.4 Zoning Ordinances, Subdivision Regulations, Capital Improvements Program

The planning commission of the City of Petal shall provide for the preparation, adoption, amendment, extension and carrying out of a zoning ordinance, regulations governing subdivisions of land, building or set back lines on streets, roads and highways and recommendations to the Mayor and Board of Alderman with regard to the enforcement of and amendments to the zoning ordinance, subdivision regulations and capital improvements program. The Mayor and Board of Alderman may adopt, amend and enforce the zoning ordinance, subdivision regulations and capital improvement program as recommended by the planning commission.

11.41 Preparation of capital improvement plan

For the purpose of bringing about coordinated development in accordance with present and future needs of the city to assist the Mayor and Board of Alderman in the preparation of and extension of an official capital improvement plan through the authority of the Board of Alderman, to create an increasingly better, more healthful, convenient, efficient and attractive city environment, 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 adequate provisions for transportation, water, sewerage, schools, parks and other public requirements in accordance with a carefully thought out comprehensive official plan to serve both present and future needs of the city, the members of such commission, in cooperation with the Mayor and Board of Alderman, shall prepare a master plan for the physical development of the municipality including, but not necessarily limited to, the following:

1. The development of a street system, including major street plans, parkways and boulevards, express highways, traffic flow, control and safety, truck routes, viaducts, underpasses and bridges, on- and off-street parking, and illumination
2. Transportation and transit, including railroads, bus lines, both local and interurban, tracks lines and taxicabs
3. Housing to the extent and treatment of substandard buildings and blighted areas, and the development of neighborhood districts
4. Parks and recreation, including the development of new parks, neighborhood playgrounds, playfields and parks, community centers, clubhouses and recreational programs
5. Public schools, including, in collaboration with existing school authorities, the expansion of facilities, the location and erection of new schools with particular reference to accessibility, utilities and traffic problems
6. Cultural and public buildings, including cultural institutions, federal, state and county buildings, city buildings, such as auditoriums, libraries in collaboration with the city library board, art and music center, fire stations, police buildings, city hall and facilities required for the operation of city government
7. Long range water supply and water storage
8. Sewage disposal
9. Sewage system, expansion and development and flood control, surface water and river
10. Extension of corporate boundaries of the city, as related to feasibility, service to be rendered, and economic and fiscal factors
11. Finance, including orderly fiscal control of both short range and long-range development in the light of the present financial structure of the city
12. Zoning problems, including revision of zoning maps and ordinances, coordination of zoning ordinances with building codes and sanitary codes, changes and use permits, and any other phase of the zoning requirements of the city.
13. Proposed regulations governing the subdivision of land, giving consideration to the requirements of streets and utilities, both inside and outside the city

11.5 Authority and functions as to zoning

procedure. When an appeal has been filed, the clerk of the circuit court shall issue a summons to all parties, including the planning commission in all cases, and shall cause it to be delivered for service as in any other law action.

4. In appeals involving either the Planning Commission or the Board of Alderman, either shall fix a reasonable time for the hearing of the appeal and shall have public notice thereof, as well as due notice to the parties interested and shall decide the appeal within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
5. Within ten (10) days after receiving notice of the appeal the Building Inspector shall cause to have posted in a conspicuous place on the property one (1) or more signs each of which shall not be less than four (4) square feet in area, and each of which shall contain information as to the proposed change and the date and time of the public hearings before the Planning Commission. Both the sign and the public notice shall be published at least fifteen (15) days before the hearing by the Planning Commission.

11.62 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator from whom the appeal is taken, certifies to the board of adjustment, after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a court of record on application, or on notice to the zoning administrator from whom the appeal is taken and on due cause shown.

11.63 Powers of the City of Petal Planning Commission

Upon appeals, the planning commission shall have the following powers:

1. To hear and decide on applications for variances where, by reason of the exceptional narrowness, shallowness, or unusual shape of a site on the effective date of this ordinance, or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the requirements of the zoning ordinance would deprive the applicant of reasonable capacity to make use of the land.
2. To hear and decide appeals where it is alleged, by the appellant, that there is an error in any order, requirement, decision, grant, or refusal made by a zoning administrator in the enforcement of this ordinance. Such appeal shall be taken within sixty (60) consecutive calendar days.
3. To hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named herein, which may be suitable only in specific locations in the zone only if certain conditions are met.
4. To hear and decide, in accordance with the provisions of this ordinance, requests for interpretation of the official zoning map or for decisions upon other special questions upon which said board is authorized to act upon.
5. To hear and decide, in accordance with the provisions of this ordinance and the adopted comprehensive plan, requests for the change from one non-conforming use to another.

11.64 Variances, Change From One Non-Conforming Use to Another, Conditions Governing Applications, Procedures.

A. Variances. Before any variance is granted, the Planning Commission must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and records and issued in written form to the applicant to constitute proof of the variance. Such variance shall not be granted by the planning commission unless and until:

1. A written application for a variance (including the required fee as per Section 11.8 of this ordinance) and a site plan:
  - a. That specific conditions and circumstances exist which are unique to the applicant's land and do not exist on other land in the same zone,

11.51 Hearings on zoning matters--Conduct generally.

Hearings on zoning matters within the city shall be heard before the city planning commission, and the proceedings before the commission shall be taken down either in shorthand or by mechanical or tape recording, which cannot be altered. Before the city planning commission board shall hold any official hearing, there shall have been two advertisements of such meeting setting forth the time and place of such hearing, a description of the property involved, and the existing zoning and purported changes and modifications therein. Such publication shall be made in a newspaper of general circulation within the city, the first publication to be at least 15 days before such hearing.

11.52 Action by Mayor and Board of Alderman on recommendation of board.

After such zoning hearings, entitlement hearings, appeals or other related business, the city planning commission shall make its recommendation to the city council which recommendation may be accepted or rejected by the council, or may be accepted in part and rejected in part or may be sent back to the city planning commission for further hearing.

11.53 Entitlements - Conditional Use Permits and Variances

The Planning Commission included in this ordinance allows uses permitted by rights through the specifically listed permitted uses and requirements in each zoning district. Where the language present in the ordinance does not specifically address a particular use or activity within a zoning district the entitlement process must be invoked to obtain the City's approval.

11.6 Procedure For All Appeals to the Planning Commission:

The Planning Commission shall fix a reasonable time for hearing the appeal and give public notice in accordance with all applicable state law, as well as written notice to the appellant and the zoning administrator at least one (1) calendar week prior to the hearing, and shall decide on the appeal within sixty (60) consecutive calendar days. The affected party may appear at the hearing in person or by attorney.

11.61 Appeals, Hearings, Notice

Any appeal from the official actions of the building inspector (zoning administrator), planning commission or board of alderman may be taken in the following manner:

1. Any person or entity claiming to be injured or aggrieved by any final action of the zoning administrator (building inspector) based on whole or in part upon the provision of these zoning regulations may appeal from the action to the planning commission. Such appeal shall be taken within thirty (30) consecutive calendar days after the final action of the zoning administrator by filing with the official from whom the appeal is taken and with the Planning Commission a notice of appeal specifying the grounds thereof. The official from whom the appeal is taken shall forthwith transmit to the Planning Commission all of the papers constituting the record upon which the appealed action was taken.
2. Any person or persons, jointly or severally or any entity aggrieved by any decision of the Planning Commission, or any taxpayer, or any officer, department, board or bureau of the municipality may seek review of such decisions by the Mayor and Board of Alderman of the City of Petal by giving notice of such request to the City Clerk within thirty (30) days of the decision for which review is sought.
3. All appeals from official action or decision of the Board of Alderman shall be taken in the appropriate circuit court within thirty (30) consecutive calendar days after the action or decision is rendered and all decisions, which have not been appealed within thirty (30) consecutive calendar days shall become final. After the appeal is taken, the procedure shall be governed by the rules of civil

- b. That the manner in which the strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other land owners in the same zone;
- c. That the unique conditions and circumstances are not the result of actions of the applicant taken subsequently to the adoption of this ordinance;
- d. Reasons that the variance will preserve, not harm, the public safety and welfare, and will not alter the essential character of the neighborhood; and
- e. That granting the variance requested will not confer on the applicant any special privilege that is not conferred by this ordinance to other lands, structures or buildings in the same zone. No non-conforming use of neighboring lands and structures in the same zone shall be considered grounds for the issuance of a variance.

2. Notice of public hearing shall be given in accordance with state law and any provision of this ordinance.
3. The public hearing shall be held. Any person may appear in person, or by agent, or by attorney.
4. Prior to granting a variance the Planning Commission shall make findings that the requirements of this section have been met by the applicant for a variance. The Planning Commission shall further make a finding that reasons set forth in the application justify the granting of a variance and that all of the following conditions exist:
  - a. There are extraordinary and exceptional conditions pertaining to the particular property, building, or structure in question because of its size, shape, and topography, and
  - b. The literal applications of the provisions of this ordinance to the particular property, structure, or building would create an unnecessary hardship, and
  - c. Such conditions are peculiar to the particular property building or structure, and not to other such property in the district, and
  - d. Relief, if granted, would not cause substantial detriment to the public welfare, or impair the purposes and intent of the ordinance, provided, however, that no variance be granted for use of such property, building, or structure prohibited by this ordinance, and
  - e. Such conditions be not caused by action, or inaction, of the owner or previous owner of the property, building or structure in question, and
  - f. The existence of non-conforming uses of neighboring property, buildings or structures in the same districts shall not constitute reason for a request for variance.
- B. Variance cannot contradict zoning regulation. The Planning Commission shall not possess the power to grant a variance to permit a use of any land, building, or structure which is not permitted by this ordinance in the zone in question, or to alter the density of dwelling unit requirements in the zone in question.
- C. Variance Runs with Land. A variance applies to the property for which it is granted and not to the individual who applied for it. A variance also runs with the land and is transferable to any future owner of land, but it cannot be transferred by the applicant to a different site.
- D. Change From One Non-Conforming Use To Another: A non-conforming use shall not be changed to another non-conforming use without the specific approval of the Planning Commission, as provided herein.

1. The Planning Commission shall have the power to hear and decide on applications to convert or change an existing non-conforming use to another non-conforming use, subject to the following:
  - a. A written application for a change from one non-conforming use to another (including the required fee as per Section 11.8 of this ordinance) and a site plan, if applicable, shall be submitted to the board;
  - b. Notice of public hearing shall be given in accordance with state law and any provisions of this ordinance;
  - c. The public hearing shall be held. Any person may appear in person, by agent, or by attorney;
  - d. Prior to granting a change from one non-conforming use to another, the Planning Commission shall find that the new non-conforming use is in the same or more restrictive classification of use as the prior non-conforming use.

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EXHIBIT "C"

In the determination of the same or more restrictive classification of use, the applicant shall establish and the Planning Commission shall find:

1. That the new non-conforming use shall generate less vehicular traffic (automobile and truck) than the prior non-conforming use;
  2. That the new non-conforming use is of a nature which will emit less noise and air pollution than the prior non-conforming use;
  3. That the new non-conforming use will be more in character with the existing neighborhood than the prior non-conforming use, in that it is more in conformance with the adopted comprehensive plan, and also, more in conformance with the uses permitted in the zone in which the use is located, than the prior non-conforming use.
2. Any change of non-conforming use granted by the board of adjustment shall conform to the requirements of this ordinance, including, but not limited to: parking requirements, sign regulations and yard requirements, and all other pertinent ordinances of the legislative body.
  3. The Planning Commission shall not allow the enlargement or extension of a non-conforming use beyond the scope and area of its operation at which time its use became non-conforming.
  4. The Planning Commission, in granting a change of non-conforming uses, may attach such conditions thereto as it may deem necessary and proper; and the action, limitations and conditions imposed, if any, shall be in writing, directed to the applicant, with a copy to be furnished to the zoning administrator. The change of non-conforming use, as may be granted by the Planning Commission, applies to the property for which it is granted and not to the individual who applied and, therefore, cannot be transferred by the applicant to a different property.
  6. In the case where the change of non-conforming use has not occurred within one year after the date of voiding thereof, the change of non-conforming use permit shall be null and void and reapplication to the Planning Commission shall have to be made.

11.65 Conditional Use Permits: Conditional use permits shall not be issued without the specific approval of the Planning Commission, as provided herein.

1. The Planning Commission shall have the power to hear and decide on applications for conditional use permits, subject to the following:
2. A written application for a conditional use permit (including the required fee, as per Section 11.8 of this ordinance) and a site plan shall be submitted to the board;
3. Notice of public hearing shall be given in accordance with state law and any provisions of this ordinance;
4. The public hearing shall be held. Any person may appear in person, or by agency, or by attorney;
5. Prior to granting a conditional use permit, the Planning Commission shall find that the application for a conditional use permit meets all the requirements of this ordinance.

11.7 Decisions of the Planning Commission:

1. In exercising the aforementioned powers, the Planning Commission may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm wholly or partly, or may modify the order, requirements, decision, or determination as made by the zoning administrator, from whom the appeal is taken.
2. A simple majority of the total membership of the Planning Commission, as established by regulation or agreement, shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator, so long as such action is in conformity with the provisions of this ordinance; or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.
3. The details of the decision of the Planning Commission shall be forwarded to the zoning administrator.

11.8 Fees

Fees to be charged for applications for rezoning and related purposes.

1. Rezoning and use permit, a filing fee of \$300.00 for the first five acres, plus an additional \$30.00 for each additional acre.
2. Planned unit development (P.U.D.), a filing fee of \$500.00.
3. Variance, a filing fee of \$200.00, plus \$100.00 for each additional variance request.
4. Special exception or conditional use, a filing fee of \$200.00, and a \$100.00 yearly renewal fee.
5. Home occupation permit, a fee of \$25.00, and a \$25.00 yearly renewal fee.
6. Written zoning verification, a fee of \$10.00.
7. Postponements, a fee of \$25.00.
8. Use permits for commercial communication towers, a filing fee of \$500.00, and a \$200.00 annual renewal fee.
9. Communication attachment permits, an application fee of \$100.00.
10. All application fees shall be payable when applications are filed, and shall be paid by certified check or money order. Fees are nonrefundable. Fractional acres shall be rounded to the next whole acre in computing fees.
11. All legal advertising required by the processing of the application shall be paid by the petitioner.
12. The zoning administrator shall request the approval of renewals of certain permits by the Board of Aldermen only after payment of the fees.
13. A fee necessitated by a postponement shall be paid before the hearing is held.

7.05. Finding of fact regarding adult entertainment establishments: The Planning Commission and Mayor and Board of Aldermen of the City of Petal, Mississippi, recognize that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon adjacent areas, such that special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The Planning Commission and Mayor and Board of Aldermen of the City of Petal, Mississippi, find that there is substantial evidence, including numerous studies, reports, and findings on the potential harmful effect of adult entertainment uses made by other cities, experts, city planners, etc. which document that such uses adversely affect property values, cause an increase in crime, encourage businesses to move elsewhere, and contribute to neighborhood blight. The Planning Commission and Mayor and Board of Aldermen of the City of Petal, Mississippi find it necessary, expedient and in the best interest of the citizens of Petal, Mississippi, to regulate the operation and location of adult entertainment establishments for the purpose of stemming a potential increase in the criminal activities and disturbances of the peace and good order of the community, maintaining property values, preventing injuries to residential neighborhoods and commercial districts, and protecting and preserving the quality of life through effective land use planning.

SECTION II. All ordinances in conflict herewith, be and the same are hereby repealed.  
SECTION III. This ordinance shall take effect and be in full force thirty (30) days from and after its passage.

SECTION IV. That except as amended herein, Ordinance Number 1972(42) be and remains in full force and effect.

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, and then upon the ordinance as a whole with the following results:

Those present and voting "AYE" and in favor of the passage, adoption, and approval of Section I, II, III, AND IV of the foregoing Ordinance:

- Alderman David Clayton
- Alderman Kay Fairley
- Alderman James Moore
- Alderman Steve Stringer

Alderman Liesa Weaver

Those present and voting "NAY" or against the adoption of Sections I, II, III, and IV of the foregoing Ordinance:

NONE

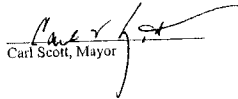
Those present and voting "AYE" and in favor of the adoption of the foregoing ordinance as a whole:

- Alderman David Clayton
- Alderman Kay Fairley
- Alderman James Moore
- Alderman Steve Stringer
- Alderman Liesa Weaver

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

NONE

WHEREUPON, the above and foregoing Ordinance be, and the same is hereby passed, adopted, and approved on this the 16<sup>th</sup> day of October, 2006.

  
Carl Scott, Mayor

(SEAL)

Attest:

  
Jean Beech, City Clerk

THIS

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