ORDINANCE ADOPTING THE 2026 COMPREHENSIVE ZONING ORDINANCE INCLUSIVE OF SECTIONS 1.0 THROUGH 11.0 AND INCLUSIVE OF ALL SUB-PARTS THEREOF AND SECTIONS THEREIN AND ADOPTING THE 2026 OFFICIAL ZONING MAP, WHICH SHALL SUPERSEDE AND REPLACE IN ALL RESPECTS THE 2016 COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BRANDON, MISSISSIPPI INCLUDING SECTIONS 1.0 THROUGH 11.0 AND INCLUSIVE OF ALL SUB-PARTS THEREOF AND SECTIONS THEREIN TOGETHER WITH ANY AND ALL AMENDMENTS THERETO AND THE CURRENTLY ADOPTED AND IN USE OFFICIAL ZONING MAP TOGETHER WITH ANY AND ALL AMENDMENTS THERETO; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH

BE IT ORDAINED BY THE MAYOR AND THE BOARD OF ALDERMEN OF THE CITY OF BRANDON, MISSISSIPPI, that, in accordance with MCA Section 17-1-1 *et seq.* (1972 as amended) and such applicable municipal ordinances and first finding that the amendments herein have been presented to the Planning Commission and having received a favorable recommendation for the approval of the same, and the governing authorities of the City of Brandon having held a public hearing hereon in accordance with MCA Section 17-1-15 (1972 as amended) and applicable municipal ordinances and numerous work sessions and other public meetings wherein parties in interest and citizens were given an opportunity to be heard and having considered the comments made by those appearing at the public hearing and otherwise, and the governing authorities having incorporated the findings and conclusions by the Planning Commission as presented by the Director of Community Development and having appended the Staff Report of the Director, with attachments thereto, to the Minutes, together with the matters and things referenced and presented and the governing authorities having retained the services of a planning expert and having received the recommendations of said expert and of the City's Director of Community Development which are appended to the Minutes and having incorporated the recommendations herein and further finding that based on all attendant facts and

circumstances that these amendments are consistent with the City's recently adopted Comprehensive Plan including Future Land Use Plan and Map, which is appended to the referenced Staff Report, and further finding that these amendments will protect the health, safety and welfare of the citizenry and will promote and protect property values and the tax base and for all other reasons that such amendments are reasonable and necessary and support the adoption of the same, does hereby adopt this Ordinance adopting the 2026 Comprehensive Zoning Ordinance inclusive of Sections 1.0 through 11.0 and inclusive of all sub-parts thereof and sections therein, attached hereto as Exhibit "A" and incorporated herein by reference, and adopting the 2026 Official Zoning Map, attached hereto as Exhibit "B" and incorporated herein by reference, which shall supersede and replace in all respects the 2016 Comprehensive Zoning Ordinance of the City of Brandon, Mississippi including Sections 1.0 through 11.0 and inclusive of all sub-parts thereof and sections therein together with any and all amendments thereto and the City of Brandon, Mississippi's currently adopted and in use Official Zoning Map together with any and all amendments thereto, and repealing all ordinances in conflict herewith.

SECTION 1. The 2016 Comprehensive Zoning Ordinance of the City of Brandon, Mississippi including Sections 1.0 through 11.0 and inclusive of all sub-parts thereof and sections therein together with any and all amendments thereto should be and the same is hereby superseded and replaced *in toto* by the 2026 Comprehensive Zoning Ordinance inclusive of Sections 1.0 through 11.0 and inclusive of all sub-parts thereof and sections therein which is attached hereto as Exhibit "A" and incorporated herein.

SECTION 2. The Official Zoning Map of the City of Brandon, Mississippi, together with any and all amendments thereto, should be and the same is hereby superseded and replaced

in toto by the 2026 Official Zoning Map attached hereto as Exhibit "B" and incorporated herein. The 2026 Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and shall bear the seal of the City. The 2026 Official Zoning Map shall be prominently displayed in the City's Community Development Department accessible in person by the general public and made available for inspection and review via the internet on the City's official website and in such other manner as determined by the Mayor.

SECTION 3. The 2026 Comprehensive Zoning Ordinance shall be codified by the Municipal Code Corporation within the City of Brandon, Mississippi's current Code of Ordinances and made available for inspection and review in person at the City's Community Development Department and via the internet on the City's official website and in such other manner as determined by the Mayor.

SECTION 4. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance, Exhibit "A" or Exhibit "B" is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions hereof, it being the intent of the Mayor and Board of Aldermen that this Ordinance would have been adopted even if such invalid part had not been included herein.

SECTION 5. For the preservation of the public peace, health and safety and for other good cause shown, including but not limited to the need to ensure proper development of the residential, commercial and industrial resources of the City of Brandon, this Ordinance shall be in force and effect from and after its adoption, unless the same receives less than a unanimous vote and if receiving less than a unanimous vote, this Ordinance shall be in force and effect 30 days after its adoption. All ordinances, parts of ordinances, resolutions, maps, or provisions in

conflict with this Ordinance, Exhibit "A," or Exhibit "B" are hereby repealed to the extent of such conflict.

SECTION 6. This Ordinance having been reduced to writing and no request for the same to be read by the Clerk having been made, the same was introduced by Alderman Womack, seconded by Alderman Vinson and was adopted by the following vote, to wit:

Sharon Womack, Alderman at Large	AYE
Jarrad Craine, Alderman Ward 1	AYE
Cris Vinson, Alderman Ward 2	AYE
Harry Williams, Alderman Ward 3	AYE
Lu Coker, Alderman Ward 4	AYE
Jereme King, Alderman Ward 5	AYE
David Farris, Alderman Ward 6	AYE

The Mayor thereby declared the Motion carried and the Ordinance adopted and approved on this the 6th day of April 2026.

_____

BUTCH LEE, MAYOR

ATTEST:

_____

MARY ANN HESS, CITY CLERK

iii. **Parking:** One space per 400 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- This use shall also be granted and maintain all applicable local, state, and federal permits.

3. **Group home.**

i. **Definition:** A residential facility for six or more persons, either adults or minors, who for various reasons cannot reside in their natural home and where 24-hour adult care, supervision and consultation exists under license of the State of Mississippi.

ii. **Districts permitted:** Conditional Use in RH, PUD.

iii. **Parking:** One space per two beds.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- No group home shall be located on a lot within 1,200 feet, measured by a straight line in any direction, from the lot line of another group home;
- The number of residents is limited by applicable state laws, including any minimum square footage requirement per person, but in no event shall the number of residents exceed ten;
- This use shall also be granted and maintain all applicable local, state, and federal permits.

4. **Hotel.**

i. **Definition:** A building or buildings where lodging is provided for more than 12 persons, who are usually but not always transients, for compensation.

ii. **Districts permitted:** RC, ORC, VMU, PUD; Conditional Use in CC.

iii. **Parking:** One space for each guest room.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

4.4.7 **Office uses.**

1. **Office.**

i. **Definition:** Places of business of individuals engaged in providing personal services, such as attorneys, architects, accountants, real estate brokers, and similar professions.

ii. **Districts permitted:** NC, CC, RC, I-1, I-2, ORC, VMU, PUD.

iii. **Parking:** One space per 300 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

2. **Medical office.**

i. **Definition:** A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis. Includes medical offices

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(for example offices for chiropractors, dentists, medical doctors, optometrists, prescription opticians, psychologists, etc.), outpatient facilities which may include surgery, urgent care facilities, dental laboratories, and medical laboratories.

ii. **Districts permitted:** NC, CC, RC, I-1, I-2, ORC, VMU, PUD.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** None.

v. **Additional standards:** None.

4.4.8 **Recreation uses.**

1. **Athletic fields.**

   i. **Definition:** A recreational area providing parks and playfields.

   ii. **Districts permitted:** RC, I-1, I-2, PUD; Conditional use in RE-43, RE-32, RE-21, R-12, R-8, RM-8, RM-4, NC, CC, ORC.

   iii. **Parking:** One space per 200 square feet of floor area.

   iv. **Loading:** One loading space for 10,000 square feet of floor area.

   v. **Additional standards:**

   - If lighted, the use requires conditional use approval.

2. **Commercial recreation.**

   i. **Definition:** An indoor and/or outdoor area or structure(s) operated for profit and devoted to facilities and equipment for recreational purposes, including, but not limited to, swimming pools, tennis courts, racquetball courts, dance and other similar uses, whether the use of such area is limited to private membership or whether open to the public upon the payment of a fee.

   ii. **Districts permitted:** CC, RC, I-1, I-2, ORC, VMU, PUD; Conditional use in NC.

   iii. **Parking:** One space per 200 square feet of floor area.

   iv. **Loading:** One loading space for 10,000 square feet of floor area.

   v. **Additional standards:** None.

3. **Golf course, country club.**

   i. **Definition:** A recreational facility primarily used for the purpose of playing golf, but which may include associated eating and drinking areas, retail sales areas, and staff offices.

   ii. **Districts permitted:** PUD, Conditional use in NC, CC, RC.

   iii. **Parking:** Parking and loading analysis required.

   iv. **Loading:** Parking and loading analysis required.

   v. **Additional standards:** None.

4. **Horse riding stables.**

   i. **Definition:** An establishment where different people per month, other than the owner or manager of the property, are, for a fee, trained or instructed in riding, driving, or showing horses.

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ii. **Districts permitted:** Conditional Use in RE-43, RE-32, PUD.

iii. **Parking:** Sufficient to accommodate the use.

iv. **Loading:** Sufficient to accommodate the use.

v. **Additional standards:**

- Conditional use review is required for any equestrian center with amplified sound and/or lighted outdoor riding, driving, or showing of horses.
- Unlighted outdoor equestrian arenas shall be set back 300 feet from existing schools, churches and dwelling on other lots, unless reduced through a conditional use review.
- One single-family dwelling, occupied by the owner or manager of the use, will be considered.
- Boarding of horses is permitted.

4.4.9 **Retail and personal service uses.**

1. **Adult business.**

i. **Definition:** Entertainment that is distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas. Uses shall be subject to the regulations of chapter 10 of the Brandon City Code and shall include, but shall not be limited to, the following:

- Adult bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals and goods and items held for sale which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or sections devoted to the sale or display of such material.
- Adult photo studio: An establishment that, upon payment of a fee, provides on-premises photographic equipment, services, and/or models for the purpose of photographing specified anatomical areas.
- Adult theater: A theater used for the presentation of material distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities.

ii. **Districts permitted:** Conditional use in I-1, I-2.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- All adult uses shall be located a minimum of 500 feet from any residential use, place of worship, educational facility, park/playground, public or cultural facility.
- An adult use shall be located a minimum of 2,000 feet from any other adult use.
- No adult use may be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing, or relating to specified sexual activities or specified anatomical areas, from any public or private right-of-way or any property.

2. **Animal care, vet clinic.**

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

ii. **Districts permitted:** NC, CC, RC, I-1, I-2, ORC.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- All animals shall be confined within an enclosed area.
- When adjacent to an existing residential use, indoor areas containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to the residence, unless required by the building code.
- Exterior kennels require conditional use review.

3. **Automobile sales and rental.**

i. **Definition:** An establishment engaged in the display, sale, leasing, or rental of new or used automobiles and light trucks. Vehicles included, but are not limited to, automobiles, light trucks, vans, and motorcycles. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships.

ii. **Districts permitted:** RC; conditional use in CC, I-1 and I-2.

iii. **Parking:** One space per 300 square feet of floor area; plus one space per each 2,000 square feet of outside sales and display area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- Minimum lot size of two acres is required for this use.
- The sales building must be 4,000 square feet or greater.
- No person shall park a vehicle upon any roadway for the principal purpose of displaying such vehicle for sale; or washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.

4. **Bail bonding.**

i. **Definition:** An establishment where pledging United States currency, United States postal money orders, cashier's checks, a surety bond or other property as bail for a person in connection with a judicial proceeding, and receiving or being promised therefore money or other things of value.

ii. **Districts permitted:** Conditional use in CC.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** None

v. **Additional standards:** None.

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5. **Bar, nightclub.**

   i. **Definition:** A building or part of a building used primarily for the sale or dispensing of alcoholic beverages or liquor by the drink. Live entertainment is permitted, subject to all applicable city regulations.

   ii. **Districts permitted:** Conditional Use in CC, RC, VMU, PUD.

   iii. **Parking:** One space per 200 square feet of floor area.

   iv. **Loading:** One loading space for 10,000 square feet of floor area.

   v. **Additional standards:**

   - Bars are permitted in restaurants provided they are less then 50 percent of the serving area.

6. **Car wash.**

   i. **Definition:** Any building, premises or portions thereof used for the washing, polishing or detailing of automobiles and other light motor vehicles.

   ii. **Districts permitted:** CC, RC.

   iii. **Parking:** Three spaces for each service bay. Space inside the service bay shall be considered a parking space.

   iv. **Loading:** None.

   v. **Additional standards:**

   - Stacking length—80 feet per bay at entrance, 20 feet per bay at exit.

7. **Check cashing and title loan business.**

   i. **Definition:** Establishments that, for compensation, engage in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes the business of deferred deposits, whereby the facility refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement. Non-institutional banking does not include state or federally chartered banks, savings associations, credit unions, or industrial loan companies.

   ii. **Districts permitted:** Conditional use in RC.

   iii. **Parking:** One space per 200 square feet of floor area.

   iv. **Loading:** None.

   v. **Additional standards:** None.

8. **Convenience grocery store.**

   i. **Definition:** A small store (15,000 square feet gross floor area or less) that stocks a range of everyday items such as groceries, medicine, pharmaceuticals, toiletries, alcoholic and soft drinks, tobacco products, and/or household items. A convenience grocery store does not include the sale of fuel nor carwash facilities.

   ii. **Districts permitted:** CC, RC, PUD; conditional use in NC, ORC, I-1, and I-2.

   iii. **Parking:** One space per 200 square feet of floor area.

   iv. **Loading:** One loading space for 10,000 square feet of floor area.

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v. **Additional standards:** None.

9. **Convenience store, gas station.**

i. **Definition:** A small store (15,000 square feet gross floor area or less) which deals in grocery items of a convenience nature which includes the sale of fuel. May also include car wash facilities and/or provide minor automobile repair services.

ii. **Districts permitted:** RC; conditional use in CC, I-1, I-2, ORC, PUD.

iii. **Parking:** One space per gas pump, plus two spaces per service bay.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- A one bay car wash may be accessory to the vehicle service center.
- One stacking space per pump island on either end, and one stacking space for each service and car wash bay.
- Structures and all pump islands, compressed air connections, and similar equipment shall be set back a minimum of 20 feet from side and rear lot lines.
- No access driveway may exceed 25 feet in width. For a corner lot, curb cuts are restricted to one curb cut per street frontage.
- The minimum distance between the canopy and the curb line shall be 12 feet and 20 feet from any interior lot line.
- Motor vehicle repair is permitted as part of a gas station use. However, repair work is limited only to minor repair work, such as tire or tube repairing, battery changing, lubrication, engine tune-ups, brake and muffler repair or replacement, and similar types of work. Minor repair work does not include replacement of engines, replacement of transmissions, or any body work. All repair work shall be conducted entirely within an enclosed structure. Storage of all merchandise, auto parts, and supplies shall be within an enclosed structure.
- Light fixtures mounted under canopies should be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy.
- The sides (fascia) of the canopy should extend below the lens of the fixture 12 inches to block the direct view of the light sources and lenses from property line.
- Lights should not be mounted on the top or sides (fascias) of the canopy, and the sides (fascia) should not be illuminated.
- Buildings that derive their image solely from applied treatments that express corporate identity are prohibited.
- All sides of a building should express consistent architectural detail and character. All site walls, screen walls and pump island canopies and other outdoor covered areas should be architecturally integrated with the building by using similar material, color and detailing.
- The use of highly reflective or glossy materials should be limited and will not be appropriate in all contexts.
- Architectural integration of canopy to building and site walls is desirable. Multiple canopies or canopies that express differing architectural masses are encouraged.

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- Canopy height, as measured from the finished grade to the lowest point on the canopy fascia, should not exceed 13 feet nine inches. The clearance height of canopies should be clearly indicated on the structure or through use of a headache bar. The overall height of canopies should not exceed 17 feet.
- Lighted bands or tubes or applied bands of corporate color are discouraged.
- All display items for sale should occur within the main building or within designated areas that are screened from public streets.
- The use of translucent materials and internally lighted cabinets are discouraged as finishes or as applied treatments at the pump island or on the canopy.
- The use of super-graphics is prohibited.
- The cladding of the canopy columns must be proportioned to the height and scale of the canopy.

10. **Day care.**

i. **Definition:** A facility licensed by the state providing care for the five or more children, or adults in a protective setting for less than 24 hours a day.

ii. **Districts permitted:** NC, CC, RC, I-1, I-2, ORC, VMU, PUD; conditional use in RE-43, RE-32, RE-21, R-12, R-8. RM-8, RM-4, RH.

iii. **Parking:** One space per 400 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- Hours of operation in a residential district. When the site is located within a residential district, day care facilities shall operate only Monday through Friday. No outdoor play is allowed before 7:00 a.m. or after 8:00 p.m.
- Pick-up and drop-off. A plan and schedule for the pick-up and drop off of children or clients shall be provided prior to approval. The plan shall demonstrate that adequate parking and loading are provided to minimize congestion, and it shall demonstrate that the plan for pick-up and drop-off of children or clients does not require passing through traffic.
- Outdoor play areas. Outdoor play areas shall not be located along major arteries or adjacent to industrial uses.
- Screening of outdoor play areas. Outdoor play areas shall have a screening feature around the perimeter adjacent to the public right-of-way, outside of the minimum front and side setbacks. Screening shall add to the visual diversity of the use and need not be an opaque barrier.
- State and other licensing. All day care facilities shall be state licensed and operated according to state and all other applicable regulations.

11. **Dry cleaner.**

i. **Definition:** An establishment where laundry or dry cleaning is dropped off and picked up by customers, and that also includes on-site laundry and/or cleaning activities. This use excludes large-scale bulk cleaning plants.

ii. **Districts permitted:** NC, CC RC, I-1, I-2, VMU, PUD.

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iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- Stacking length—40 feet per window.

12. **Emergency medical facility.**

i. **Definition:** A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This does not include private medical and dental offices that typically require appointments and are usually smaller scale.

ii. **Districts permitted:** CC, RC, I-1, I-2, PUD.

iii. **Parking:** One space per 250 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

13. **Farmer's market.**

i. **Definition:** A retail market featuring foods sold directly by farmers to consumers.

ii. **Districts permitted:** CC, RC, VMU, PUD; Conditional Use in NC.

iii. **Parking:** Parking and loading analysis required.

iv. **Loading:** Parking and loading analysis required.

v. **Additional standards:**

- Farmers markets must be operated by one or more certified producers, a nonprofit organization, or a local government agency.
- At least 70 percent of vendors must be farmers, ranchers, and other businesses who sell food, plants, flowers, and added value products such as jams and jellies.
- A management plan shall be prepared and provided to the director. The management plan shall include the following:
- Identification of a market manager or managers, who shall be present during all hours of operation.
- A set of operating rules addressing the governance structure of the market, the method of assigning booths and registering vendors, hours of operation, maintenance, security, refuse collection, and parking.
- Market activities shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. Set-up of market operations shall begin no earlier than 6:00 a.m., and take-down shall end no later than 8:00 p.m.
- Adequate composting, recycling, and trash containers shall be provided during hours of operation, and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.

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14. **Financial services/Bank.**

    i. **Definition:** An establishment authorized by the government to accept deposits, pay interest, clear checks, make loans, act as an intermediary in financial transactions, and provide other financial services to its customers.

    ii. **Districts permitted:** NC, CC, RC, ORC, VMU, PUD.

    iii. **Parking:** One space per 400 square feet of floor area.

    iv. **Loading:** One loading space for 10,000 square feet of floor area.

    v. **Additional standards:**

    - Stacking length—40 feet per window.
    - Stacking length—80 per ATM kiosk.

15. **Funeral home, mortuary.**

    i. **Definition:** An establishment primarily engaged in the care, preparation, or disposition of human remains and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum, or mortuary.

    ii. **Districts permitted:** CC, RC.

    iii. **Parking:** One space per 100 square feet used for public assembly plus one space per 400 square feet of office area.

    iv. **Loading:** One loading space.

    v. **Additional standards:** None.

16. **Liquor store, package store.**

    i. **Definition:** A store exclusively for the retail sale of sealed and unopened alcoholic beverages as permitted pursuant to MCA 1972 § 67-1-51.

    ii. **Districts permitted:** Conditional Use in CC.

    iii. **Parking:** One space per 200 square feet of floor area.

    iv. **Loading:** One loading space for 10,000 square feet of floor area.

    v. **Additional standards:**

    - A liquor store shall have a minimum of 1,800 square feet heated and cooled area.
    - Any conditional use approval where the applicant proposes to occupy an existing building shall be contingent upon the removal, prior to occupancy, of all trademarks to include any logo, symbol, phrase, word, name, or design and all trade dress including all elements used to promote a specific service or product, including but not limited to architectural features, associated and/or uniquely identifiable with a national or regional franchise or brand such that the location of the liquor store does not recollect, remind or otherwise invoke consideration by reasonable observation that the building and/or premises was previously occupied and/or otherwise used for any commercial purpose by a prior national or regional retailer, manufacturer or other occupant.
    - Any conditional use approval for a liquor store shall terminate unless the applicant has obtained a building permit within 180 days of such conditional use approval. Work must begin within 180 days of the issuance of any building permit. If any such store is

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discontinued or abandoned for 180 consecutive days or for 18 months during any three-year period, the conditional use permit shall be revoked.

- All liquor stores shall be subject to all other applicable provisions of chapter 6, Alcoholic Beverages, of the Brandon Code of Ordinances.

17. **Motor vehicle service, minor.**

i. **Definition:** An establishment that provides services in repairs to motor vehicles, motorcycles, and other recreational vehicles.

ii. **Districts permitted:** RC, I-1, I-2, Conditional Use in CC.

iii. **Parking:** One space for each regular employee, plus one space for each 300 square feet of floor area used for mechanical or body repair.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- All repair and service operations shall be performed within a fully enclosed building. All equipment and parts shall be stored indoors.
- All vehicle service establishments shall be screened along interior side and rear lot lines with a solid wall or fence, a minimum of five feet and a maximum of eight feet in height.
- No partially dismantled, wrecked, or unlicensed vehicle shall be stored outdoors on the premises. This standard does not apply to vehicles under repair.

18. **Movie theater.**

i. **Definition:** A building or part of a building devoted to the showing of motion pictures on a paid admission basis.

ii. **Districts permitted:** CC, RC, ORC, VMU.

iii. **Parking:** One per four seats of theater rooms.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

19. **Pawn shop.**

i. **Definition:** An establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

ii. **Districts permitted:** I-2.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** None.

v. **Additional standards:** None.

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20. **Personal services.**

    i. **Definition:** Provision of regularly needed services of a personal nature, including, but not limited to barber shops and beauty salons, day spas, fitness studios, seamstresses, tailors, shoe repair shops, self-service laundries, and travel agencies mainly intended for the consumer.

    ii. **Districts permitted:** NC, CC, RC, VMU, PUD.

    iii. **Parking:** One space per 200 square feet of floor area.

    iv. **Loading:** One loading space for 10,000 square feet of floor area.

    v. **Additional standards:**

    - Stacking length—80 feet per window.

21. **Psychic, palm reader, fortune teller, or similar use.**

    i. **Definition:** Any person, business or establishment which practices the telling of fortunes, forecasting of futures, or reading the past, by means of any occult, psychic power, faculty, force, clairvoyance, cartomancy, psychometry, phrenology, spirits, tea leaves, tarot cards, scrying, coins, sticks, dice, sand, coffee grounds, crystal gazing or other such reading, or through mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mindreading, telepathy or other craft, art, science, talisman, charm, potion, magnetism, magnetized article or substance, or by any such similar thing or act. It shall also include effecting spells, charms, or incantations, or placing, or removing curses or advising the taking or administering of what are commonly called love powders or potions in order, for example to get or recover property, stop bad luck, give good luck, put bad luck on a person or animal, stop or injure the business or health of a person or shorten a person's life, obtain a success in business, enterprise, speculation and games of chance, win the affection of a person, make one person marry or divorce another, induce a person to make or alter a will, tell where money or other property is hidden, make a person to dispose of property in favor of another, or other such similar activity.

    ii. **Districts permitted:** I-2.

    iii. **Parking:** One space per 200 square feet of floor area.

    iv. **Loading:** One loading space for 10,000 square feet of floor area.

    v. **Additional standards:** None.

22. **Restaurant with drive-through.**

    i. **Definition:** An establishment for the sale and consumption of food and beverages on the premises, which includes drive through service.

    ii. **Districts permitted:** RC; conditional use in CC, VMU, PUD.

    iii. **Parking:** One space for each 75 square feet of floor area devoted to patron use, plus one space every 200 square feet of kitchen area.

    iv. **Loading:** One loading space for 10,000 square feet of floor area.

    v. **Additional standards:**

    - Bars are permitted in restaurants provided they are less than 50 percent of the serving area.
    - Stacking length—drive-thru lanes shall be a minimum of 180 feet in length to provide on-site storage for a minimum of ten vehicles, as measured from the forward most drive-thru window to the entrance to the queuing space.

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- Stacking lanes shall be physically separated from all parking areas and driveways by the use of raised islands, or other forms of barriers. Provide decorative paving treatments and soft landscaping for the barriers where possible.
- In locating the stacking lane, avoid blocking access to parking spaces and loading and service areas.

23. **Restaurant without drive-through.**

i. **Definition:** An establishment for the sale and consumption of food and beverages on the premises.

ii. **Districts permitted:** NC, CC, RC, ORC, VMU, PUD; conditional use in I-1.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- Bars are permitted in restaurants provided they are less than 50 percent of the serving area.

24. **Retail stores.**

i. **Definition:** The retail sale or rental of merchandise not specifically listed under another use classification. Tenant lease space shall also be considered as Section 3 of this Ordinance. This classification includes, but is not limited to, department stores, clothing stores, furniture stores, pet supply stores, hardware stores, toys, hobby materials, handcrafted items, jewelry, cameras, pharmacies, electronic equipment, sporting goods, antiques, art galleries, art supplies and services, office supplies, bicycles, video rental, and new automotive parts. Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

ii. **Districts permitted:** NC, CC, RC, ORC, VMU, PUD; conditional use in I-1.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

25. **Studios for work and/or teaching.**

i. **Definition:** Work space for an artist or artisan, including individuals practicing one of the fine arts or performing arts, or an applied art or craft. This use may include incidental display and retail sales of items produced on the premises and instructional space for small groups of students.

ii. **Districts permitted:** NC, CC, RC, I-1, ORC, VMU, PUD.

iii. **Parking:** One space per 500 square feet of floor area, but not less than two spaces.

iv. **Loading:**: One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

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26. **Tattoo parlor.**

    i. **Definition:** An establishment whose principal business activity is the practice of one or more of the following:

        a. The placing of designs, letters, figures, symbols, or other marks upon or under the skin, using ink or similar substances, by means of the use of needles or other instruments designed to contact or puncture the skin.

        b. The creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

    ii. **Districts permitted:** I-2.

    iii. **Parking:** One space per 200 square feet of floor area.

    iv. **Loading:**: One loading space for 10,000 square feet of floor area.

    v. **Additional standards:**

    - Any person who is engaged in the business of tattooing or body modification shall provide evidence of registration with the county department of health and city codes.
    - A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 is allowed on site, unless accompanied by a parent or legal guardian.

27. **Tobacco and/or beer retailer.**

    i. **Definition:** A commercial establishment typically less than 10,000 square feet of gross sales area which may or may not declare itself through name or advertising to be oriented specifically to the selling of tobacco and/or beer and/or light wine and where the sale and/or display of tobacco and/or beer and/or light wine accounts for 75 percent of gross sales area and/or gross sales receipts. This use also includes businesses which retail vaping devices, also known as e-cigarettes, e-vaporizers, or electronic nicotine delivery systems.

    ii. **Districts permitted:** CC; conditional use in RC.

    iii. **Parking:** One space per 200 square feet of floor area.

    iv. **Loading:** One loading space for 10,000 square feet of floor area.

    v. **Additional standards:** None.

28. **Truck stop.**

    i. **Definition:** An establishment primarily selling retailing automotive fuels and other services to tractor-trailer trucks. This use may also involve providing repair services, retail sales, restaurant, and showers.

    ii. **Districts permitted:** I-1; Conditional use in RC, I-2.

    iii. **Parking:** One space per gas pump, plus two spaces per service bay.

    iv. **Loading:** One loading space for 10,000 square feet of floor area.

    v. **Additional standards:**

    - The parcel on which the truck stop is located must be within 2,500 feet of the centerline of the nearest interstate highway exit/entry ramp.

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- The major collector serving the truck stop shall handle any expected traffic and load increase with no more than minor traffic disruptions to adjoining or nearby (within one mile) properties and no significant additional wear and tear on the roadway.
- Fueling areas for automobiles and fueling areas for trucks must be separated.
- Overnight parking is not allowed unless electrified parking spaces (EPS), also known as truck stop electrification, is installed for each overnight space to allow truck drivers to provide power to necessary systems, such as heating, air conditioning, or appliances, without idling the engine.
- One stacking space per pump island on either end, and one stacking space for each service bay.
- All structures and pump islands, compressed air connections, and similar equipment shall be set back a minimum of 20 feet from side and rear lot lines.
- No access driveway may exceed 25 feet in width. For a corner lot, curb cuts are restricted to one curb cut per street frontage.
- The minimum distance between the canopy and the curb line shall be 12 feet and 20 feet from any interior lot line.
- Motor vehicle repair is permitted as part of a gas station use. However, repair work is limited only to minor repair work, such as tire or tube repairing, battery changing, lubrication, engine tune-ups, brake and muffler repair or replacement, and similar types of work. Minor repair work does not include replacement engines, replacement of transmissions, or any body work. All repair work shall be conducted entirely within an enclosed structure. Storage of all merchandise, auto parts, and supplies shall be within an enclosed structure.
- Light fixtures mounted under canopies should be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy.
- The sides (fascia) of the canopy should extend below the lens of the fixture 12 inches to block the direct view of the light sources and lenses from property line.
- Lights should not be mounted on the top or sides (fascias) of the canopy, and the sides (fascia) should not be illuminated.
- Buildings that derive their image solely from applied treatments that express corporate identity are prohibited.
- All sides of a building should express consistent architectural detail and character. All site walls, screen walls and pump island canopies and other outdoor covered areas should be architecturally integrated with the building by using similar material, color and detail.
- The use of highly reflective or glossy materials should be limited and will not be appropriate in all contexts.
- Architectural integration of canopy to building and site walls is desirable. Multiple canopies or canopies that express differing architectural masses are encouraged.
- Canopy height, as measured from the finished grade to the lowest point on the canopy fascia, should not exceed 13 feet nine inches. The clearance height of canopies should be clearly indicated on the structure or through use of a headache bar. The overall height of canopies should not exceed 17 feet.

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- Lighted bands or tubes or applied bands of corporate color are discouraged.
- All display items for sale should occur within the main building or within designated areas that are screened from public streets.
- The use of translucent materials and internally lighted cabinets are discouraged as finishes or as applied treatment at the pump island or on the canopy.
- The use of super-graphics is prohibited.
- The cladding of the canopy columns must be proportioned to the height and scale of the canopy.

29. **Walk-up or Drive-Through Food Stand.**

i. **Definition:** A type of commercial use where the sale and service of food and/or beverages is limited to customers who either remain in their vehicles or approach the establishment on foot, with no indoor seating, dining or interior customer space provided. These establishments are characterized by transactional convenience, typically featuring walk-up windows, service counters, vending equipment or drive-through lanes, and may operate with or without on-site employees.

ii. **Districts permitted:** RC; conditional use in NC, CC, VMU, PUD.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

4.4.10 **Transportation uses.**

1. **Airport.**

i. **Definition:** The area comprising land used by aircraft for taking off and landing, together with all adjacent land and facilities used in connection with aircraft and flight operations, existing and proposed.

- Airports, publicly owned. The area comprising airports owned by a public agency such as the county or a municipal government.
- Landing strips and helistops, privately owned. The area comprising landing strips or helistops located primarily on land owned by a private landowner.

ii. **Districts permitted:** I-2.

iii. **Parking:** Parking and loading analysis required.

iv. **Loading:** Parking and loading analysis required.

v. **Additional standards:** None.

2. **Railroad facilities.**

i. **Definition:** Railroad land used for through tracks, or areas used for classification yards, switch tracks, team tracks, storage tracks and freight yards.

ii. **Districts permitted:** I-1, I-2.

iii. **Parking:** One space per 1,000 square feet of floor area.

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iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

3. **Truck terminal.**

i. **Definition:** Facilities for freight, courier, and postal services by truck or rail. This classification does not include local messenger and local delivery services.

ii. **Districts permitted:** I-1, I-2.

iii. **Parking:** One space per 1,000 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

4.4.11 **Utility uses.**

1. **Public or quasi-public utilities and related facilities.**

i. **Definition:** Facilities which provide service to the public of water, sewer, gas, electricity, telephone, fiber-optic communication, and cable television. The foregoing shall be deemed to include facilities and appurtenances to the above uses but shall not include energy storage systems, public utility generating plants or offices.

ii. **Districts permitted:** Conditional use in all districts.

iii. **Parking:** None.

iv. **Loading:** None.

v. **Additional standards:** None.

2. **Fuel/Energy Related Facilities.**

i. **Definition:** This term shall include battery energy storage systems and any equipment and facilities necessary to interface with the electric power grid system.

ii. **Districts permitted:** Conditional use in I-1, I-2.

iii. **Parking:** N/A.

iv. **Loading:** N/A.

v. **Additional standards:**

3. **Substation.**

i. **Definition:** An electrical substation is a facility that acts as a crucial connection point in the power grid, managing the flow of electricity between power plants and end-users. It converts high-voltage electricity for efficient long-distance transmission into lower, safer voltages for distribution to homes and businesses. Key functions include transforming voltage levels, switching circuits, and protecting the system from surges.

ii. **Districts permitted:** Conditional use I-1, I-2, ORC.

iii. **Parking:** None.

iv. **Loading:** None.

v. **Additional standards:** None.

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4. **Wireless telecommunication facilities.**

   i. **Definition:** A facility used for the transmission or reception of electromagnetic or electrooptic information, which is placed on a new structure, requires accessory structures, or exceeds the height requirements of the district in which it is located. This use does not include any not used for communication, or radio frequency machines which have an effective radiated power of 100 watts or less.

   ii. **Districts permitted:** Conditional use in all districts.

   iii. **Parking:** This use has no parking requirements.

   iv. **Loading:** This use has no loading requirements.

   v. **Additional standards:**

   - Towers: Wireless telecommunications towers and related equipment facilities shall be allowed upon approval with a conditional use permit. Co-location on existing towers is subject only to an administrative review.
   - Building-mounted: Building-mounted telecommunications shall be integrated into the design of the building or be fully screened, and in either case must receive development plan approval as a building modification. Satellite dishes not exceeding two feet in diameter shall be permitted in any zoning district. Building-mounted dishes shall require administrative review, except for residential uses. Building-mounted dishes greater than two feet in diameter are permitted only in commercial, mixed-use, and office/industrial districts and shall require a use permit.
   - Co-location: Wireless telecommunication facilities may be co-located, subject to administrative review only. Any addition to the existing height or change in appearance of the tower, as determined by the community development director, or designee, to facilitate co-location may require a use permit. Wireless telecommunication facilities to be attached to existing light, power or telephone poles shall require a use permit.
   - Application requirements. An applicant for a new wireless telecommunication facilities use permit shall submit the following information:

     a. Use permit application, including a development plan when applicable.

     b. For towers, monopoles, and similar proposals, a visual study containing, at a minimum, a vicinity map depicting where, within a one-half mile radius, any portion of the proposed wireless telecommunication facilities could be visible, and a scaled graphic simulation showing the appearance of the proposed tower and accessory structures from two separate points within the impacted vicinity, accompanied by an assessment of potential mitigation measures. Such points are to be mutually agreed upon by the community development director, or designee, and the applicant.

     c. Documentation of the steps that will be taken to minimize the visual impact of the proposed wireless telecommunication facilities.

     d. A landscape plan drawn to scale that is consistent with the need for screening at the site. Any existing vegetation that is to be removed must be clearly indicated and provisions for mitigation included where appropriate.

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e. A feasibility study for the co-location of telecommunication facilities as an alternative to new structures. The feasibility study shall include:

- An inventory, including the location, ownership, height, and design of existing wireless telecommunication facilities within one-half mile of the proposed location of a new wireless telecommunication facilities. The city may share such information with other applicants seeking permits for WTFs, but shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.
- Applicant shall document efforts made to co-locate on existing towers. Each applicant shall make a good faith effort to contact the owners of existing or approved towers and shall provide a list of all owners contacted in the area, including the date, form and content of such contact. Co-location shall not be precluded simply because a fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. Co-location costs exceeding new tower development are presumed to be unreasonable.

f. The community development director, or designee, may request any other information deemed necessary to fully evaluate and review the application and the potential impact of a proposed tower and/or antenna.

- Abandoned tower/antenna: The wireless telecommunication tower/antenna shall be removed within 90 days of discontinuance of the tower/antenna's use.

4.4.12 **Accessory uses.** An accessory use must be a use customarily incidental to and on the same parcel as the main use. Except as provided in this article, an accessory use must comply with all regulations applicable to the main use.

1. **Collection boxes.**

i. **Definition:** Containers, or other facilities used to collect used clothing and household items, or recycling materials.

ii. **Districts permitted:** I-1.

iii. **Parking:** Two spaces.

iv. **Loading:** None.

v. **Additional standards:**

- Collection facilities that are not part of the principal use of the property shall not exceed a building site footprint of 250 square feet.
- Space shall be included for the periodical removal or exchange of materials or containers.
- No power-driven processing equipment, except for reverse vending machines, may be used.
- Facilities shall not be located within 50 feet of a residential district.
- Facilities shall be set back at least ten feet from any street lot line and not obstruct pedestrian or vehicular circulation.
- Containers shall be constructed of durable waterproof and rustproof materials and secured from unauthorized removal of material.
- Capacity shall be sufficient to accommodate materials collected in the collection schedule.

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- Containers shall be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator and the hours of operation.
- The maximum sign area shall be 16 square feet.
- Patrons and the attendant shall not reduce available parking spaces below the minimum number required for the main use.
- Sites shall be maintained clean, sanitary, and free of litter and any other undesirable materials. Noise and odors shall be contained within immediate area of the establishment so as not to be a nuisance to neighbors.

2. **Home occupation.**

i. **Definition:** A home occupation shall mean an accessory use consisting of a vocational activity conducted inside a dwelling unit or its accessory structures, and used only by the individuals who reside therein and one employee, provided that the home occupation:

- Does not result in noise or vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line;
- Includes only the incidental sale of stocks, supplies, or products;
- Is clearly subordinate to the use of the lot for dwelling purposes and does not change the character of the lot;
- Does not include the outside storage of goods, materials, or equipment; and
- Has signs limited to a non-illuminated identification sign two square feet or less in size.

ii. **Districts permitted:** RE-43, RE-32, RE-21, R-12, R-8, RM-8, RM-4, RH, MH, VMU, PUD.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** None.

v. **Additional standards:**

- There shall be no public display of stock in-trade upon the premises.
- Not more than 25 percent of the floor area of a dwelling shall be used for the conduct of a home occupation. Any accessory building used in connection with a home occupation shall not exceed 450 square feet in area.
- No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupations shall be met off the street and other than in a required yard. Furthermore, an ample amount of such off-street parking shall be provided to meet the maximum anticipated need at any time of the day.
- There shall be no exterior lighting which would indicate that the dwelling and/or accessory building is being utilized in whole or in part for any purpose other than residential purposes.
- No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses off the lot if the occupation is conducted in a single-family or two-family residence (or in any accessory structure on the same premises with a single- or two-family residence), or outside of the dwelling unit if conducted in a multifamily dwelling unit building or complex. Furthermore, no equipment

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or process shall be used in any home occupation which creates visual or audible electrical interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

4.4.13 **Temporary uses.**

1. **Construction trailer or sales office.**
   i. **Definition:** A facility temporarily used as a construction or sales office.
   ii. **Districts permitted:** By special authorization of the building official in all districts.
   iii. **Parking:** To be determined by the building official.
   iv. **Loading:** None.
   v. **Additional standards:**
      - A construction trailer, or sales office may be established and operated until the time of the certificate of occupancy, or completion of the sale of the lots or residences within the subdivision, or for a duration specified as a condition of the temporary use permit.
      - Real estate sales conducted from a temporary sales office are limited to sales of lots within the subdivision it is located and to other subdivision projects under the same ownership.
2. **Garage sales.**
   i. **Definition:** The sale of tangible personal property at retail by a person who is not in the business of selling tangible personal property at retail.
   ii. **Districts permitted:** RE-43, RE-32, RE-21, R-12, R-8, RM-8, RM-4, RH, MH, VMU, PUD.
   iii. **Parking:** One space per 200 square feet of floor area.
   iv. **Loading:** None.
   v. **Additional standards:**
      - Sales may occur no more than four times a year for no more than three days on each occurrence.
      - A person shall not sell merchandise acquired solely for the purpose of resale at a garage or occasional sale.
3. **Mobile food sales.**
   i. **Definition:** The sale of consumable food for immediate consumption which is located temporarily for this purpose.
   ii. **Districts permitted:** Conditional Use in NC, CC, RC, I-1, I-2, ORC, VMU, PUD.
   iii. **Parking:** One space per 200 square feet of floor area.
   iv. **Loading:** None.
   v. **Additional standards:**
      - No vendors shall conduct any vending operations other than the sales of food items for immediate consumption.

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- No vendor shall conduct any vending operations from any device or vehicle other than a push cart or mobile truck.
- Pushcarts or mobile food trucks used by vendors shall not:

a. Be left unattended at any time;

b. Be parked or placed within 15 feet of any ROW;

c. Operate within 300 feet of a like business or another such mobile food vendor;

d. Be permitted a permanent or proprietary location on any property within the city;

e. Leave mobile food vendor equipment on site for overnight storage;

- Mobile food vendors shall be responsible for keeping the area clean of any litter or debris.
- No vendor shall ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within city limits.
- If a business is subject to a certificate of health or sanitary examination, the person applying for zoning approval must produce such certificate or permit from the county health department before a permit can be issued.
- One sandwich board sign shall be allowed within ten feet of the mobile food vendor. (see section 8.9.4).
- Mobile food vendors shall secure written permission from a sponsoring business owner of the site. The mobile food vendor must be able to use the sanitary facilities of the sponsoring business owner.
- Provide written permission from property owner to locate mobile food operation on property in accordance with an approved site plan.
- Traffic circulation, public safety, siting of mobile food vendor, and parking will be reviewed and may be subject to conditions of approval.
- Mobile food vendors shall be limited to 14 consecutive days maximum at each temporary location and shall remove their push cart or mobile food truck when the on-site business is not open.

4. **Outdoor display.**

i. **Definition:** The display of merchandise for sale associated with a retail use which otherwise is conducted within a structure.

ii. **Districts permitted:** CC, RC, I-1, I-2, VMU, PUD.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** None.

v. **Additional standards:**

- Outdoor display is allowed for less than 24 hours unless otherwise approved by the director.
- All outdoor display of goods shall be located immediately adjacent to the storefront and not in drive aisles, loading zones, fire lanes, or parking lots.
- The area used for outdoor display or sales shall not occur on the sides and rear of buildings and shall be limited to no more than one-quarter of the length of the store front, unless

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increased by the director after taking into account aesthetic and safety concerns or other relevant factors.

- No goods shall be attached to a building's wall surface.
- The height of the outdoor display shall not exceed six feet, unless an exception to this provision has been granted by the director.
- The outdoor display area shall take place on an improved surface such as the sidewalk or pavement.
- No outdoor displays shall be allowed in required landscape areas.
- At least five feet along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to get around the display.

5. **Roadside, farmer's stand.**

i. **Definition:** A location for the sale of agricultural and horticultural products. Nonagricultural and non-horticultural products and products may comprise no more than ten percent of sales. This use includes Christmas tree sales and pumpkin sales.

ii. **Districts permitted:** RE-43, RE-32, RE-21, R-12; conditional use in VMU.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- Sales events must be conducted solely on private property and not encroach within the public right-of-way or occupy required parking, unless an alternative parking scenario is approved by staff to meet the intent. Location of the displayed merchandise must not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
- All trees, pumpkins, or other items for sale, as well as signs and temporary structures, shall be removed within five days after the end of sales, and the appearance of the site shall be returned to its original state.

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ARTICLE 5. DEVELOPMENT STANDARDS

5.1 Purpose.

In order to fully implement the goals of Plan Brandon Comprehensive Plan, supplementary development standards are required to insure that new development, renovation, and reconstruction are designed, sized, and sited to achieve functionally efficient, economically productive, pedestrian friendly, aesthetically pleasing environments. development which These standards are intended to contributes to the stability, vitality and long term livability of the city. Such standards are also required to promote sound environmental stewardship, public safety, efficient delivery of public services, and transportation choice.

5.2 Applicability.

5.2.1 **Generally.** The following development standards shall be applied by zoning district in according to the development standards tables with the following exceptions:

- Routine maintenance related to plumbing, mechanical, or electrical systems of buildings and sites.
- All plumbing, mechanical and electrical equipment when such work is entirely within the interior of a building.
- Construction or alteration necessary for the compliance with a lawful order of the city, fire department, police department, or public works department related to the immediate public health or safety.
- Any interior alterations, repairs, or renovation which does not change the principal use of the structure.
- Demolition or wrecking, repair, construction, reconstruction, alteration, rehabilitation, moving, demolition, or change in use for either land or buildings within any historic district approved by the historic preservation commission.

5.2.2 **Alternative compliance.** Requests for alternative compliance to the elements and requirements contained in table 5.5 development standards may be granted by the mayor and board of aldermen for any permit application to which the development standards apply, when one or more of the following conditions are met.

- Improved environmental quality would result from alternative compliance.
- Topography, soil, vegetation, drainage or other site conditions are such that full compliance is impractical.
- Spatial limitations, unusually shaped pieces of land, unusual servitude requirements, or prevailing practices in the surrounding neighborhood may justify alternative compliance.
- Public safety considerations make alternative compliance appropriate.
- Public improvement projects make alternative compliance appropriate.

The alternative compliance process is not to be used with respect to any item which:

- Is subject to a dimensional requirement. Dimensional requirements are subject to the variance provisions of section 9.8.
- References or conflicts with any other building, fire, or city code.
- References or conflicts with any other federal, state, or local law or standard.

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5.3 Relation to special districts.

These standards shall also apply in all overlay districts if the standard would apply to the applicable underlying district, unless an alternative standard is set forth in the overlay district. Legacy districts standards shall be determined by the previously approved master plan for the legacy development.

5.4 Organizational principles and design standards table.

The development standards are organized in 5.5 development standards table. Compliance shall be determined by the department of community development.

Standards are divided into the following major building and construction elements.

- Parking and traffic circulation.
- Parking lot design.
- Pedestrian and bicycle circulation.
- Site lighting and building illumination.
- Building form and materials.
- Fences, walls and screening.
- Landscaping and buffering.

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5.5 Development standards table.

TABLE 5.5 DEVELOPMENT STANDARDS																		
Development Standard		**Zoning District**																
		Residential									**Commercial**			**Employment**			**Special**	
■ = Required **X= Not Applicable**		**RE43**	**RE32**	**RE 21**	**R-12**	**R-8**	**RM8**	**RM4**	**RH**	**MH**	**NC**	**CC**	**RC**	**I-1**	**I-2**	**ORC**	**VMU**	**PUD**
PARKING AND TRAFFIC CIRCULATION																		
Curb Cuts																		
5.5.1	Curb cuts shall be located no closer than 75 feet from the intersection of two streets as measured from the end of the radius nearest the proposed cut. Where the width of the site is less than 75 feet, the curb cut shall be placed the as far as possible from the street intersection.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	X	■
5.5.2	Curb cuts, except where shared, shall be located a minimum of 10 feet from a parcel or lot line measured from edge.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	X	■
5.5.3	Curb cuts shall be located directly opposite one another or separated by a minimum of 150 feet measured from edge.	■	■	X	X	X	X	X	X	X	■	■	■	■	■	■	X	X
5.5.4	Curb cuts shall be limited to one for every 300 feet of street frontage. Parcels with less than 300 feet of frontage shall be limited to one curb cut per street frontage.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	X	X

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Entrances																		
5.5.5	Entrances and exits to the site shall be so located such that parking spaces and traffic aisles do not conflict with entering and exiting traffic.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.6	One-way driveway entrance curb cuts shall be a minimum of 12 feet and a maximum 14 feet wide.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.7	Two-way driveway entrances shall be a maximum of 24 feet wide.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.8	Three-way driveway entrances shall be a maximum of 36 feet wide.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.9	Shared driveways are required on developing parcels.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
PARKING LOT DESIGN																		
5.5.10	Vehicular and pedestrian cross access shall be provided to all adjacent commercial properties.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.11	The number of required spaces shall conform to parking space requirements in Section 7.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	X	■
5.5.12	No parking or loading areas may be designed to allow vehicles to back directly onto an adjacent public street.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	X	■
5.5.13	Parking spaces shall be delineated by white pavement striping unless otherwise required by ADA. Reflective striping is encouraged.	X	X	X	X	X	■	■	■	■	■	■	■	■	■	■	■	■
5.5.14	Non-residential uses shall provide emergency vehicle access in accordance with the	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■

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	currently adopted Fire Code.																	
5.5.15	Fire lanes shall be a minimum of 14 feet in width or as specified in the applicable fire code.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	X	X
5.5.16	Rear access to buildings shall comply with the adopted fire code.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.17	All parking areas and loading areas shall be provided with a permanent cement concrete curb designed to permit low impact stormwater treatment. All landscaped areas that may be encroached upon by a motor vehicle shall be protected by a cement wheel stop appropriately anchored to the pavement, and set a minimum of two feet back from the edge of pavement.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.18	Loading docks, overhead doors, and truck parking shall be positioned, or screened in such a way as to not be visible from the public street.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.19	A landscaped island not less than 8 feet wide and 20 feet in length or 160 square feet, measured from back of curb, shall be installed for each 100 linear feet of parking area and shall cap ends of parking rows.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.20	No more than 15 spaces can occur in a continuous row without interruption by a landscape island.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■

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PEDESTRIAN AND BICYCLE CIRCULATION																		
External to Site																		
5.5.21	Sidewalks shall be provided along all public streets on the entire frontage of a development site and align with existing sidewalks on adjacent properties.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.22	Minimum sidewalk width is five feet or per site plan review.	X	X	■	■	■	■	■	■	■	X	X	X	X	X	X	■	■
5.5.23	Minimum sidewalk width is eight feet.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	■	■
5.5.24	Sidewalks shall be ADA complaint. Handicapped access ramps shall be constructed at street corners.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.25	Where adjacent sidewalks are not yet present, sidewalks shall be constructed at least five feet behind the curb. When present, new walks shall connect to existing.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.26	Sidewalks shall not be required to cross driveways as long as the driveway provides an ADA compliant connection between the sidewalk ends.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.27	Sidewalks shall be composed of broom finished, colored, or exposed aggregate concrete or brick. Asphalt sidewalks are prohibited.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.28	Crosswalks shall be provided to connect external pedestrian circulation systems to a site and safely convey	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

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	pedestrians to the site destination.																	
5.5.29	Crosswalks shall be striped in conformance with the latest edition of the Manual on Uniform Traffic Control Devices.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.30	Bicycle Circulation. Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non-motorized users) and separate, striped, 4-foot bicycle lanes on streets.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.31	Bicycle parking and storage facilities shall be provided.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	■	■	■
5.5.32	Motor vehicle circulation shall be designed to minimize conflict with pedestrians and bicycles. Traffic calming features such as curb extensions, traffic c circles, and medians should be used to encourage slow traffic speeds.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Internal Circulation																		
5.5.33	Internal pedestrian circulation shall be provided to create interconnected walkways safely conveying pedestrians from adjacent streets and parking areas to the site destination.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.34	Material may include brick, pavers, tile, stone,	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

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	concrete, slate, brick, or stamped concrete. The use of asphalt, cinderblock, and gravel is prohibited.																
5.5.35	Crosswalks shall be designated by white pavement striping or materials of a different color and texture from the surrounding surface but conforming to the overall color scheme of the development.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.36	Distinguish walkways from driving surfaces by using varied paving treatments and by raising walkways to curb level	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■
SITE LIGHTING AND BUILDING ILLUMINATION																	
5.5.37	Streets, driveways, parking lots, walks and service areas shall be adequately illuminated as evenly as possible, not exceeding an average of .3 foot-candles diminishing to zero at a site's boundary. Lighting intensity shall be demonstrated by means of a site lighting plan illustrating compliance.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■
5.5.38	Site lighting shall not extend beyond site boundaries. Luminaries shall be shielded, shaded, or directed to prevent light from being cast on adjacent property.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■
5.5.39	No exterior lighting fixture shall be placed or directed so as to interfere with the operation of vehicles.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.40	No exterior light shall have any blinking, flashing, or fluttering light,	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

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	or other illuminating device which has a changing light intensity or brightness of color.																	
5.5.41	Lighting fixtures shall be compatible in style with the architecture of their associated buildings and shall otherwise comply with any officially adopted streetscape plan.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.42	Pole mounted luminaries shall be full cutoff with shields, reflectors, or refractor panels to direct and cut-off emitted light at 90 degrees or less.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.43	Building mounted luminaries shall be full cut-off using shields, reflectors, or refractor panels to direct and cut-off the emitted light at 45 degrees or less except for low intensity decorative lighting not exceeding 45 watts per bulb (incandescent equivalent).	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.44	Poles in commercial and multiple-family developments, whether mounted upon a building or independently upon a light standard, shall not exceed 20 feet in height.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	X	■	■
5.5.45	Lighting fixtures within industrial developments shall not exceed 25 feet in height, except in those instances where the subject property adjoins any residentially zoned property, in which case, poles may not extend above the roof line of the associated building.	X	X	X	X	X	X	X	X	X	X	X	X	■	■	■	X	■

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BUILDING FORM AND MATERIALS																		
5.5.46	When adjoining a residential zone, structures shall be compatible with the character of single-family residential structures. Compatibility shall be determined by comparing the consistency of existing and proposed design elements, colors, materials, height, bulk and landscaping.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	■	■	■
5.5.47	Multiple buildings on a site should be clustered to create plaza or pedestrian mall areas. Where this cannot be achieved buildings shall be connected by means of pedestrian walkways defined by separate paving textures and accented by landscape areas.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	X	X	■
5.5.48	False or stage-set façades are prohibited. Materials and colors used on the street façade face shall continue to the sides and rear of the building where visible from a street right-of-way or adjacent residence.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.49	The maximum, unbroken façade plane shall be 60 feet. The façade plane shall be interrupted by projections, recesses, portals, courtyards, plazas, or other appropriate architectural design. Façade plane breaks shall have a minimum depth of six inches per foot.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	X	■	■

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5.5.50	No split faced block or metal surfaces shall be visible upon the exterior of any building as a primary surface material. Flat-faced concrete block shall have the appearance and proportions of traditional brick subject to approval.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	■	■	■
5.5.51	Pitched roofs shall, as a primary roof form, have a slope not less than 5/12. Porches shall be sloped not less than 3/12.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	X	■	■
5.5.52	Parapet façades may be used when of unified construction with the primary surface of the wall and of the same material and color. The parapet shall be designed such that the reverse side of all elements shall not be visible to public view. False mansards are prohibited.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	■	■	■
5.5.53	Parapets shall extend above the highest level of any roof mounted building equipment on all sides.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.54	Building materials shall suit the architectural style of a building and be consistent or complementary throughout. Exterior surface materials shall be selected from the following: brick, cementitious stucco, stone, vertical board and batten, wood or cementitious siding and approved architectural concrete masonry unit. Dryvit or EFIS may only be used in banding,	X	X	X	X	X	X	X	X	X	■	■	■	X	X	■	■	■

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	decorator strips, cornice lines and wall capping.																	
5.5.55	Building materials for residential construction shall use well-proportioned integrated materials of: brick, stone, masonry, stucco, and composite siding, using well planned architectural design. Vinyl / aluminum siding is allowed only on eaves and trim.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	■	■
5.5.56	Roof design shall be appropriate to the architectural style of a building. Where exposed to public view, roof material shall be selected from enameled standing seam metal, concrete or clay tiles, copper metal, or wood textured (architectural grade) or composition asphalt shingles. The use of plastic, fiberglass, other metal, or glass visible to public view is prohibited.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.57	Wall surfaces shall be composed of at least 75% a single material and color. With the exception of decorator accents, colors shall be subtle, neutral, or earth tone or relate to appropriate historic building colors found within the city.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	■	■	■
5.5.58	Walls that can be seen from an arterial or collector street shall be treated as a building façade.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	■	■	■
5.5.59	No less than 50% of the horizontal distance of any building front shall be designed with arcades,	X	X	X	X	X	X	X	X	X	■	■	■	X	X	■	■	■

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	windows, entrances, awnings, or similar features.																	
5.5.60	Retail façades shall be glazed with clear glass no less than 40% of the first story, or 70% in the VMU Districts. Other uses may provide the authentic appearance of such transparency.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	X	■	■
Fences																		
5.5.61	Fences and walls within a development shall be of compatible design and materials.	■	■	■	■	■	■	■	■	■	■	■	■	X	X	■	■	■
5.5.62	Fences and walls shall be constructed such that the "finished" part of the fence or wall is located toward and facing the exterior of the property.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.63	Barbed wire, woven wire or electrical fencing may be used in agricultural applications only.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.64	Fences or walls topped with or containing metal spikes, broken glass, razor wire or similar material are prohibited.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.65	No fence or wall shall be placed on any lot closer to the front property line than 15 feet behind the front corners of the residence or primary building, located on said lot. Fences, walls or hedges on a corner lot (a lot involving a lot abutting two or more streets at their intersections) shall not be located any closer than ten feet to the side street property line.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

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5.5.66	Uncoated chain link and other wire material fences shall not be permitted in a front setback except in the case of athletic or play surfaces.	■	■	■	■	■	■	■	■	■	■	■	■	X	X	■	■	■
5.5.67	Chain link fencing shall be black vinyl coated.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.68	The maximum height of fences and walls shall be four feet above grade when located in a front yard. Otherwise the maximum height of a fence is eight feet.	X	X	■	■	■	■	■	■	■	X	X	X	X	X	X	■	■
Walls																		
5.5.69	Retaining walls less than three feet tall may be constructed of treated timbers, split-faced concrete block, flat-faced concrete block, or poured-in-place concrete with either a flat or decorative face.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.70	Retaining walls three feet or more in height shall only be constructed of splitfaced concrete block or poured-in place concrete with a decorative face.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
Outside Storage and Waste																		
5.5.71	Commercial refuse container areas shall comply with Ordinance 66-48	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.72	Berms, landscaping, walls and buildings, or a combination thereof, shall be used to screen outside storage areas.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.73	Trash containers and waste oil and grease containers must be visually screened on all	X	X	X	X	X	X	X	X	X	■	■	■	X	X	■	■	■

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	sides. Combinations of berming, landscaping, walls, fences and buildings shall be used to screen containers and enclosures.																	
5.5.74	Wash down areas shall be tied into the sanitary sewer in accordance with city specifications.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.75	Outside storage areas and waste containers shall be located to the side or rear of principal structures and be constructed with water wash down facilities.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.76	Outside storage areas and waste containers shall be sited to avoid conflict with vehicular and pedestrian movement.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
LANDSCAPING AND BUFFERS																		
5.5.77	Separation buffers shall be required according to section 5.6.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Street Protective Yards																		
5.5.78	Street protective yard shall be a minimum of 5 feet measured perpendicular to right-of-way.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.79	Street protective yards shall have one street tree per 40 linear feet of street yard. Trees can be clustered and do not need to be evenly spaced. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.80	Street protective yards shall have at least 10 live	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■

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	shrubs per 50 linear feet of street yard measured from the corners of the property.																	
5.5.81	Street protective yards shall have at least 20 lives shrubs per 50 linear feet of street yard measured from the corners of the property when screening vehicular areas.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.82	Street protective yards shall have no more than 15% cover with impervious surfaces. The impervious surfaces may be used for ingress and egress, walls, and the like.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
Interior Planting Areas																		
5.5.83	All new surface vehicle access within 50' feet of right-of-way shall have a landscape screen of plants, walls, fences, or berms or combination thereof.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.84	Screen must occupy 75% of the required edges of the vehicle area and shall have a minimum mature height of 3 feet.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.85	Berms shall be covered with live vegetation and vegetation can be of less mature height when combines with height of berm.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.86	Optional—Horizontal parking can use interior planting between rows of parking to meet required planting.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
Building Base Areas																		
5.5.87	A 3-foot minimum width landscape strip shall be provided adjacent to the	X	X	X	X	X	X	■	■	X	■	■	■	X	X	■	X	X

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	front and sides of the base of the building with the exception of the area adjacent to drive thru windows or within five feet of an entrance or access point.																	
5.5.88	A minimum shrub area shall be at least 5% of the total front yard area. The minimum shrub specifications shall be 5-gallon size for background/foundation and 1-gallon size for foreground.	■	■	■	■	■	■	■	X	X	X	X	X	X	X	X	X	■
5.5.89	All trees shall be double staked. All trees shall be tied to stakes with a rubber "cinch tie" or equal.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Material Standards																		
5.5.90	Plant material must be locally adapted and non-invasive.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.91	Mature plant size should be appropriate to placement and sensitive to utility lines, sight triangles, under plantings, etc.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.92	Street trees—Minimum of 8' in height at planting and minimum 2.5" caliper.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.93	Ornamental trees—Minimum of 6' height at planting and minimum 15-gallon or equivalent.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.94	Shrubs—Minimum of 18" in height at planting for upright shrubs, minimum of 3-gallon container size.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.95	At least two trees (min. 2 "caliper) in addition to the required street trees are to be planted per residential front yard.	X	X	■	■	■	■	■	X	■	X	X	X	X	X	X	X	■

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	Alternatively, three 15-gallon size trees can be used in place of the two 2" caliper.																	
Continuous Maintenance Requirements																		
5.5.96	All plant growth in landscaped areas be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.97	All planted areas be maintained in a relatively weed-free condition and clear of undergrowth.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

5.6 Separation buffer types established.

5.6.1 The following types of separation buffers are hereby established.

5.6.1.1 **Type A**—Solid wall with exterior landscaping. (eight-foot minimum width) This buffer can be used to minimize the width of the separation buffer while maintaining a visual and auditory separation between uses. A solid, opaque wall constructed of brick, stone, masonry, or products designed to resemble these materials shall be at least six feet in height (ten-foot maximum height). A six-foot-wide landscape strip (minimum width) shall be located on the exterior side of the wall facing the adjacent properties. One evergreen shrub shall be installed for every four linear feet of wall. One understory or ornamental tree can be substituted for every four shrubs, provided the tree is a minimum of eight feet tall and three inches in caliper.

5.6.1.2 **Type B**—Planting screen. (15-foot minimum width) At maturity, intended to be a completely visually opaque barrier. At a minimum, three staggered rows of evergreen shrubs spaced five feet on center from one another shall fill the entire length of the buffer. The vegetation used shall be designed to grow to a minimum height of eight to ten feet.

5.6.1.3 **Type C**—Semitransparent greenspace. (25-foot minimum width) A wide buffer designed to provide limited visual permeability between uses. At a minimum, the buffer shall contain trees planted at a maximum of 40 feet on center from one another.

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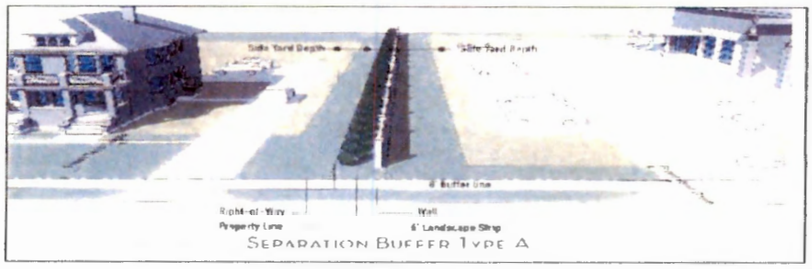
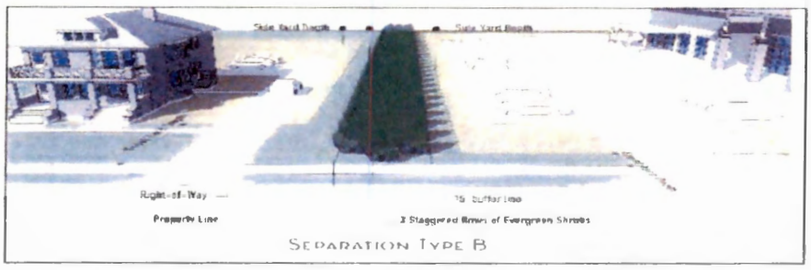
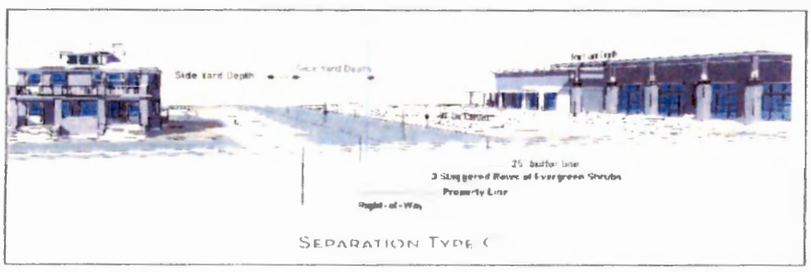


SEPARATION BUFFER TYPE A



SEPARATION TYPE B



SEPARATION TYPE C

5.7 Application of separation buffers.

5.7.1 Separations buffers shall be applied to development and redevelopment where adjacent development differs in use and scale to the degree that such separation is desirable.

5.7.2 The developer shall select proposed buffer separations in consultation with the director and subject to the approval of the site plan review committee.

5.7.3 Separation buffers shall be subject to applicable standards in table 5.5, development standards, and be installed prior to site or building occupancy.

5.7.4 In the case of redevelopment, where sufficient space is inadequate to accommodate required separations, buffer separations may be adjusted for width but shall achieve the same intended opacity.

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ARTICLE 6. STREET AND MOBILITY STANDARDS

6.1 Street types established.

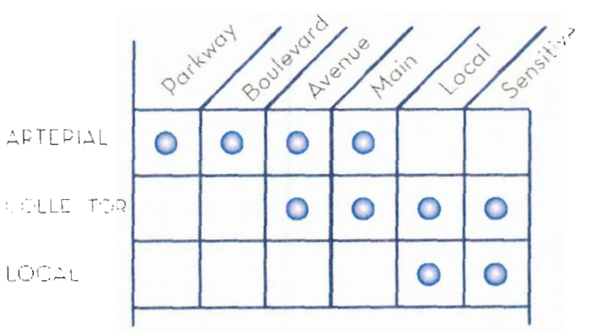
In accordance with the Plan Brandon Comprehensive Plan, the following street types are hereby established:

Table 6.1 Street Types
Parkway
Boulevard
Avenue
Main Street
Local Street
Sensitive Street

6.2 Functional classification.

The established street types set forth in table 6.1 are functionally classified according to the classifications set out in table 6.2, functional classification of street types.

Table 6.2 Functional Classification of Street Types



6.3 Application of street types.

Proposed new development and redevelopment designs shall appropriately incorporate established street types in development designs. New streets and streets proposed for improvement shall be established according to the zoning district in which they are located as set forth in table 6.3, street types by zoning district, projected function and anticipated traffic volumes.

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6.4 Street type design parameters.

Specific design elements for each street types are reflected in the following tables.

Table 6.3 Street Types by Zoning District

Street Type	Zoning District																
	Residential									Commercial			Employment			Special	
	RE 42	RE 32	RE 21	R-12	R-8	RM-8	RM-4	RH	MH	NC	CC	RC	I-1	I-2	ORC	VMU	PUD
Parkway	x	x														x	x
Boulevard												x	x	x	x		x
Avenue			x	x	x	x	x	x		x	x		x	x		x	x
Main										x						x	x
Local (SF)			x	x	x	x	x	x	x							x	x
Local (MF)						x	x	x	x							x	x
Sensitive	x	x															x

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Parkway



Parkway Design Parameters	
Design Elements	**Description**
Number of lanes	2—4
Parking	Off-Street
Sidewalks	No
Bicycle facilities	Shared use path (preferred) one or both sides
Drainage	Open (swale) or closed (curb + gutter); context dependent
Median	Yes, with left turn bays
Streetscape	Appropriate street trees in median and tree lawn/verge
Furnishings	Yes, benches
Lighting	Yes in urban contexts; optional in rural

Parkway Design Specifications		
Component	**Description**	**Dimensions**
A	Travel lane width	11'—12'
D	Median width	12'—16'
F	Verge	10'—30'
G	Shared use path	10' min.—12' preferred
	Target speed	45 MPH (rural); 35 MPH (urban)

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Boulevard



Boulevard Design Parameters	
Design Elements	**Description**
Number of lanes	4 Through; +2 on access lanes
Parking	Only on access lanes in multi-way configuration
Sidewalks	Yes
Bicycle facilities	Shared use path; sharrows in access lane/multi-way configuration
Drainage	Closed (curb + gutter)
Median	Yes, with left turn bays
Streetscape	Formal; street trees in median and tree lawn/verge; tree wells in walkway in multi-way configuration
Furnishings	Benches, trash receptacles, bike racks on access lanes in multi-way configuration
Lighting	Yes; vehicle scale on main lane; pedestrian scale on access lanes

Boulevard Design Specifications		
Component	**Description**	**Dimensions**
A	Travel lane width	11'—12' (main lane); 10'—11' access lane
B	Parking (access lane)	8'
D	Median/verge	16'—22' (center); 18'—22' (side)
E	Sidewalk	6'—10' (main lane); 16'—20' with tree wells
G	Shared used path	10' (min.)—12' (preferred)
	Target speed	35 mph (main lane); 15 mph (access lane)

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Avenue



Avenue Design Parameters	
Design Elements	**Description**
Number of lanes	2—4
Parking	Optional: parallel
Sidewalks	Yes
Bicycle facilities	Bike lane or protected lane
Drainage	Closed (curb + gutter)
Median	Optional in 2-lane; required in 4-lane; accommodate left turn bays or flush median for left turns
Streetscape	Formal; street trees in median and tree lawn/verge; Tree wells in hardscape walkway
Furnishings	Bike racks/street furniture; public art
Lighting	Yes; vehicle scale on 4-lane; pedestrian scale on 2-lane

Avenue Design Specifications		
Component	**Description**	**Dimensions**
A	Travel lane width	10'—11'
B	Parking (access lane)	8'
D	Median/flush median	10'—11' (spot and flush)
E	Sidewalk	6' (min.) 8' (preferred); 16'—20' with tree wells (neighborhood commercial)
C	Bike lane	6' (min.)
C	Protected bike lane	One-way: 7' + 3' separator (preferred) 6' + 2' separator (constrained segment); Two-way: 12' + 4' separator (preferred) 10' + 2' separator (constrained segment)
	Target speed	35 MPH (4-lane); 25 MPH (2-lane)

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Main Street



Main Street Design Parameters	
Design Elements	**Description**
Number of lanes	2
Parking	Yes; parallel or angled (back-in angled preferred)
Sidewalks	Yes
Bicycle facilities	Sharrows; shared lane
Drainage	Closed (curb + gutter); permeable parking (optional)
Median	No
Streetscape	Formal; tree wells in hardscape walkway
Furnishings	Bike racks/street furniture; public art
Lighting	Pedestrian scale

Main Street Design Specifications		
Component	**Description**	**Dimensions**
A	Travel lane width	10'—13'
B	Parking	8' (parallel); 20' (angled)
E	Sidewalk	16' (min.); 20' (preferred); 4' tree wells
C	Bicycle facilities	Sharrows in travel lane
	Target speed	20 MPH

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Local Street Single-Family



E F A A F E

Local Street Design Parameters	
Design Elements	**Description**
Number of lanes	2 (max.)
Parking	Yes; parallel or yield (informal)
Sidewalks	Yes
Bicycle facilities	Routes/shared
Drainage	Closed (curb + gutter); rain gardens/bioswales (optional)
Median	No
Streetscape	Configuration dependent on context
Lighting	Pedestrian scale

Local Street Design Specifications		
Component	**Description**	**Dimensions**
A	Travel lane width	10' dedicated lanes (max.); 24'—27' two-way yield
B	Parking	7' parallel in bays; informal curbside in yield condition (24'—27' street width)
E	Sidewalk	5' (min.) both sides
F	Verge	5' (min.)
	Target speed	20 MPH (max.)

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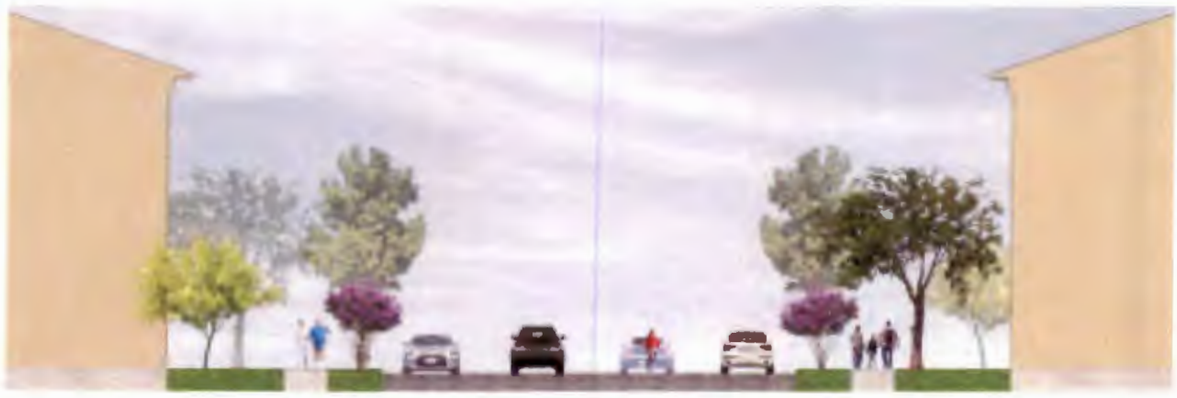
Local Street Multi-Family



E F B A A B F E

Local Street Design Parameters	
Design Elements	**Description**
Number of lanes	2 (max.)
Parking	Yes; parallel or yield (informal)
Sidewalks	Yes
Bicycle facilities	Routes/shared
Drainage	Closed (curb + gutter); rain gardens/bioswales (optional)
Median	No
Streetscape	Configuration dependent on context
Lighting	Pedestrian scale

Local Street Design Specifications		
Component	**Description**	**Dimensions**
A	Travel lane width	10' dedicated lanes (max.); 24'—27' two-way yield
B	Parking	7' parallel in bays; informal curbside in yield condition (24'—27' street width)
E	Sidewalk	5' (min.) both sides
F	Verge	5' (min.)
	Target speed	20 MPH (max.)

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Sensitive Street



G H I A A I H

Sensitive Corridor Design Parameters	
Design Elements	**Description**
Number of lanes	2 (max.)
Parking	No
Sidewalks	No - shared use path
Bicycle facilities	Shared use path
Drainage	Open swale; rain gardens; bioswales
Median	No
Streetscape	Natural; informal
Shoulders	Reinforced turf
Lighting	Optional

Sensitive Design Specifications		
Component	**Description**	**Dimensions**
A	Travel lane width	10'—12' (max.)
I	Reinforced turf shoulder	8'
G	Shared use path	12' (min.)
H	Swale	10' (min.)
	Target speed	45 MPH (max.)

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ARTICLE 7. PARKING

7.1 General parking requirements.

Off-street automobile parking or storage space shall be provided on every lot unless otherwise stated herein. All parking shall meet all of the requirements of this section as well as the applicable standards set forth in section 4.4, use standards.

These standards, to be used as a guide to the director, are based on parking standards for general land use categories. The developer is ultimately responsible for ensuring that sufficient parking is provided.

7.2 Calculation of off-street parking requirements.

The number of parking spaces required shall be calculated so that fractional portions of parking spaces are considered a full space (e.g. 56.12 parking spaces shall be calculated as 57 total spaces).

Calculation for required off-street parking for any bar, lounge, nightclub, or restaurant shall include all outdoor seating areas.

When computing parking space requirements on the basis of the number of persons expected to be on the premises of a particular land use, the maximum number of occupants, practitioners, patrons or employees anticipated to be on the premises at any one time shall be used.

In the case of mixed, compatible subcategories of land use (e.g., as shopping centers containing a grocery store, a furniture store, a motion picture theatre, etc.), parking spaces required shall be equal to the sum of the requirements for each of the various uses computed separately.

7.3 Parking and storage of vehicles requiring licenses.

Vehicles or trailers of any kind or type which require licenses, but are without current license plates affixed to the vehicle or trailer, shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings, nor shall such vehicles be parked on public streets.

7.4 Change or expansion of an existing use.

Change in the use of an existing structure or site shall require compliance with the minimum parking requirements applicable to the new use. However, if the new use also requires additional buffer or parking lot landscaping, the director may permit a maximum 20 percent reduction in the required number of spaces to accommodate additional landscaping and buffering.

Any expansion of an existing building or use including addition of dwelling units, personnel, seats, chairs, and similar changes shall require review by the director to determine additional off-street parking necessary to accommodate the expansion area or change.

7.5 Parking for uses not listed.

Parking for uses not expressly provided for shall be determined by the director, who shall apply the unit of measurement for a use that the director deems to be most similar to the proposed use.

7.6 Location of parking.

Required off-street parking must be provided in one of the following locations:

- On the same lot or parcel or within 300 feet of the principal use for which it is required;

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- In a parking facility the title to which and/or easement for the use of which runs with and is appurtenant to such use;
- Off-site in an area approved by the city as shared parking; or
- Approved by the director when provided by parking garage.

7.7 Parking in the downtown district.

No off-street parking shall be required, except that adequate on-street and off-street parking and unloading spaces must be demonstrated by the applicant for places of assembly, daycare centers, schools, and residences.

7.8 Flexibility encouraged.

The director may accept a lower number of parking spaces than required by this ordinance (or a specific number of spaces for a use not listed) based upon a phased development plan or applicant-submitted parking data such as a shared parking analysis or appropriate standards from the Institute of Transportation Engineers (ITE) or other credible sources, provided the following requirements are met.

The director may authorize up to a 25-percent reduction in the total number of parking spaces required when parking requirements cause the potential demolition of a historic structure or damage of significant tree stands. The director may issue such waiver at the request of the applicant after determining that the reduction will not unreasonably increase parking congestion. The applicant shall not disturb the structure or trees for which the waiver is granted.

7.9 Shared parking.

Any shared parking analysis shall follow the guidelines provided in the most recent edition of the Urban Land Institute's "Shared Parking" publication. Any off-site parking to be used shall require the recording of a perpetual easement prior to occupancy, the form and substance of which must be approved by the director.

7.10 Maximum number of spaces allowed.

In no case shall the minimum number of parking spaces be exceeded by 50 percent.

7.11 Parking on unpaved surfaces.

No vehicle shall be parked or stored in any front or side yard in any residentially zoned district, except:

- When the vehicle is located in RE-43 or RE-32 zoned property that is not in a platted subdivision, and only if the vehicle is located outside of the minimum yard area; or
- If the vehicle is stored within a garage or carport or on an apron or driveway. Driveway and apron cannot cover more than 50 percent of the minimum lot width and a driveway must be paved. Gravel may be used only at locations which have existing gravel drives.

No vehicle shall be parked or stored in any rear yard in any residentially zoned district except:

- When the vehicle will not be visible from the street and/or neighboring property; or
- When the vehicle is located in RE-43 or RE-32 zoned property that is not in a platted subdivision, and only if the vehicle is located outside of the minimum yard area; or
- If the vehicle is stored within a garage or carport or on an apron or driveway.

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No vehicle owner, property owner, or tenant shall allow a vehicle to be parked or stored outside a building on any surface other than a paved driveway or a paved parking area in any commercially zoned area.

This section shall not apply to agricultural equipment parked on property used primarily for agricultural purposes.

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ARTICLE 8. SIGNS

8.1 Purpose and intent.

The purpose this chapter is to carry out the vision of the Plan Brandon Comprehensive Plan by:

1. Create order in the establishment of certain signs so as to protect property values;
2. Reduce traffic hazards;
3. Prevent the accumulation of trash;
4. Encourage attractive community appearance;
5. And generally protect the health, safety, and public welfare.

These purposes shall be achieved by governing the location, size, and other characteristics of signs in each of the use districts established by this chapter. Further, it is the intention of the section to:

1. Provide for the orderly and attractive advertisement of business within the city;
2. Facilitate the appropriate display of signs as related to the land, building, or use to which they are appurtenant;
3. Avoid excessive competition and clutter among sign display; [and]
4. Coordinate signs in commercial areas now in existence, and in proposed commercial and industrial areas, in such a manner that the overall appearance is harmonious in color, form and proportion.

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8.2 Sign types established.

In order to achieve the purposes of this section, the following sign types are hereby established:

8.2 Table of Sign Types

Type and Definition	Sign Category	Illustrative Examples
Temporary sign—These signs which are intended to display a temporary condition such as the sale of property, special community event or special sale event. These signs include banners, garage sale, sidewalk, and real estate signs.	On-premises—Freestanding or attached	
Neighborhood identification sign—A sign located at the entrance to the subdivision for the purpose of a permanent identification of the subdivision.	On-premises freestanding sign	
Construction sign (including future development)—Sign displaying the current or future construction information related to site.	On-premises freestanding sign	
Directional sign—Signs directing vehicles and pedestrians to specific site locations such as entrances and exits.	On-premises freestanding sign	
Ground sign (with or without reader board)—A sign suspended or supported by one or more uprights or braces anchored in the ground with no more than 30 inches clearance from the bottom of the sign to the ground below.	On-premises freestanding sign	
Wall sign—A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than six inches from such building or structure.	On-premises attached sign	
Pole sign—As sign that is mounted on a freestanding pole or other support so that the bottom edge of the face is six feet or more above grade.	On-premises freestanding sign	

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Projecting sign—A sign that is wholly or partly dependent upon a building for support and which projects at an angle away from the building.	On-premises attached sign	
Marquee sign—A permanent structure attached to the front of a building which incorporates a large message center. Typically illuminated and often ornate in design, a marquee sign projects over the entrance of the building and provides a canopy over at least a portion of the sidewalk or street.	On-premises attached sign	
Canopy/awning sign—Awnings and canopies are roof-like covers that project from the wall of a building or are freestanding for the purpose of shielding from the elements. Canopies may also be freestanding, such as a covering over a service station island. The words canopy and awning do not include marquee signs.	On-premises attached sign	
Outdoor advertising (billboard)—An off-premises sign which advertises goods, products, or services commonly referred to as a billboard and supported by one or more poles; such sign may be digital or consist of poster panels in the form of pasted paper or painted copy.	Off-premises freestanding sign	
Political sign—Signs pertaining to candidates for public office, measures or issues on primary, general or special election ballots.	On-premises—Freestanding or attached	

8.3 Permit required.

Unless otherwise exempt, it shall be unlawful for any person to erect, locate, or otherwise place any outdoor sign within the city limits without first obtaining a permit to do so as required by this section.

8.4 Certain signs and displays exempt from permit.

The following signs shall not require a permit for establishment:

1. Flags, badge, or insignia customarily displayed by any private property owner, government or governmental agency or by any charitable, civic, fraternal, patriotic, religious or similar organization.
2. Customary temporary lighting and displays as a part of holiday decorations.
3. Signs advertising the sale or lease of real estate provided such sign does not exceed a total area of three square feet.
4. Window signs in commercial and industrial districts, not exceeding 20 percent of the area of the window.
5. Directional or informational signs of a public or quasi-public nature not exceeding six square feet in area at the discretion of the director of community development.

8.5 Prohibited signs.

Signs not included the sign types established in the City of Brandon are prohibited. Such signs may include:

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1. Trailer and truck bed signs, temporary or portable, with or without wheels, except as otherwise provided herein.
2. Flashing, moving, animated, rotating and bench signs.
3. Any sign which is not made or produced by a professional sign company (except garage sale and yard sale signs).
4. Inflatable animated characters or similar balloon-type devices larger than 18 inches in diameter that require tethering, string lighting, and other similar attention getting devices.

8.5.1 Billboards are hereby declared prohibited signs within the City of Brandon, subject to the right to remain within the city as nonconforming billboards.

8.6 Permitted signs by district.

Permitted sign types shall be permitted by zoning district in accordance with table 8.6 sets out the permitted sign types by zoning district.

8.7 Sign sizes and site locations.

Sign area, height, number and site location shall be established according to table 8.7, sign dimensions and locations.

8.8 Additional conditions and design criteria.

8.8.1 **General requirements.** The following general requirements apply to signs in the City of Brandon:

- All signs requiring sign permits, except for political signs, shall be subject to site plan review.
- No sign shall be erected as to prevent free ingress or egress from any door, a window or fire escape, and no sign of any kind shall be attached to a standpipe, fire escape, stop sign, street sign or pole that supports any of the above.
- No sign shall be erected at the intersection of any streets in such a manner as to create a traffic hazard or unsafe condition.

8.8.2 **Ground mounted sign design.** All permanent ground mounted signs shall either utilize a double-pedestal base or a fully enclosed base as shown in illustrations 8.8.2(A) and 8.8.2(B). If the base is fully enclosed, the base will not be counted in the allowable square footage of the sign face. In either event, the area surrounding the base shall be appropriately landscaped.



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8.8.3 **Illumination.**

a. The illumination of any sign within 50 feet of and facing a residential zone lot line shall be diffused or indirect and designed to prevent direct rays of light from shining into adjoining residential districts, and in no event shall flashing or intermittent illumination be permitted where the sign faces directly into and/or is nearer than 300 feet to dwellings in a residential district.

b. Any illumination of directional signage shall be nonflashing, uncolored and confined to the face of the sign.

8.8.4 **Reader boards.**

a. Reader boards shall be integrated into the overall design of a sign.

b. Reader boards may not exceed 30 percent of total allowable sign footage.

8.8.5 **Political signs.**

a. Signs pertaining to candidates for public office, measures or issues on primary, general or special election ballots are permitted in all zoning districts subject to the following limitations:

- Signs shall not be placed in any portion of the public right-of-way located between a street or sidewalk and a property line fence (i.e. residential lot backs up to an arterial street) or on any public properties.
- Signs affixed to operable vehicles (i.e. truck bed sign, decaled vehicle) are permitted; however, they shall not be parked or utilized in a way which will violate the provisions of other municipal ordinances, or applicable state or federal laws.
- Signs shall be removed within ten days after the election to which it refers.
- Signs shall require a permit. Each candidate and/or political committee, shall be required to obtain one permit for all of that candidate's signs per each election. The permit fee shall be a flat fee of $5.00 per candidate per election for an unlimited number of signs for that election. The cost of the sign permit is required to off-set the administrative expense incurred by the city in administering these provisions and responding to issues regarding the placement of signs in accordance with this ordinance.

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Table 8.8.6 Table of Permitted Signs by District																	
Sign Type	Zoning District of Adjacent Parcel																
	Residential									Commercial			Employment			Special	
	RE 42	RE 32	RE 21	R-12	R-8	RM-8	RM-4	RH	MH	NC	CC	RC	I-1	I-2	ORC	VMU	PUD
Temporary Sign – Garage Sale	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P
Temporary Sign - Banner	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Temporary Sign – Sidewalk Sign board	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	P
Neighborhood Identification sign	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P
Construction Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Directional Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Ground sign w/o reader board	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Ground sign w/ reader board	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-
Wall sign	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Pole sign	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Projecting sign	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	P	P
Marquee sign	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	P
Canopy/awning sign	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	P	P
Political sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

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Table 8.8.7 Table of Sign Dimensions and Locations				
Sign Type	Permitted area/Max Size	Max Height	Number	Setback, Location and other Criteria
Temporary Sign – Garage Sale	6 square feet	See additional conditions and design criteria below		
Temporary Sign - Banner	32 square feet, 5' from the right-of-way, 5' maximum height	See additional conditions and design criteria below		
Temporary Sign – Sidewalk Sign board	7 square feet	See additional conditions and design criteria below		
Temporary Sign – Real estate	Occupied site – 9 square feet Vacant site – 32 square feet	8 feet	1 per site 1 per 300' frontage	
Neighborhood Identification sign	Per site plan review			
Construction Sign	32 square feet			Located on at street entrances
Directional Sign- Residential Districts	16 square feet church, schools, hospital, library, farm, park, clinic or similar uses			1' from a right-of-way
Directional Sign- Non-residential Districts	4 square feet mounted within three feet of the ground		2/street frontage	1' from a right-of-way
Ground sign Residential districts (no reader board)	32 square foot max church, schools, hospital, library, farm, park, clinic or similar uses	8'	1/major approach	10' from a right-of-way
Ground sign non-residential districts (includes reader board)	1'/lineal foot of building frontage VMU - 40 square feet max All others - 100 square feet	5' VMU, NC 10' RM-4 20'- CC, RC, ORC	1/street frontage	1' from a right-of-way
Wall sign	1'/lineal foot of building frontage, 80' max.	n/a	1/street frontage	Shall not project above a roof line. Area shall be computed on one street only for double frontage conditions.
Pole sign	Not permitted			
Projecting sign	6 square feet	n/a	1/street frontage	Minimum of 8 feet above the adjacent grade projecting no more than 18 inches from a wall surface
Marquee sign	30 square feet	n/a	1/street frontage	Shall not project above a roof line
Canopy/awning sign	½'/lineal foot of building frontage or ¼' when used in combination with a wall sign	n/a	1/street frontage	
Billboard sign	300'	30'	1/2,640' feet of road frontage	Not permitted along or visible to Hwy 80/single pole/digital LED
Political sign	See section 8.8.5, political signs			

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8.9 Conditions for temporary signs.

8.9.1 **Temporary signs—Banners.**

For purposes of this section, a banner shall be considered one banner although both sides are used to display a message; the sign area limitations provided in this section shall be the sign area of any one side of the banner.

Commercial banner. A person may erect or display a temporary commercial banner that advertises or calls attention to special events, promotions, sales or other commercial information associated with the business located on the premises to which the banner is attached subject to the following limitations:

- Temporary signs for new businesses shall be allowed for a period of 30 days, at no cost, while a permanent sign is being made or installed.

A person shall not display more than one commercial banner with the following exceptions:

- A business located on a corner lot is permitted to display two commercial banners on opposite ends of the lot;
- A building with multi-businesses is permitted to display two temporary commercial banners at any time, regardless of the number of independently operated businesses located in the building.
- A commercial banner shall not be displayed for more than 30 consecutive days and no more than six times in any calendar year in all zones except VMU. A commercial banner in the VMU zone shall not be displayed for more than ten consecutive days and no more than eight times in any calendar year. The sign must be removed from display a minimum of 15 days before obtaining another permit.
- A commercial banner shall be attached to the building or, when possible, securely attached to temporary posts in the yard. Temporary posts must be removed when the sign is removed from display.
- One or both commercial banners allowed for a building may be attached to a freestanding sign that is otherwise allowed. Such banners shall be securely attached to the freestanding sign so that the face of the banner is parallel to the face of the freestanding sign.

8.9.2 **Temporary town-wide event banner.** A person may erect or display up to three temporary banners that advertise or promote a town-wide event (such as a parade or festival) for which the promoter or distributor of the banner provides every business located in the City of Brandon an equal opportunity to participate subject to the following limitations:

- The display location(s) for town-wide event banner(s) shall be determined by the director of community development when the permit is issued;
- Town-wide event banner(s) shall not be displayed for more than 30 consecutive days;
- (No permit fee shall be required if the temporary banner(s) is for a nonprofit organization.

8.9.3 **Temporary public service announcement banner.** A person may erect or display up to three temporary banners that announce or promote the programs of government or nonprofit agencies or that serve the public interest subject to the following limitations:

The display location(s) for temporary public-service announcement banner(s) shall be determined by the director of community development when the permit is issued. No permit fee shall be required for temporary public service announcement banner(s)

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8.9.4 **Temporary signs—Sidewalk.**

1. Sandwich boards shall have no moving parts or lights and shall be no larger than seven square feet total sign size.
2. One sandwich board sign may be placed per street frontage per business.
3. Signs may be placed on a sidewalk directly in front of the associated establishment. The sign shall be placed on that part of the sidewalk closest to the associated use.
4. Signs may not be anchored to the sidewalk, or attached or chained to poles, newspaper vending boxes, or other structures or appurtenances.
5. The sign must be constructed of materials that present a finished appearance. Roughcut plywood is not acceptable. The sign frame shall be painted or stained wood or anodized aluminum or metal. Plastic framed signs are prohibited. Stenciled or spray painted signs are prohibited. The sign lettering should be professionally painted or applied; a "yard sales" or "graffiti" appearance with hand painted or paint stenciled letters is prohibited, however, chalkboard signs shall be permitted.
6. Signs may not be illuminated.
7. The sign shall be removed at the end of the business day and will only be displayed during regular business hours.

8.9.5 **Temporary signs—Garage sale.**

1. Each residence and/or family household conducting a garage sale may have no more than four signs which may be on premises (located on the property where the sale is held) or off premises (a location other than the place where the sale is held).
2. Off-premises garage sale signs shall be ground-mounted. In no case shall any sign be permitted to be posted, attached, nailed, stapled, etc., to any utility pole, sign, post, street sign, medians, etc., or in front of any light pole or traffic signs is not permitted.
3. No signs shall be allowed on public rights-of-way.
4. No signs shall be allowed beyond the entrance to the subdivision in which the sale is located.
5. Signs shall not be posted earlier than one day prior to the sale.
6. All signs must be removed by the close of sale or by the end of daylight on the last day of the sale.

8.10 Alternative compliance by comprehensive sign plan.

1. As an alternative to the above prescribed conditions, a comprehensive sign plan for a proposed or existing development may be approved by the mayor and board.
2. The purpose of a comprehensive sign plan is to provide for the establishment of signage criteria that are tailored to a specific development or location, and which may vary from specific ordinance provisions.
3. The intent is to provide for flexible sign criteria that promote superior design through architectural integration of the site, buildings and signs.
4. A comprehensive sign plan shall include the location, size, height, construction material, color, type of illumination and orientation of all proposed signs either permanent or temporary.

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5. A comprehensive sign plan containing elements which exceed the permitted height, area and number of signs specified in this ordinance may be approved by the mayor and board only upon a finding that:
   - The development site contains unique or unusual physical conditions, such as topography, proportion, size or relation to a public street that would limit or restrict normal sign visibility; or
   - The proposed or existing development exhibits unique characteristics of land use, architectural style, site location, physical scale, historical interest or other distinguishing features that represent a clear variation from conventional development; or
   - The proposed signage incorporates special design features such as logos, emblems, murals or statuaries that are integrated with the building architecture.

   8.10.1 The construction and placement of individual signs contained in the approved comprehensive sign plan shall be subject to the issuance of sign permits in accordance with this ordinance and subject to submission of the comprehensive sign plan and the individual signs to the architectural review board for approval.

8.11 Maintenance of signs.

1. All signs and components thereof, including supports, braces, and anchors, shall be maintained in like-new condition.
2. If a sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall remove the sign and its supporting structure in its entirety within 90 days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
3. The immediate area around a freestanding sign shall be kept clear of all debris and maintained by the landowner, or by the sign owner as agent of the landowner, in an attractive manner so as not to create visual blight.
4. The director of community development may cause to be removed any sign on which the advertising message becomes illegible in whole or in part.

8.12 Nonconforming signs.

Intent: Signs which were legally in existence prior to the adoption of this ordinance which do not conform to the provisions of this ordinance are declared nonconforming signs. It is the intent of this section to recognize that the eventual elimination, as expeditiously and fairly as possible, of nonconforming signs is as much as subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this ordinance.

8.12.1 **Variance from nonconforming.** Signs which are legally in existence on the date of adoption of this ordinance which are within 20 percent of being in compliance with the setback, maximum height and maximum sign area allowances of this ordinance shall be deemed to be in compliance with this ordinance and not nonconforming. However, if any one requirement is greater than the allowances by more than 20 percent, the entire sign must be brought into compliance pursuant to the remainder of this section.

8.12.2 **General nonconforming sign provisions.**

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1. Subject to the exceptions and amortization schedule hereinafter set forth, any nonconforming signs may be continued in operation and maintained after the effective date of the sign ordinance adopted on March 21, 2016. Provided that nonconforming signs shall not be:
   - Changed to or replaced with another non-conforming sign. Sign faces may be replaced as long as the replacement of the sign face will not increase the degree of non-conformity of the sign and the replacement of the sign face will not exceed 50 percent of the replacement cost of the entire sign (structure, cabinets, sign faces, etc.).
   - Structurally altered so as to extend their useful life.
   - Expanded.
   - Relocated.
   - Re-established after damage of more than 50 percent of the value at the time of such damage or destruction.
   - Modified in any way that would increase the degree of nonconformity of such sign.

8.12.3 **Nonconforming billboards.** Outdoor advertising signs (billboards) which were legally in existence prior to the adoption of this ordinance are declared nonconforming billboards. It is the intent of this section to recognize that the eventual elimination, as expeditiously and fairly as possible, of nonconforming billboards is as much subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this ordinance. All outdoor advertising signs (billboards) heretofore lawfully constructed within the City of Brandon are hereby declared legal nonconforming billboards, and shall not be enlarged or expanded in any manner to increase their nonconformity.

8.12.4 **Continuation of nonconforming billboards.** Nonconforming billboards may continue provided that the nonconforming billboard shall not be:

- Changed to or replaced with another nonconforming sign except to periodically change the sign face.
- Structurally altered so as to extend their useful life.
- Expanded.
- Re-established after damage of more than 50 percent of the replacement cost of the sign.
- Modified in any way that would increase the degree of nonconformity of such sign.

8.12.5 **Blank nonconforming sign.** If a nonconforming billboard remains blank for more than 180 consecutive days, that billboard shall be deemed abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, the owner of the property where the sign is located, or any other person having control over such a sign. For the purpose of this section, a sign is blank if:

- The advertising message it displays becomes illegal in whole or substantial part; or
- The advertising copy is paid for by a party other than the sign owner or is promoting an interest other than the retail use for which it was permitted.

8.12.6 **Strengthening or restoring to a safe condition.** Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by the building inspector. Such signs may be improved only to the extent that such improvement does not exceed 50 percent of the replacement cost of the sign.

8.12.7 **Petition.** The owner of any existing billboard may voluntarily petition the mayor and board of aldermen to allow the relocation or modification of an existing billboard. Approval of any such

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petition may be conditioned on an overall net reduction in the number of billboards within the city by voluntary removal. The approval of the mayor and board of aldermen is discretionary. At a minimum, the petition shall set out the following:

- A description of any modification to an existing sign. The existing and proposed locations of a relocated sign.
- The location of any signs proposed to be removed from within the City of Brandon.
- An acknowledgement that the request is voluntary.
- The time required to remove any existing signs.
- Other such information as may be requested by the community development department.

8.12.8 **Petition Approval.** Any sign approved as a result of petition shall be a permitted use under the City of Brandon Zoning Ordinance and shall be exempt from the declaration that billboards are prohibited signs within the City [of Brandon] and where permitted will not be considered a nonconforming use.

8.12.9 **Unsafe Signs.** Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by the building inspector. Such signs may be improved only to the extent that such improvement does not exceed 50 percent of the current market value of the existing sign structure.

Table 8.12 Nonconforming Sign Amortization Table

Original Construction Cost	Amortization Period
Temporary signs, portable signs, sign conversions, and animated signs	45 days
Indeterminable cost to $250.00	6 months
$251.00—$750.00	1 year
$751.00—$2,750.00	2 years
$2,751.00—$5,000.00	3 years
$5,001.00—$7,000.00	4 years
Greater than $7,000.00	5 years

8.12.10 **Termination of nonconforming signs/amortization schedule.**

1. Any nonconforming sign or sign structure which is partially destroyed by fire, accident, or natural cause beyond 50 percent of its current market value shall thereafter be removed or reconstructed in conformance to the provisions of this ordinance.
2. Any nonconforming sign or sign structure which is improved and altered to comply with the provisions of this ordinance shall thereafter be considered as conforming.
3. All other nonconforming signs or aggregate sign conditions, other than billboards, shall be removed, changed, altered, or otherwise made to conform according to table 8.12.
4. The amortization shall begin as of the effective date of the sign ordinance adopted on March 21, 2016.
5. For the purposes of this section, existing signs and sign structures prohibited by this ordinance shall be treated as nonconforming.
6. The owner or operator of the sign must furnish acceptable proof of the sign's original cost in the form of:
   - Original value from sign permit, if available.

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- An original bill of sale, including installation costs, fees, etc.
- Depreciation schedules from federal or state tax returns showing original cost.

7. Upon the determination of the City of Brandon that a sign remains nonconforming after termination of the allowable time periods provided for hereinabove, the city shall notify the sign owner and/or the owner of the land on which the nonconforming sign is located and such owner shall have 30 days after such written notice within which to remove said sign. At the end of the 30-day period, if the sign has not been removed or brought into compliance, the city shall issue a summons into city court.
8. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such a sign.
9. Any nonconforming on-premises sign shall be removed or brought into compliance with this ordinance immediately upon a change in the principal use or ownership of the site.
10. Signs, other than billboards, made nonconforming due to annexation into the City of Brandon after the effective date of this ordinance shall be removed or modified so as to conform according to the amortization schedules established herein; but the initiation date of the schedules shall be the effective date of annexation rather than the effective date of this ordinance.
11. In the event a sign becomes subject to this ordinance as a result of annexation the amortization period set out in table 8.12 shall apply from and after the effective date of such annexation.

8.12.11 In the event a sign becomes nonconforming as a result of any amendment to this ordinance the amortization period set out in above shall apply from and after the effective date of such amendment.

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ARTICLE 9. ADMINISTRATION AND ENFORCEMENT

9.1 Purpose of this article.

It is the purpose of this article to prescribe the legal devices and procedures for administering and enforcing this ordinance and to define the duties, powers, limitations and scope of jurisdiction for the various persons and other groups or bodies which are concerned with the administration and enforcement of this ordinance.

9.2 Permits and certificates.

9.2.1 **Building permits required.** Buildings or other structures shall not be erected, moved, enlarged, demolished, or structurally altered without a permit, issued by the department of community development. A building permit shall not be issued except in conformity with the provisions of this ordinance, the International Building Code, and other applicable laws, unless said department of community development receives a written order from the mayor and board of aldermen in the form of an administrative review, conditional use or variance as provided by this ordinance.

An application for a building permit shall be filed with the department of community development, on a form furnished by said official, along with the required fee. Applications for building permits for uses to be served by septic tanks shall be accompanied by a sewerage layout permit from the Rankin County Health Department and require concurrence by the department of public works. Every application for a building permit that does not require a site plan shall be accompanied by a plot diagram preferably on a sheet of eight-inch by 11-inch or 11-inch by 17-inch paper which shall indicate the following:

- The actual dimensions and shape of the lot to be built upon or change in its use, in whole or in part;
- The location and size on the lot of every existing building or structure, if any, and an indication of the height of existing buildings or structures;
- Existing and proposed streets and street names (if known);
- The location and size on the lot of the proposed buildings or structures, and an indication of the height of the proposed buildings or structures; and
- Such other information as the department of community development may require as necessary to satisfy the provisions of this ordinance, the International Building Code, and other codes and ordinances.
- All required information shall also be submitted electronically in .pdf format.
- The department of community development may also require a boundary line survey if necessary, prepared by a qualified surveyor.

9.2.2 **Relation to site plan review.** When the site plan review is required, the procedures described in section 9.11 shall be completed prior to the issuance of a building permit.

Certificates of use required. The certificate of use process is intended to protect the city's residents and consumers from the harmful effects of illegal business operations by establishing a zoning certificate of use requirement, which shall provide a review procedure to ensure that new business occupancies and uses, and changes of existing business occupancies and uses, comply with the city's zoning code, Code of Ordinances, building code requirements, and other applicable codes and regulations.

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9.2.2.1 **Zoning certificate of use required.** No building, location, or structure used for the purpose of exercising the privilege of doing business within the city limits shall be used or occupied for any business, profession or occupation without first obtaining a certificate of use pursuant to this Code. Businesses, professions or occupations which are subject to the requirement for a privilege license pursuant to section 74-31 through 74-38 of the Code of Ordinances shall be subject to the certificate of use requirement. Home occupations, as defined in the zoning code, shall not be required to obtain a certificate of use. Multi-family residential, group homes, and special residential care facilities are also subject to the certificate of use requirement. New commercial establishments proposing to construct interior renovations must file for zoning approval of the use prior to or concurrently with the submittal of the building permit. The certificate of use shall be issued along with the certificate of occupancy with no additional fee.

9.2.2.2 **Requirements.** A separate certificate of use shall be obtained for each place of business and each separate commercial entity, including those sharing space within the same establishment. It shall be the duty of every person owning, operating, or purchasing any business within the city limits to comply with the requirements prior to opening any business, profession, or occupation within any building, structure, or location within the city. Existing businesses with nonconforming uses shall be required to provide documented evidence of their established date of operation.

9.2.2.3 **Term of zoning certificate of use and transfer.**

a. Once issued, a certificate of use shall remain valid until there is a change of the use, business, business ownership, business name, or business location from that specified on the approved certificate of use, or in the case of a nonconforming use, an abandonment or change of the use, business, business ownership, business name, or business location from that specified on the approved certificate of use.

b. When there is a change of the use, business, business ownership, business name, or business location from that specified on the approved certificate of use, a new certificate of use application shall be required. In the case of a nonconforming use of property, when there is an abandonment of the non-conforming use or a change in the use, business, ownership, business name, or business location from that specified on the approved certificate of use, a new certificate of use application shall be required.

9.2.2.4 **Due date for payment of zoning certificate of use fee.** Payment of the certificate of use fee shall be required prior to issuance.

9.2.2.5 **Fees.** The director shall collect the certificate of use fee, which shall be as provided in the city's adopted fee schedule.

9.2.2.6 **Existing businesses; effective date.** All existing businesses, professions, and occupations requiring a certificate of use, which hold a valid privilege license as of the effective date of this ordinance, shall be considered to have an active certificate of use.

9.2.2.7 **Inspections.** Any person applying for or obtaining a certificate of use shall be subject to an inspection of the place of business to ensure compliance with all zoning regulations, life safety code requirements, and all applicable local and state regulations. For the purpose of enforcing the provisions, inspectors designated by the director or the building official, shall have the right of inspection, provided that said inspection shall be reasonable and scheduled at the reasonable convenience of the applicant or certificate holder and the inspector. Failure to permit inspection of the premises shall be grounds for denial of a certificate of use application or revocation of an existing certificate of use.

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9.2.2.8 **Application procedures.**

a. Procedures for issuance. No zoning certificate of use shall be issued or granted to any person to engage in any business, profession, or occupation unless:

- An application is filed; a certificate of use application form, along with the established and required fee, documents, and plans, shall be submitted to the city by the applicant to the department; and
- There has been a site inspection of the applicant's business premises; and
- The department has reviewed and approved the zoning use classification; and
- The city has verified compliance with all applicable laws and regulations and has collected all applicable fees due to the city.

b. Legality of use. In the event there is a question as to the legality of a use, the director, as appropriate, may require affidavits and such other information as he or she may deem appropriate or necessary to establish the legality of the use, before a certificate of use shall be issued.

- State license, certification, registration requirements. All businesses and professions regulated by the state must submit a copy of their current state license, certification, and/or registration, prior to the issuance of a certificate of use.

c. Grounds for denial. The director, as appropriate, shall have the authority to deny a certificate of use application on the following grounds:

- That the applicant has failed to disclose or has misrepresented a material fact or any information required by this chapter in the application; and/or
- That the applicant desiring to engage in the business, profession, or occupation, as described in the application, has selected a proposed site or type of business activity, which does not comply with the city's zoning code; and/or
- That the applicant has failed to obtain a certificate of occupancy as required by this Code; and/or
- That the certificate of occupancy for the proposed location has been denied, suspended or revoked for any reason; and/or
- The issuance of a certificate of use is based on the applicant's compliance with specific provisions of federal, state, county or city law or ordinance, with respect to the specific use, and the applicant has violated such specific provisions; and/or
- The applicant has violated any provision of the city Code or zoning code, and has failed or refused to cease or correct the violation within 30 consecutive days after notification thereof; and/or
- The premises have been condemned by the local health authority for failure to meet sanitation standards or the premises have been condemned by the local authority because the premises are unsafe or unfit for human occupancy; and/or
- The applicant is delinquent in the payment of the applicable certificate of use fee, or is delinquent on any code compliance lien, special assessment lien and/or any other debt, fee, or obligation due to the city; and/or

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- The applicant has been denied a privilege license, or the applicant's privilege license has been revoked within the last 12 non-calendar months (365 days); and/or
- The applicant failed to permit the require inspection by the city.
- Any person whose application has been denied as provided herein shall have the right to appeal in writing the to the board of alderman.

9.2.2.9 **Revocation.** The director, in consultation with the police chief, fire chief, and building official is granted the authority and charged with the duty to revoke or suspend any certificate of use as follows:

A certificate of use issued pursuant to this section may be revoked, suspended on any of the following grounds:

- The certificate holder has failed to disclose or has misrepresented a material fact or information required by this section in the application; or
- The certificate holder does not engage in the use described in the application or has changed the use without authorization through approval of a new certificate for the changed use, as required herein; or
- The certificate of occupancy for the business location has been denied, suspended or revoked for any reason; or
- The certificate holder has violated any provision and has failed or refused to cease or correct the violation after notification; or
- The premises have been condemned by the local health authority for failure to meet sanitation standards or the premises have been condemned by the local authority because the premises are unsafe or unfit for human occupancy.

9.2.2.10 **Revocation procedure.**

a. The director shall issue a written notice of intent to revoke and/or suspend the certificate of use, which shall set forth the grounds upon which the notice is issued, the corrections necessary for compliance, and the certificate holder's right to request an administrative hearing in front of the board of alderman, and that said appeal must be taken within 30 calendar days of the service of said notice.

b. The 30 calendar days shall be considered a warning period during which the noticed certificate holder may come into compliance as required herein. If compliance is achieved within said warning period, the director shall void the revocation proceeding and the certificate holder shall dismiss any pending appeal.

c. The notice shall be sent U.S. certified mail, return receipt requested, to the address provided in the application or the last known address of the applicant. Alternate service may be made by delivery of the notice of hearing to the place of business and/or posting such notice.

d. The request for an administrative appeal hearing before the board of alderman to appeal the revocation notice shall stay any revocation action, and the certificate of use shall remain in effect unless, within the sole discretion of the department, it is determined that the grounds for denial represent an immediate threat to the health, safety, and/or welfare of the public.

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e. Scheduling and conduct of hearing.

- At any time prior to the expiration of 30 days following the service of the notice of intent to revoke and/or suspend the certificate of use, the certificate holder may request, in writing, an administrative appeal hearing on the basis that s/he wishes to appeal the pending revocation notice. The hearing shall be conducted by the board of alderman.
- Upon the expiration of 30 days following the service of the notice of intent to revoke and/or suspend the certificate of use, and no such appeal having been filed, or upon the affirmation of the administrative revocation decision pursuant to the hearing before the board of alderman, the certificate of use shall be revoked and a new certificate of use shall not be issued. Upon revocation, the certificate holder shall immediately cease doing business in any location listed therein.

9.2.2.11 **Additional violations.** It shall be unlawful for a property owner to allow by lease, license, grant or other written or oral agreement, the use of any real property for the operation of a business without a valid and current certificate of use. Violations of this section shall be subject to prosecution and enforcement pursuant to section 9.16 of the zoning code.

9.2.3 **Post permit issuance procedures.** All building permits shall be posted in a prominent location at the site during the construction or during the use conversion. If site plans, drawings and specifications are required by this ordinance or other codes or ordinances, the approved plans and drawings shall also be open to inspection by the department of community development.

If, following the completion of construction, and following the final inspection by the building official, the structure conforms with the provisions of this ordinance and has been lawfully constructed in accordance with the approved and permitted construction drawings, a certificate of occupancy shall be issued.

If the application for a building permit and the plans filed therewith describe construction which does not conform to the requirements of this ordinance, the International Building Code and other pertinent laws or ordinances, the department of community development shall not issue a permit. Failure to notify the applicant, as soon as reasonably practical, shall entitle the applicant to submit his request to the mayor and board of aldermen. Such refusal shall always be in writing and shall contain reasons therefor. If plans are required in accordance with this ordinance or other codes and ordinances, one copy of said plans shall be returned to the applicant after the department of community development has marked such copy as "disapproved" and attested to same on each copy. The original and one copy of the plans, similarly marked, shall be retained by the department.

- Any building permit issued in accordance with this ordinance and the International Building Code shall become invalid unless the work authorized by it shall have been commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one year after the time the work commenced; provided that, for cause, one or more extensions of time, for periods not exceeding 90 days, may be allowed in writing by the department of community development.

9.2.4 **Certificates of occupancy required.** All new structures or buildings, all major alterations of buildings or structures shall not be occupied or otherwise utilized until a certificate of occupancy has been issued by the department of community development. A certificate of occupancy shall be issued by the department of community development upon final inspection.

The department of community development shall maintain a record of all certificates of occupancy and a copy shall be furnished upon request to any person.

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Failure to obtain a certificate of occupancy shall be a violation of this ordinance.

9.3 Transitional and Vested Rights Provisions.

The purpose of this section is to establish a clear framework for administering and interpreting vested and legacy development approvals following adoption of this ordinance. It affirms that all lawfully approved developments under prior regulations shall retain their vested rights while defining the procedures for transitioning those approvals to current zoning classifications and Comprehensive Plan objectives. This section further clarifies the treatment of former districts with the intent of ensuring continuity of master-plan entitlements, administrative transparency, and compliance with applicable law.

a. **General Continuity.** All lawful uses, structures, and developments existing or approved prior to the effective date of this ordinance may continue in accordance with their original approvals, subject to the provisions of this ordinance and applicable law.

b. **Legacy and Former Districts.**

1. **Traditional Neighborhood Development (TND)**. Any property approved as a Traditional Neighborhood Development (TND) prior to adoption of this ordinance shall retain all vested rights associated with its approved master plan and project narrative. Where no master plan approval has been granted for an existing TND-zoned property, the property shall be rezoned to the most comparable base district consistent with the Comprehensive Plan, as determined by the Mayor and Board of Aldermen after public notice and hearing. Properties subject to review or reconsideration under Section 9.3(d) shall comply with the outcome of that process, which may include reclassification, modification, or recognition as a legal but nonconforming use or structure as prescribed in, and in accordance with, Section 3.9 of this ordinance.

2. **Planned Unit Development.** All properties previously approved under any variation of a Planned Unit Development (PUD) district shall continue under their recorded master plans and project narratives. Modifications to approved PUD master plans shall comply with Section 3.8.3 and this section. Properties subject to review or reconsideration under Section 9.3(d) shall comply with the outcome of that process, which may include reclassification, modification, or recognition as a legal, but nonconforming use or structure as prescribed in, and in accordance with, Section 3.9 of this ordinance.

3. **Other Former Special or Planned Districts.** If any additional special or planned zoning districts established under prior ordinances are repealed or replaced by this ordinance, properties within such districts shall retain vested development rights only to the extent established by an approved master plan, project narrative, or recorded development agreement. Properties subject to review or reconsideration under Section 9.3(d) shall comply with the outcome of that process, which may include reclassification, modification, or recognition as a nonconforming use or structure as prescribed in, and in accordance with, Section 3.9 of this ordinance.

c. **Transition of Uses Reclassified by this Ordinance.** Upon adoption of this ordinance, any use lawfully established under prior zoning regulations shall be reviewed and classified as follows. Once identified as a legal nonconforming use, all subsequent regulations of that use shall be governed by Section 3.9 of this ordinance.

1. **Formerly Permitted → Now Conditional:** Any use that was previously permitted by right but is now listed as a conditional use in the applicable district shall be deemed a legal

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nonconforming use in accordance with Section 3.9. Such use may continue without interruption. However, if such use ceases for a continuous period of twelve (12) months or more, any subsequent re-establishment shall require approval of a Conditional Use Permit under Section 9.9.

2. **Formerly Conditional → Now Permitted:** Any use that was previously approved as a conditional use but is now permitted by right in the applicable district shall henceforth be treated as a permitted use, and the prior conditional-use approval shall be considered satisfied and of no further effect.
3. **Formerly Conditional → Now Prohibited**: Any use that was previously approved as a conditional use but is now prohibited in the applicable district shall be considered a legal nonconforming use and shall be governed by Section 3.9
4. **Conditional-use Non-activation:** Conditional-use approvals granted under prior ordinances that have not been activated within the time limits established in Section 9.9.9 shall automatically expire unless extended by action of the Mayor and Board of Aldermen.

d. **City Review and Reconsideration.** The Mayor and Board of Aldermen, on their own motion by majority vote, upon recommendation from the Community Development Director, Planning Commission, or adjacent property owners, may initiate review of any previously approved master plan, development agreement, or special district if it is determined that the approval has become inconsistent with the Comprehensive Plan, materially obsolete, or detrimental to public health, safety, or welfare. Following public notice and hearing, the Board may take appropriate action including amendment, reclassification, or revocation of the prior approval, consistent with the vested rights provisions of this ordinance and applicable law.

e. **Administrative Interpretation During Transition, Conflicts.** Where a direct conflict exists between an approved master plan, project narrative, or development agreement for a legacy or vested district and the provisions of this ordinance or the City's Development Ordinance, the recorded master plan shall control to the extent of that conflict. However, where such documents are silent, ambiguous, or incompatible with mandatory public safety, infrastructure, or procedural standards adopted by the City, the Community Development Director may refer the matter to the Board of Aldermen for interpretation. The Board may, after public hearing, determine the applicable standard to apply, consistent with the intent of this ordinance, the Comprehensive Plan, and the protection of vested rights.

9.4 Former District References.

This section establishes the record-keeping and administrative procedures for maintaining historical zoning information related to repealed or superseded districts, as follows:

a. Records and Administration. Historical reference materials for repealed or superseded zoning districts shall be maintained in the Office of Community Development. Such records shall be preserved for reference in administering vested or legacy approvals in accordance with Section 9.3 of this ordinance.

b. Interpretation and Use of Historical Records. The historical materials shall not be construed as active zoning regulations but may be consulted, in accordance with Section 9.5, to interpret prior approvals, master plans, or development agreements adopted under former ordinances, subject to the Board of Aldermen final interpretation if

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appealed or by action.

9.5 Department of community development powers and duties.

The Department of Community Development of the City of Brandon shall administer and enforce this zoning ordinance in accordance with the provisions herein including the following specifically enumerated duties:

a. Maintain the official zoning map in good and useful condition and properly recording on the map all of the amendments to the ordinance that change the boundaries of the zoning ordinance.

b. Provide application forms and other forms relating to this ordinance.

c. Provide information to the public on matters relating to zoning.

d. Receive and act on all applications for building permits and certificates of occupancy.

e. Receive and act on all applications, plans or petitions requiring site plan review.

f. Verify construction (or use conversion) performed under zoning-related permits to determine if the work (or use conversion) meets the requirements before issuing a certification of occupancy.

g. Oversee the preparation and maintenance of a map or other recording process indicating nonconforming uses, structures and developed (or vacant) lots.

h. Clear with other local, county, state, or federal agencies where such clearance is necessary in connection with zoning matters.

i. Appear before the planning commission, site plan review committee and the mayor and board of aldermen to furnish information helpful to those bodies in carrying out their assigned functions.

j. Make periodic checks for violations of this ordinance and notifying in writing the person responsible for violations of the ordinance, indicating the nature of the violation and ordering the action necessary to correct it. Such notification shall be by registered or certified mail or shall be delivered personally by the city.

k. Initiate court action to prevent or halt violations of this ordinance.

l. Advertise or cause to be advertised and public hearing as required by this ordinance. Keep records pertaining to zoning matters.

m. Provide administrative interpretation of this ordinance.

9.5.1 **Administrative interpretation.** When the meaning, purpose, or application of this ordinance (including, but not limited to, the text of the ordinance, the Comprehensive Plan, zoning district boundaries, or district designations) is unclear, the Zoning Administrator shall have the authority to issue administrative interpretations or other related determinations, subject to review by the Community Development Director. An interpretation shall not create, enlarge, diminish, or modify any standard, nor grant a variance, conditional use, or amendment. Each interpretation shall state the pertinent facts, cite the sections interpreted, and explain the rationale. Interpretations apply prospectively and may be relied upon for similar fact patterns unless superseded by ordinance amendment.

9.5.2 **Appeals.** Administrative interpretations issued under Section 9.5.1, or other determinations expressly subject to appeal under this ordinance, may be appealed in accordance with Section 9.14. The filing of an appeal shall not suspend or stay the effect or enforcement of the interpretation or

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decision unless specifically ordered by the Mayor and Board of Aldermen or a court of competent jurisdiction.

9.6 Brandon Planning Commission duties and conduct.

9.6.1 **Establishment.** The Brandon Planning Commission (also referred to throughout this Ordinance as the "Planning Commission") is hereby created under the laws of the State of Mississippi and shall be appointed in accordance with Section 9.7.2 of this ordinance shall duly function to carry out the purposes of this Ordinance. The Planning Commission shall adopt such rules, not inconsistent with municipal ordinance or state law, as necessary for the conduct of its affairs in keeping with the provisions of this Ordinance. Notwithstanding other duties of the Planning Commission and any other rules which that body may adopt, the following shall apply:

a) **Regular Meetings.** The Planning Commission shall hold two (2) regular meetings each month, scheduled for the second (2nd) Monday and the fourth (4th) Monday of every month at 6:00 p.m., in the regular board meeting room at Brandon City Hall, 1000 Municipal Drive, Brandon, Mississippi 39042, or, when necessary, in another room within City Hall. When an alternate room is used, clear signage shall be posted in a conspicuous location within City Hall to direct attendees to the meeting location.

The meeting scheduled for the second (2nd) Monday of each month may be cancelled by the Community Development Director if no items of business are on the agenda. The meeting scheduled for the fourth (4th) Monday of each month shall be held as the principal business meeting of the Planning Commission, subject only to cancellation in accordance with the Attendance Standards in Section 9.6.2 of this Ordinance or in cases of emergency, inclement weather, or official closure.

A quorum shall consist of four (4) members of the seven-member Planning Commission. No official action or recommendation may be taken without a quorum present.

b) **Special Meetings.** Special meetings of the Planning Commission may occur at any other time called by the written notice of the chairman of the Planning Commission, the Community Development Director, or the Mayor. Such special meetings shall occur at the regular meeting location of the Planning Commission, unless otherwise designated in the notice, but in no such event shall such special called meetings occur outside of Brandon City Hall. Notice of any special meeting shall be provided in writing, which may include electronic mail, to all members of the Planning Commission, and to the Community Development Director if not the issuing party, at least three (3) hours before the scheduled meeting time. The notice shall state the time of the meeting, the location of the meeting, shall distinctly specify the subject matters of business to be acted upon and shall be signed by the person calling the meeting. No business other than set forth in the special meeting notice shall occur at the special called meeting. Any recess meeting, adjourned meeting, interim meeting, or call special meeting of the Planning Commission shall be posted within one (1) hour of the meeting in a prominent place in Brandon City Hall available for inspection and examination by the general public. A copy of the notice shall be made a part of the minutes of the Planning Commission.

c) **Election, Planning Commission.** The *Planning Commission* shall elect its own chairman, vice-chairman, and secretary from among the members.

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d) **Conflict of Interest.** No member of the *Planning Commission* shall participate in the hearing of the singular item nor vote on any matter before the *Planning Commission* in which he or she has a personal financial interest.

e) **Responsibility and Role.**

i. The Planning Commission shall review and provide a written recommendation to the Mayor and Board of Aldermen on the following matters:

1. Applications for amendments to the Zoning Ordinance text or Official Zoning Map.
2. Applications for conditional-use permits and dimensional variances.
3. Proposed amendments to the Comprehensive Plan and Future Land Use Plans/Maps
4. Any other matters as may be referred to the Planning Commission by the Community Development Director or the Mayor and Board of Aldermen.

ii. The Planning Commission's recommendation, respectively, shall include findings of fact as to how the proposal:

1. Conforms to the Comprehensive Plan;
2. Is consistent with the purpose and intent of this ordinance and applicable district standards;
3. Addresses any significant public-infrastructure, traffic, pedestrian connectivity, stormwater, or design-compatibility issues;

iii. The Planning Commission shall act in an advisory capacity only; the final decision on any application shall rest with the Mayor and Board of Aldermen unless this Ordinance explicitly provides otherwise.

f) **Minutes and Records.** Minutes of each meeting of the *Planning Commission* shall be prepared by staff of the Department of Community Development and shall show the members present and absent, and any members failing to vote, together with all motions, actions, and votes taken. Draft minutes shall be provided to the *Planning Commission* for review and formal approval at its next regular meeting. Upon approval, the official minutes and all records of the *Planning Commission's* examinations and actions shall constitute public records. The Department of Community Development shall file approved copies with the City Clerk as soon as reasonably practical following each meeting, and the City Clerk shall forward copies to the Mayor and Board of Aldermen for information.

g) **Agenda Preparation.** All items to be discussed by the *Planning Commission* shall be placed on an agenda.

h) **Public Meeting Requirements.** In accordance with MCA 1972, § 25-41-5, all meetings of the *Planning Commission* shall be open to the public at all times unless an executive session is declared as provided in MCA 1972, § 25-41-7. Voting by the *Planning*

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Commission on all matters coming before that body shall be held in public except for voting during executive sessions as provided above.

i) **Voting Procedures.** Action by the *Planning Commission* shall occur by a majority vote of the members present at any regular session or duly called meeting wherein the matter is presented for consideration and action.

j) **Compensation.** Each member of the *Planning Commission* may be paid a monthly stipend for their service in an amount determined by the City of Brandon, not to exceed one hundred twenty dollars ($120.00) per month, as authorized by Miss. Code Ann. § 17-1-11. Payment shall be made from municipal funds and shall constitute full compensation for attendance and participation in any and all official meetings or activities of the *Planning Commission* held during that month. Any change to this amount shall require an amendment to this ordinance adopted by the Mayor and Board of Aldermen.

9.6.2 Attendance Standards. All members are required to regularly attend the meetings of the *Planning Commission*. Any member who misses two (2) consecutive regular monthly meetings or a total of five (5) or more meetings of any type, whether regular or special, within a calendar year may be removed from serving on the *Planning Commission* by the Board of Aldermen in accordance with Section 9.7.2(b) of this ordinance, provided the absences are not beyond the reasonable control of the member for reasons such as illness or injury. The *Planning Commission* minutes shall reflect the attendance of the members and others present. Any vacancy shall be filled as provided herein.

9.6.3 Conduct Standards. Members of the *Planning Commission* are expected to conduct themselves in a manner that upholds the integrity and public trust of the City of Brandon. Conduct constituting neglect of duty, misconduct, or behavior unbecoming a member of the *Planning Commission* may constitute cause for removal from office by the Board of Aldermen, in accordance with Section 9.7.2(b) of this ordinance.

9.7 Mayor and Board of Aldermen.

9.7.1 Authority. The Mayor and Board of Aldermen of the City of Brandon shall have the final authority to approve, deny, modify or otherwise change applications for amendments (to the text or official zoning map), appeals, variances, conditional uses, and any other provisions of this Ordinance. The duties of the Mayor and Board of Aldermen shall include, but not be limited to:

a) **Administrative Review.** The Mayor and Board of Aldermen shall hear and decide appeals from actions of the Department of Community Development.

b) **Land-Use Requests.** The Mayor and Board of Aldermen shall act upon requests for conditional use, variances, and zoning amendments (including, but not limited to, text or map amendments).

c) **Permit Applications.** Taking action upon applications for building permits and site plan review permits which the Department of Community Development did not act upon within a reasonable time, as deemed by the Mayor and Board of Aldermen.

9.7.2 Appointment, Removals, and Vacancies. Appointments, removals, and vacancies of the *Planning Commission* shall be governed as follows:

a) **Appointments.** The *Planning Commission* shall consist of seven (7) members (one (1) representing each ward and one (1) at-large) who shall be residents of the City of Brandon. Each Alderman of Wards 1 through 6 shall nominate an individual resident of their ward to

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serve on the *Planning Commission,* and the Alderman At-large shall nominate an individual resident to serve on the *Planning Commission*. Members of the *Planning Commission* shall be appointed to serve by majority vote of the Mayor and Board of Aldermen.

b) **Removal of Members.** A member shall serve at the will of the Mayor and Board of Aldermen and may be removed by a majority vote of the Board of Alderman at any time.

c) **Terms Established.** Members of the *Planning Commission* shall serve terms concurrent with the election cycle of the Board of Aldermen, corresponding to the office of the elected official making the nomination. Each term shall expire upon the qualification of the newly elected governing body following each municipal election, unless the member is reappointed. Upon expiration, each nominating official shall have the opportunity to nominate a new appointee or to reappoint the incumbent. Members shall continue to serve until their successors are duly appointed to maintain continuity of service. Vacancies shall be filled only for the remainder of the unexpired term. Ward or at-large designations shall remain attached to each seat for the duration of that term, and members may be reappointed for successive terms without limitation.

9.7.3 Vacancies and Interim Appointments. Vacancies caused by removal, resignation, or other cause shall be filled as provided herein. In the event vacancies result in fewer than four (4) qualified members being available to attend a meeting, the Mayor is authorized to make interim appointments to ensure a quorum. A nominee for any vacancy shall be presented to the Board of Aldermen following such vacancy. The interim appointee shall serve until the Board of Aldermen confirms an appointment to fill the vacancy for the remainder of the then-current calendar year. All interim appointments shall be made in writing and entered into the minutes of both the *Planning Commission* and the Board of Aldermen. Ward or At-large designations shall remain attached to each seat.

9.8 Dimensional variances.

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

9.8.1 **Requirements for granting variances.** Any person desiring a dimensional variance from the terms of this ordinance shall submit a written application (on a form furnished by the zoning administrator) demonstrating compliance with all of the following; a variance shall not be granted unless the applicant demonstrates:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district.
- That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same zoning district.

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9.8.2 **Existence of nonconforming uses not grounds for variance.**

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

9.8.3 **When a site plan shall be required.** If the zoning administrator feels that more information is needed than is included on the plot diagram submitted with an application for a building permit, then a site plan shall be submitted with an application for a dimensional variance.

9.8.4 **Public hearing required.** A public hearing shall be held in accordance with section 9.12 of this ordinance for all proposed dimensional variances.

9.8.5 **Required findings.**

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

9.8.6 **Conditions and safeguards may be prescribed with dimensional variances.**

- In granting any dimensional variance, the board of aldermen may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under section 9.16.
- If such conditions and safeguards are imposed by the board of aldermen in granting a variance, the applicant shall be required to sign an agreement whereby he/she accepts those conditions and safeguards (which shall be specified in the agreement). This instrument shall be in a form recordable in public land records.

9.8.7 **Granting of a "use variance" prohibited.** Under no circumstances shall the board of aldermen issue a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

9.8.8 **Administrative variance.** At the discretion of the director, an administrative variance may be granted to the dimensional terms of this ordinance under the following conditions:

- The request for an administrative adjustment is submitted in writing by the property owner setting out the reasons for the request.
- The requested variance constitutes no more than a ten-percent deviation from a dimensional requirement of this ordinance.
- After review, the director makes written findings demonstrating that the granting of such administrative variance is consistent with the intent of the comprehensive plan, the request is not contrary to the public interest, and the request does not create negative impacts on any surrounding property or development condition.

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9.9 Conditional uses.

9.9.1 **Conditional Use Approval.** The Mayor and Board of Aldermen, after recommendation by the planning commission, shall decide whether or not proposed conditional uses authorized under this ordinance should be granted. Conditional uses are those specifically designated as "C" in Table 4.3 (Use Table). Conditional-use approval criteria are provided in Section 9.9.2; where specific criteria are not listed for a use type, the general standards of this section shall apply.

9.9.2 **Requirements for granting a conditional use or conditional use permit.** Any person desiring a conditional use shall submit a written application indicating the section in the ordinance under which the conditional use is sought and stating the grounds on which it is requested. The mayor and board of aldermen shall not grant a conditional use unless satisfactory provision and arrangement has been made concerning all of the following:

a. Ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

b. Off-street parking and loading areas.

c. Refuse and service areas.

d. Utilities, with reference to locations, availability, and compatibility.

e. Screening and buffering with reference to type, dimensions, and character.

f. Required yards and other open space.

g. General compatibility with adjacent properties and other property in the district.

h. Any other provisions deemed applicable by the mayor and board of aldermen.

9.9.3 **Site plan required.** All conditional use applications are required to submit a site plan in accordance with section 9.11.

9.9.4 **Public hearing required.** A public hearing shall be held for all proposed conditional uses in accordance with section 9.12.

9.10 Zoning amendments.

9.10.1 **Amendments.** Although amendments to the Brandon Zoning Ordinance are ordinarily proposed only by the mayor and board of aldermen on their own motion, such amendments to the text or official zoning map (i.e., a rezoning) may be initiated by any person or his duly authorized representative filing an application for same with the department of community development.

9.10.2 **Application.** If the proposed amendment is an application for rezoning, said application shall include a legal description of the property involved, the exact nature of the proposed change, the grounds upon which rezoning is requested, and such other information as may be required to determine the merits of the application. If determined by the department of community development in coordination with other city officials (i.e., the public works director, fire chief, city clerk, etc.) that a detailed site plan is necessary for review of the requested rezoning, a site plan shall be submitted in accordance with section 9.11.

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9.10.3 **Public Hearing Required.** In all cases involving an amendment to this ordinance, notice of public hearing shall be given as required by this ordinance, and the public hearing shall be held in accordance with the procedures specified. Following action by the mayor and board of aldermen approving a request for rezoning, a notice of such rezoning shall be published in accordance with the procedures specified.

9.10.4 **Compliance.** No amendment shall be made by the mayor and board of aldermen to the ordinance text or the official zoning map unless the proposed amendment complies with one or more of the following criteria:

- The amendment will correct a manifest error in the ordinance.
- The amendment to the official zoning map is necessary because of changing conditions within the city, new development patterns or annexation.
- The amendment will more suitably promote and protect the public health, safety and welfare than the existing district boundaries which said amendment would replace.

9.10.5 **Approval limitations.**

a. Any land which has been rezoned (including PUD designations) but on which development has not begun within two years may be brought back before the planning commission and mayor and board of aldermen for reconsideration.

b. The board may revoke such rezoning based on failure to follow through with the plan as submitted with the rezoning request.

9.11 Site plan and building plan review.

Site plan review shall be required for all development and construction under the following procedures:

9.11.1 **Sketch plat.** Prior to filing an application for approval of a site plan and/or building plan, the applicant shall meet and consult informally with the director of community development and the public works director or their designees. This meeting will give the applicant an opportunity to secure guidance as to what will be required before incurring the expense of making a detailed site plan.

9.11.2 **Site plan review committee established.** The site plan review committee is hereby established and shall consist of the director of community development, director of public works, fire chief, city engineer and a representative of the mayor and board of aldermen. Any member of the site plan review committee may appoint a designee. The site plan review committee will consult with other city officials as necessary.

a. Design professional. The mayor and board of aldermen shall appoint a qualified design professional for the purpose of advising the site plan review committee. The mayor and board of aldermen shall establish the compensation allowable to the architectural advisor.

9.11.3 **Approval of plans; waiver.**

a. When required, no structure, building or other improvement, or other major landscape features surrounding such building, structure or improvement, located on any land within the city shall be erected, reconstructed, altered or restored until the plans for such erection, reconstruction, alteration or restoration shall have been approved by the site plan review committee and ratified by the mayor and board of aldermen.

b. The provisions of this division shall not apply to the regular maintenance of such building, structure or improvement as opposed to the reconstruction, alteration or restoration. For the

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purposes of this section, the repainting of a structure or building which results in the complete change of color of the structure or building, or a substantial portion thereof, shall be deemed an alteration and not regular maintenance.

c. The site plan review committee, after hearing the evidence in any case properly before it involves reconstruction or alteration only, may waive the requirements of this division upon a written finding that the application involves reconstruction or alteration only and will not materially affect the exterior appearance of the structure involved.

9.11.4 **Application for approval.**

a. Application for site plan approval for the construction, reconstruction, alteration or restoration of any building or where any exterior alterations, remodeling or repairs, including, but not limited to, painting and color of exterior surfaces shall be submitted to the department of community development, and shall be accompanied by:

- An architectural rendering (perspective and/or elevation) and plans of all buildings and structures, showing the style of architecture, and such rendering shall be prepared in accordance with the requirements of the city's building code. All colors, materials and finishes shall be shown by notation or by use of accepted architectural symbols.
- The proposed site plan which complies with all other ordinance provisions of the city for site plans, including a landscaping plan.
- A vicinity map and renderings or photographs of all development on immediately adjacent properties; and
- The applicant may submit such additional material in writing, and graphically, as appropriate. For the purposes of this division, no site plan shall be required where no change is proposed in any external dimension or the location of any existing structure.

b. Upon filing of an application the director of community development or their designee, after determining that the requirements have been satisfied, shall, within a reasonable time after such determination, forward the application to the site plan review committee.

c. The site plan review committee shall evaluate the application with respect to compliance with all applicable standards, requirements and other applicable municipal ordinances and state and federal laws. The site plan review committee shall render a decision recommending approval, modification or denial of the application to the mayor and board of aldermen.

9.11.5 **Decisions.**

a. In all final decisions rendered pursuant to this article, the site plan review committee shall briefly state its findings in writing, and, in the case of disapproval, it may make recommendations to the applicant with respect to the design, texture, material, color, line, mass, dimension or lighting of the building involved. In case of disapproval, accompanied by such recommendations thereon, the applicant may again be heard before the site plan review committee if, within 90 days, the applicant can comply with all such recommendations.

b. Approval by the site plan review committee of any application shall not be final until ratified by the mayor and board of alderman. The department of community development shall cause the written decision of the site plan review committee to be placed upon the agenda for the next regular meeting following the issuance of the written decision.

9.11.6 **Appeals; hearing.** Whenever the site plan review committee shall, in a decision, approve, disapprove or waive jurisdiction over any application filed pursuant to this division, the applicant, or

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any other person with justifiable cause, shall be entitled to appeal such decision and be heard before the mayor and board of aldermen provided that there is filed with the city clerk, on or before seven days after the decision of the site plan review committee, by the appellant, a notice in writing of such appeal.

9.11.7 **Appeals to circuit court.** Parties aggrieved by the final decision of the mayor and board of aldermen, shall have the right to appeal to the circuit court of the county in the same manner and form as is required for any other appeal of actions of the board of aldermen.

9.11.8 **Deviations from approved plans prohibited.**

a. Any person who once having obtained the approval required by this section deviates substantially from the approved plan shall be guilty of a misdemeanor.

b. The building official, upon his determination of substantial deviation, shall issue a stop work notice on the building permit. Work shall not be permitted to continue, unless it is continued under substantial compliance with the terms of the approval.

9.11.9 **Approval limitations.**

a. Once a variance, conditional use, or site plan and architectural approval has been granted which involves the construction, alteration, installation or modification of any structure in any district, the building permit, commercial or residential, must be obtained within 180 days from the date of approval or will otherwise be required to be brought back before the mayor and board of aldermen for reconsideration.

b. Following permit issuance, work must begin with 180 days of the permit issuance.

c. If the work authorized by such permit is suspended or abandoned for a period of one year after the time the work commenced, the permit and the associated variance, conditional use or site plan and architectural approval shall become invalid based on failure to follow through with the plan submitted with the request. Work shall be considered suspended/abandoned if no inspections have been requested.

9.12 Public hearing notices and procedures.

In accordance with the provisions previously established in this ordinance, public hearings shall be conducted by the mayor and board of aldermen following recommendation[s] by the planning commission on the following matters:

a. All variances.

b. Conditional uses.

c. All amendments to the text of the zoning ordinance or amendments to the official zoning map (i.e., rezoning).

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9.12.1 **Public hearing notice in a newspaper required**. Whenever a public hearing is required by this ordinance, notice of such hearing shall be given by publishing a notice to all interested persons one time at least 15 days prior to the date fixed for said hearing, such notice to be published in an official paper or newspaper of general circulation in the City of Brandon, specifying the date, time and place for said hearing. Such notices shall be published in accordance with the following format or a format determined by the mayor and board of aldermen:

a. For variances.

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (DATE), AT (TIME), AT THE CITY HALL, BRANDON, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A VARIANCE SHALL BE GRANTED TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE CITY OF BRANDON, MISSISSIPPI:

(INSERT PROPERTY DESCRIPTION HERE)

(NAME OF CITY CLERK)

b. For conditional uses.

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (DATE), AT (TIME), AT THE CITY HALL, BRANDON, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A CONDITIONAL USE SHALL BE GRANTED FOR (REQUEST) TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY IN THE CITY OF BRANDON, MISSISSIPPI:

(INSERT PROPERTY DESCRIPTION HERE)

(NAME OF CITY CLERK)

c. For an amendment to the text of the zoning ordinance:

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (DATE), AT (TIME), AT THE CITY HALL, BRANDON, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT THE FOLLOWING AMENDMENTS SHALL BE MADE TO THE ZONING ORDINANCE OF THE CITY OF BRANDON, MISSISSIPPI:

(INSERT PROPOSED AMENDMENTS TO THE ZONING ORDINANCE HERE)

(NAME OF CITY CLERK)

9.12.2 **Changes.** In accordance with MCA 1972, § 17-1-15, the governing authorities of the city are authorized to provide for the manner in which the comprehensive plan, zoning ordinance (including the official zoning map) subdivision regulations and capital improvements program shall be determined, established and enforced, and from time to time, amended, supplemented or changed. However, no such plan, ordinance (including zoning boundaries), regulations or program shall become effective until after a public hearing, in relation thereto, at which parties in interest, and citizens, shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in an official paper, or a paper of general circulation, in the city.

9.12.3 **Posting of property.** Any request for rezone, conditional use, or dimensional variance which is initiated by a property owner, or the property owner's designee, shall post notice on the subject

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property. The notice to be posted on the property involved shall consist of a sign with letters legible from the nearest street, using at least one sign for every 400 feet of frontage on a publicly dedicated street upon which the property abuts. The following format or a format determined by the mayor and board of aldermen shall be used for these signs:

PUBLIC NOTICE
ZONING ACTION

A PUBLIC HEARING WILL BE HELD CONCERNING THIS PROPERTY. FOR INFORMATION CONTACT THE CITY OF BRANDON.

9.12.4 **Notice to adjacent property owners.** Any request for rezone, conditional use, or dimensional variance which is initiated by a property owner, or the property owner's designee, shall provide notice of said request to the adjacent property owners. Notice of zoning changes shall be mailed postage paid certified receipt requested to all owners of property adjacent to the property described in the application within 15 days prior to the public hearing. The notice shall be in the same form as that required to be published. The address used for said mailing shall be the same as shown on the Rankin County tax records.

9.12.5 **Protest.** In accordance with MCA 1972, § 17-1-17, in case of a protest against a change, signed by the owners of 20 percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending 160 feet therefrom or of those directly opposite thereto, extending 160 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fifths of the members of the board of aldermen of the city who are not required by law or ethical considerations to recuse themselves.

9.13 Fees.

9.13.1 **Schedule of fees.** The mayor and board of aldermen shall establish a schedule of fees for the issuance of building permits, change of use permits, sign permits, the processing of all site plans required and the processing of applications for variances, conditional uses and zoning amendments. Said schedule of fees shall be maintained in the office of the city clerk, who shall be responsible for their collection.

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

9.13.3 **Fees not refundable.** No fees or other monies paid in conjunction with zoning related matters shall be refunded.

9.14 Appeals.

9.14.1 Appeals to the mayor and board of aldermen. Any person aggrieved by a decision by the department of community development or other authorized officer or by a statement of findings issued by the planning commission, or site plan review committee may appeal the decision or statement of findings to the mayor and board of aldermen. The procedure shall be as follows for all appeals:

a. Appeals may be submitted directly to the mayor and board of aldermen.

b. Appeals shall contain a copy of the original application for a permit or certificate which is being appealed, a statement of the reason for appeal, and other data as may be requested by the mayor and board of aldermen.

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9.15 Reserved.

9.16 Ordinance enforcement.

9.16.1 **Penalties for violation of this ordinance.**

a. Any person or corporation who shall violate any of the provisions of the city's zoning ordinance or fails to comply herewith with any of the requirements of the city's zoning ordinance or the provisions thereof, or who shall engage in any conduct or build or alter any building in violation of the provisions of the city's zoning ordinance and/or any detailed statement or plan submitted and approved pursuant to the provisions of the city's zoning ordinance shall be deemed guilty of a misdemeanor and shall be fined not more than $1,000.00 or sentenced 90 days in jail or both.

b. Each day such violation shall be found to exist shall constitute a separate offense for which the court may assess, for each such separate violation, the maximum fine and/or sentence or both as provided herein.

c. The owner or owners of any corporation, limited liability company, partnership or other entity, of any building or premises or part thereof where anything in violation of the city's zoning ordinance shall be placed or shall exist, and any architect, builder, contractor, individual person or corporation, limited liability company, partnership or other entity acting in connection therewith or who may have assisted in the commission of any such violation shall be deemed guilty of a separate offense and upon conviction shall be fined and/or sentenced as herein provided.

9.16.2 **Legal action or proceedings instituted by the department of community development.** In case any building or structure is created, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the department of community development, in addition to other remedies, may institute any appropriate action or proceedings in the name of the City of Brandon, Mississippi, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct or use in or about said premises.

9.16.3 **Penalty assessed by the department of community development for violations of this ordinance.**

a. In case any building or structure is created, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, or any of the ordinances of the city pertaining to building and construction, including but not limited to any of the construction codes adopted by the city, the department of community development, in addition to any other remedies, may assess a penalty of $500.00 for each such violation and may withhold the processing of any application, the issuance of any permit or certificate of occupancy, and may refrain from performing inspections or other action with respect to the same unless and until said penalty is paid in full.

b. Any person aggrieved by the assessment herein, may appeal the same, after first paying the same in full, to the governing authorities within ten days of payment of the same, by providing a written objection to the department of community development describing in detail the reasons why the penalty should not have been assessed. Thereafter, the governing authorities at the next regular board meeting following the receipt of such objection, shall either affirm or reverse the assessment, and shall state the reasons for such action in the minutes thereof.

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ARTICLE 10. DEFINITIONS AND INTERPRETATION

10.1 Rules for words and phrases.

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

10.2 Definitions.

For the purpose of this ordinance certain words, phrases and terms used herein shall be interpreted as stated in this article 10. Any word, phrase or term not defined herein shall be defined by the zoning administrator, the interpretation based on its common and ordinary usage.

- **Accessory building or use.** Any detached building or use which is subordinate or incidental to the main building or dominant use of the lot or premises, including but not limited to swimming pools and satellite dishes but excluding driveways, sidewalks and fences.
- **Alley.** A public right-of-way which affords only secondary means of access to abutting property.
- **Anchor.** See "Ground anchor."
- **Bail bonding.** It is defined as pledging United States currency, United States postal money orders, cashier's checks, a surety bond or other property as bail for a person in connection with a judicial proceeding, and receiving or being promised therefore money or other things of value.
- **Basement.** A story wholly or partially underground. For the purpose of height regulation, a basement shall be counted as a story when more than one-half of its height is above the average grade level, or when it is used for commercial purposes.
- **Block face.** One side of a street between two consecutive street intersections, or between a street intersection and a cul-de-sac or dead-end.
- **Buffer area.** An area which acts as a buffer or separation area between two or more uses or structures not compatible due to design, function, use or operation.

7. **Build-to-Rent (BTR) Development**. A unified residential development of detached or attached single-family dwellings that are designed, constructed, and operated for long-term rental occupancy, held in common ownership and under single on-site or centralized professional management.

- **Building.** Any enclosed structure built for the housing shelter, or enclosure of persons, animals, or chattel. The term building shall be construed as if followed by the words or part thereof.
- **Buildable area, maximum.** That portion of a lot remaining after required yards have been provided.
- **Building height.** The vertical distance from the ground to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof.
- **Building permit.** A permit issued by the zoning administrator as required by this ordinance.
- **Building, portable.** Any building that is portable in nature, without any wheels, and built on a chassis or frame designed and constructed to be used without a permanent foundation. Depending upon the

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location of the portable building, such structures may be subject to anchorage or tie down requirements. Building permits are required prior to the placement of such buildings on any lot.

- **Building, structural alteration of.** Any rearrangement in the supporting members, walls, beams, columns, or girders of a building.
- **Canopy.** A rooflike structure which is not enclosed on all sides and may or may not project from a building (see also Marquee).
- **Certificate of occupancy.** The certificate issued by the zoning administrator prior to occupancy of any new building.
- **Change of use.** An alteration or change from a previous use of land, buildings, or structures to another use of land, buildings, or structures.
- **Community Development Director.** The head of the Community Development Department, responsible for administration, interpretation, and discretionary decisions assigned herein, acting under the general supervision of the Mayor and subject to the policy direction and authority of the Board of Aldermen in accordance with state law.
- **Conditional use.** A land use which may generally be appropriate in a particular zoning district, but which, with certain restrictions or conditions, would in the judgement of the mayor and board of aldermen promote the public health, safety, morale, or general welfare of the city and would not adversely affect adjacent properties.
- **Conforming use.** Any lawful use of a building or lot which complies with the provisions of this zoning ordinance.
- **Coverage.** That part of a lot covered by buildings.
- **Display surface.** The entire background area upon which copy can be placed.
- **Display surface area.** The sum of the gross display surface. The area of each display surface shall be computed by calculating the area of the circle, square, triangle, rectangle, or combination of such common geometric forms necessary to enclose such surface. However, such area shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. Only one side of a double-faced sign shall be included in calculating the sum of display surface area.
- **Density.** The intensity of land use and also the maximum intensity of use of a minimum lot or land area physically possible observing all yard, height, and lot or land area coverage provisions of this zoning ordinance, exclusive of any publicly dedicated rights-of-way.
- **District.** Any area of the City of Brandon for which regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are established by this ordinance.
- **Dwelling, modular.** A factory fabricated transportable building unit designed and constructed in compliance with local and state codes and area of placement and to be incorporated at a building site into a permanent structure when placed on a permanent foundation as a dwelling when connected to indicated utilities.
- **Dwelling, multiple-family.** Any residential building or portion thereof which is occupied by three or more families living independently of each other. The term multiple-family dwelling shall be understood to include apartment houses or complexes, townhouses, and all other dwellings of similar character.

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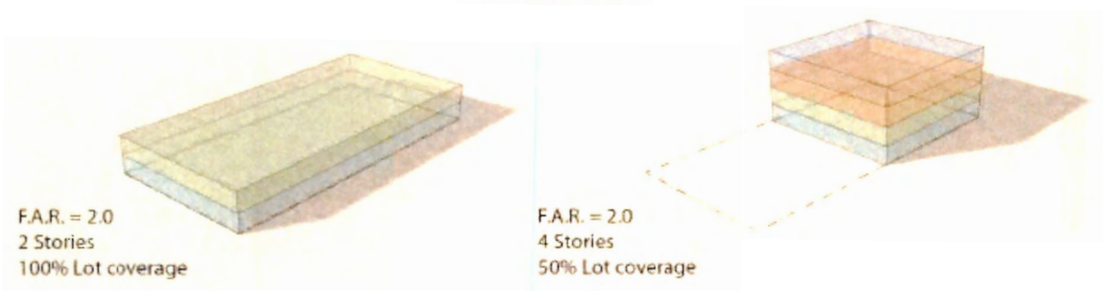
- **Dwelling, single-family.** A site-built residential building designed for occupancy by one family. For the purposes of this ordinance, single-family dwelling does not refer to mobile, manufactured, modular, panelized or pre-cut homes.
- **Dwelling, townhouse.** A single-family dwelling forming one of a group or series of two or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility.
- **Dwelling, two-family (duplex).** A detached residential building designed to be occupied by two families living independently of each other.
- **Dwelling unit.** One or more rooms including a kitchen designed as a unit for occupancy by one family for the purpose of cooking, living and sleeping.
- **Dwelling, zero lot line.** A detached single-family dwelling unit which is constructed against one side lot line and/or the rear lot line.
- **Easement.** A strip of land granted by the property owner to the public, a corporation or persons for a specific purpose, or otherwise acquired for such purpose.
- **Elevations.** A scale drawing of the sides, front, and rear of a proposed or existing structure.
- **Employee (staff).** Any person who is on the premises of a business or industrial establishment for productive use on a part-time or fulltime basis. For the purposes of this ordinance the maximum number of employees on the premises of an establishment at one time shall constitute the number of employees.
- **Family.** One person living alone, or two or more persons living together as a single, housekeeping unit, whether related to each other legally or not, as distinguished from a group occupying a boardinghouse, lodging house, hotel, motel, dormitory or similar dwelling for group use. A family shall be deemed to include domestic servants employed by said family when these servants are on-premises residents.
- **Floor area.** The sum of the gross area of all floors of a building exclusive of all porches, balconies or garages. Such floor area shall not include floors used for parking in the same structure.
- **Floor area ratio.** The ratio of the total building floor area in square feet to the total land area in square feet, based upon a 1:0 ratio, constituting a one-story building or structure occupying 100 percent of the underlying land.

FLOOR AREA RATIO



- **Frontage.** Property on one side of a street measured along the line of the street, or in the case of a corner lot, the property on each street measured along the lines of both streets.

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- **Garage (private).** The term "garage" shall mean a private garage, which is an accessory building (i.e., detached from the main building) or portion of a main building used primarily for the storage of privately-owned automobiles.
- **Governing body (or governing authorities).** The Mayor and Board of Aldermen of Brandon, Mississippi.
- **Grade or grade level.** The finished elevation of land after completion of site preparations for construction.
- **Gross leasable area.** Gross leasable area (GLA) is the amount of floor space available to be rented in a commercial property. Specifically, gross leasable area is the total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors.
- **Ground anchor.** Any device to which tie-downs are attached for the purpose of securing a mobile home or portable building to the ground.
- **Homeowner association.** A nonprofit organization (corporate or otherwise) operating under recorded land agreements through which each property owner is subject to a charge for a proportionate share of expenses for maintaining common open space, other activities and facilities.
- **Lot.** A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and open spaces as required herein. Such lot shall have frontage on or approved access to an improved public street and may consist of:
- **Lot area.** The total area of a lot included within the front, side and rear lot lines.
- **Lot, corner.** A lot abutting upon two or more streets at their intersections.
- **Lot depth.** The average horizontal distance between the front and rear lot line.
- **Lot, double frontage.** A lot, other than a corner lot, which runs through a block from street to street (i.e., has frontage on more than one street); double frontage lots are also called through lots.
- **Lot frontage.** The front of a lot shall be construed to be that dimension of a lot abutting on a street or approved private drive. For the purpose of determining yard requirements on corner lots or double frontage lots, all sides of such lots abutting on public streets shall be considered lot frontage, and yards shall be provided as indicated in this ordinance.
- **Lot, interior.** A lot other than a corner lot.
- **Lot line, front.** In the case of an interior lot, the property boundary line separating said lot from the street. In the case of a corner lot or double frontage lot, the line separating said lot from the street on which the building will face, as determined from the application for a building permit.
- **Lot line, rear.** The property boundary line opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.
- **Lot lines.** The lines bounding a lot as such parcel of land is defined herein.
- **Lot of record.** A lot which is a part of a subdivision, the map of which is recorded in the office of the chancery clerk of Rankin County, Mississippi, or a lot described by metes and bounds, the description of which has been recorded in said office.
- **Lot width.** The distance from side of lot to side of lot measured at the front minimum building setback line. Buildable width shall be the width of lot left to be built upon after the required yards are provided.

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- **Manufactured home.** These are homes built entirely in a factory under a Federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. Manufactured homes may be single or multi-section and are transported to a site and installed.
- **Manufactured home space (or lot).** A plot of ground within a mobile home designed for and designated as (on an approved site plan) the location of one mobile home, and which has water, sewer and electricity at the space.
- **Manufactured home stand or pad.** The paved runners or paved parking area in each mobile home space upon which the mobile home is placed, together with the paved patio and paved off-street vehicular parking area.
- **Marquee.** A rooflike structure projecting from a building and often bearing a signboard (see also "Canopy").
- **Massage.** The rubbing or kneading of body parts, usually with the hands, in order to stimulate circulation and make muscles or joints supple and/or to relieve tension. Massage shall not include any touching or other stimulation of male or female genitals or female breasts. Massage does not preclude necessary medical treatments performed on any part of the human body if earned out by, or under the direction of, medical practitioners including physicians, chiropractors, and associated medical professionals licensed by the State of Mississippi.
- **Modular homes.** These factory-built homes are built to the state, local or regional code where the home will be located. Modules are transported to the site and installed.
- **Nonconformities.** Any land, lot, building, structure or parts thereof existing prior to the enactment of this ordinance [June 3, 1986], which subsequent to the enactment of this ordinance or amendment thereto, does not conform with the use regulations and/or dimensional regulations of the district in which it is situated, and/or does not comply with any other requirements herein.
- **Open space or common open space.** A parcel or parcels of land not occupied by dwellings or residential structures, accessory structures and yards, which may consist of jogging trails, tennis courts, a golf course, swimming pool, associated recreational buildings and the like, and which is permanently maintained in a suitable state for the shared enjoyment by the owners and/or occupants of individual dwelling units or residential structures within a particular development.
- **Panelized homes.** These are factory-built homes in which panels—a whole wall with windows, doors, wiring and outside siding—are transported to the site and assembled. The homes must meet state or local building codes where they are sited.
- **Parking space.** For the purposes of this ordinance, the term parking space shall refer only to parking places not located on a public street. Each parking space shall be sufficient in size to store one full-size automobile.
- **Paved driveway/paved parking area.** A hard-surfaced area designed and constructed specifically for use by motorized vehicles as a path for the vehicle to be driven across or as a location at which a vehicle could be parked or stored. Such driveways and parking areas shall include only that surface area that is continuously connected to a public or private street via a paved surface wide enough for use by a standard passenger car.
- **Planned unit development (PUD).** An area of a minimum contiguous size, as specified by this ordinance, to be planned and developed as a single entity containing one or more residential clusters and in which land not used for residential structures or yards but required by the basic zoning of the site

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shall be reserved collectively in contiguous units accessible to all building sites in the development as open space for the purpose of providing recreational facilities and pedestrian circulation.

- **Planning commission.** The duly appointed planning commission of the City of Brandon, Mississippi.
- **Portable building.** See "Building, portable."
- **Pre-cut homes.** This is the name for factory-built housing in which building materials are factory cut to design specifications, transported to the site and assembled. Pre-cut homes include kit, log and dome homes. These homes must meet local, state or regional building codes.
- **Principal building.** A structure or, where the context so indicates, a group of structures, in which the principal use of a lot or parcel is conducted. This includes any buildings that are attached to the principal structure by a covered structure.
- **Property line.** The legal boundary line separating buildings or tracts in different ownership.
- **Regular meeting of planning commission.** Regular meetings shall be held at City Hall on the second (2nd) and fourth (4th) Monday of each month at 6:00 p.m., unless that day falls on a recognized state holiday, or the City is otherwise officially closed, in which case the meeting shall be held on the next business day on which the City is open, at the same time and location, unless otherwise rescheduled in accordance with this Ordinance and applicable law.
- **Sanitation ordinance.** Chapter 66 of the Brandon City Code.
- **Schools.** The term school as used in this ordinance shall include public, private, and parochial institutions of learning and shall include trade or industrial schools (i.e., those schools offering training to students in skills required for the practice of trades and industry).
- **Screening.** Landscape and/or architectural barriers which block vision.
- **Short term rental.** Any dwelling or portion there of that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than 30 consecutive days, and meals are not provided.
- **Side street.** A street bordering the side of a lot and intersecting the street on which a structure on the lot faces, as determined by the zoning administrator; in the case of buildings (as opposed to other types of structures), the street which the building faces shall be determined by the principal entrance to the building.
- **Sign.** Any device used for visual communication, including any announcement, declaration, demonstration, display, ribbon, banner, illustration, figures, design, symbol, trademark or insignia, which is used to attract the attention of persons not on the premises, or to advertise, promote the interest, or attract to any business, industry, individual, group, enterprise, subject, public performance, article, machine, or merchandise whatsoever when same is placed in the view of the general public. This shall include every sign and billboard, poster panel, illuminated sign or sign painted on exterior surface of a building or other structure.
- **Sign, advertising.** Any sign, including but not limited to billboards, which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere other than upon the premises where such sign is located, or which it is affixed.
- **Sign, animated.** Any sign with motion or action, having visible moveable parts, requiring electrical energy, but not including wind actuated elements such as banners or flags. This definition does not include public service signs such as time and temperature, or revolving signs.

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- **Sign, business.** Any sign the name of which directs attention to a lawful use of the premises on which it is located, including signs indicating the business transacted, services rendered, goods sold or produced on the premises, the name of the person occupying the premises.
- **Sign, copy.** All words, letters, numbers, figures, characters, artwork, symbol or insignia that are used in the display surface area.
- **Sign, copy, changeable.** All words, letters, numbers, figures, characters, artwork, symbol, or insignia that are used in the display surface that are removable.
- **Sign, flashing.** Any sign which has any flashing device intermittent illumination, revolving or rotating lighting device, or constant lighting device which is made to vary in brilliance by mechanical or other means. This definition does not include public service signs such as time and temperature.
- **Sign, ground.** Any sign which is supported by one or more uprights, poles, braces, or other structure anchored in or on the ground.
- **Sign, incidental.** Advertisement of another service provided at location, other than primary business.
- **Sign, permanent.** Any sign except a temporary sign.
- **Sign, projecting.** Any sign, other than a wall sign, which projects from and is supported by a wall of a building or other structure.
- **Sign, reader board.** That portion of a sign that has changeable words, letters, numbers, figures, characters, artwork, symbol or insignias.
- **Sign, revolving.** A sign which revolves 360 degrees, but does not exceed eight RPM.
- **Sign, temporary.** A banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard or other like materials with or without frames, intended to be displayed for a limited period of time only.
- **Sign, temporary trailer.** Temporary sign structures for use with or without changeable copy illuminated or unilluminated, mounted on a boat-type trailer with or without wheels, not permanently attached to the grounds.
- **Sign, wall.** Any sign attached flat and parallel to the exterior of wall or screening surface of a building or other structure and confined within limits thereof and which projects from that surface less than 12 inches at all points.
- **Sign, window.** Any sign displayed on the inside or outside of a window and visible from a public street, walkway, parking lot or any other public way.
- **Site plan review committee.** The committee created by the board of aldermen to review site plans as required by this ordinance.
- **Special exception.** See "Conditional use."
- **Start of construction.** This is the first placement construction of a structure (other than a manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure without a basement or poured footings, the start of construction means the affixing of the manufactured home to its permanent site. For

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manufactured homes within manufactured home parks or manufactured home subdivisions, start of construction is the date on which the construction of facilities for servicing the site on which the manufactured home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

- **Story.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. For the purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average grade elevation, or when the basement is used for commercial activities (see "Basement").
- **Street.** A right-of-way other than an alley dedicated or otherwise legally established for public use which usually affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive or other appropriate name.
- **Street line.** The right-of-way line of a street.
- **Structure.** Anything constructed or erected, the use of which requires a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, and billboards, but shall not include transient trailers (travel trailers) as defined herein. The term structure shall be construed as if followed by the words or part thereof.
- **Structural alteration of a building.** See "Building, structural alteration of."
- **Subdivision.** The division or redivision of land into two or more lots, tracts, sites, or parcels for the purpose of transfer of ownership, or for development, whether immediate or in the future, by means of an appropriately recorded legal instrument.
- **Tiedown.** Any device designed for the purpose of securing a mobile home or portable building to ground anchors.
- **Townhouse.** A single-family dwelling forming one of a group or series of two or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement or cellar to roof, and having roofs which may extend from one of the dwelling units to another.
- **Transient trailer (travel trailer).** A portable or mobile living unit used for temporary human occupancy away from the place or residence of the occupants. For the purposes of this ordinance, such transient trailer shall be considered a vehicle and not a structure. The term transient trailer or travel trailer shall include pickup truck campers, motor homes, and camping trailers.
- **Undeveloped lot.** A vacant lot or parcel of land.
- **Use.** The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term permitted use shall not be deemed to include any nonconforming use. See section 4, uses and use standards, for a list of defined uses.
- **Variance.** A variance is a relaxation of the dimensional regulations of this zoning ordinance where such variance will not be contrary to the public interest and where a literal enforcement of the ordinance would result in unnecessary and undue hardship.
- **Yard (or minimum yard or setback).** The required open space between any main building or portion thereof and the adjoining lot lines, which shall remain unoccupied and unobstructed by any portion of a structure, except as otherwise specifically provided herein. (However, fences and walls may be

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permitted in such required yards subject to the height restrictions and other regulations of this ordinance.)

- **Yard, front.** The required unoccupied and unobstructed space on the same lot with a main building, extending the full width of the lot, and situated between the front property line and the nearest exterior limits (e.g. vertical portion) of the main building.
- **Yard, rear.** The required unoccupied space on the same lot with a main building, situated between the rear property line and the nearest exterior limits (e.g. vertical portion) of the main building, and extending the full width of the lot.
- **Yard, side.** The required unoccupied and unobstructed space on the same lot with a main building, situated between the side property line and the nearest exterior limits (e.g. vertical portion) of the main building.
- **Zero lot line duplex.** Multiple dwellings to accommodate not more than two families, constructed on two adjoining lots with a common wall provided along the middle lot line in order that either occupant may acquire and hold title to one of the dwellings.
- **Zoning administrator.**. The Community Development Director, or the Director's duly authorized designee, unless another or additional official or officials are formally designated by ordinance or resolution of the Mayor and Board of Aldermen to administer and enforce this zoning ordinance. The Zoning Administrator exercises administrative interpretation authority as designated herein.
- **Zoning district.** See "District."

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ARTICLE 11. APPENDIX

11.1 Development review step-by-step process.

1. **Project initiation sheet.** Submit development review project initiation sheet - staff will assign a project number, a project coordinator, and schedule conceptual/pre-application meeting.
2. **Conceptual/pre-application meeting.** Present conceptual plan for proposed development. The city will provide verbal comments and guidelines related to project and answer questions related to the development proposal and review processes.
3. **City will provide a written summary of comments and outline the next steps including:**
   - Required reviews and approvals.
   - Required public improvements.
   - Fees.
   - Issues to resolve before formal site plan review.
   - Project charter (if desired) - outlining key milestones for project approval.
4. **Review fees due/project initiation sheet update.** Review fees and formal site plan/architectural review submittals are due. Site plan review fee: refer to adopted schedule of fees.

SUBMITTAL MINIMUMS: Formal site plan/architectural review:

a. Three full set printed plans.

b. PDF digital submittal full size.

c. PDF digital submittal 11 by 17 size.

d. DWG file for emergency vehicle testing.

5. **Formal site plan review/architectural review.** Staff will arrange formal site plan review and architectural review sessions for all city staff necessary for review. Staff will provide written comments to project contact.
6. **Planning Commission review (when applicable).** When required by this ordinance or when a development application is referred by the Community Development Director, the Mayor, or the Board of Aldermen, the proposal shall be reviewed by the Planning Commission. Staff will make presentation at the next regular meeting of the Planning Commission. Representatives are welcome to make a short presentation at this meeting. The Planning Commission meets at City Hall on the second and fourth Monday of each month at 6:00 p.m.
6. **Board approval.** Following any required notices and procedures, staff will make presentation at the next regular meeting of the board of alderman. Representatives are welcome to make a short presentation at this meeting. The board meets at city hall on the first and third Monday of each month at 6:00 p.m.
7. **Construction plan review.** Construction plan review can occur simultaneously with formal site plan approval. Three full sets of construction documents plus a code analysis must be submitted along with application for a building permit. See construction document guide for specific requirements.
8. **Building permit issuance.**

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11.2 Formal site plan review requirements.

Site plan set includes the following sheets: Sheets can be combined when appropriate. Plans should be clearly legible, use a variety of line types and line weights.

1. Cover sheet.
2. Survey.
3. Site plan.
4. Parking plan.
5. Utility and grading plans.
6. Landscape plan w/schedule.
7. Architectural building elevations.
8. Lighting plan.
9. Details.

SUBMITTAL MINIMUMS: Formal site plan/architectural review:

a. One full set printed plans.

b. PDF digital submittal full size.

c. PDF digital submittal 11 by 17 size.

d. DWG file for emergency vehicle testing.

11.3 General format requirements applicable to all sheets.

1. **Standard size:** All submittals are accepted electronically in PDF format. Paper drawings should be at standard size, preferably 24 by 36, or 36 by 48 if necessary.
2. **Scale:** 1 inch = 20 feet, 30 feet, 40 feet, 50 feet, 60 feet and 100 feet may be used. Architectural building elevations may be shown in an architectural scale. Please label each plan with scale.
3. **Title block:** Include name of development, type, section township range, address or location of project.
4. **Page numbers:** Include page numbers like S-1, L-1, A-1 in a standardized format.
5. **Property line:** Property boundaries must be clearly shown on all sheets.
6. North arrow: north arrow must be clearly shown on all sheets.
7. Orientation: Orient plan so that north is at the top or left-hand side of sheet.
8. Revisions: If plans are revised, please notate revision on plan.

11.4 Information to be shown on site plan sheets.

11.4.1 **Sheet 1—Cover sheet information.**

1. Development name.
2. Vicinity map a 1 inch = 1,000 feet or 2,000 feet showing one-half mile radius.
3. Zoning district.
4. Tabular data.

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a. Site information.
    i. Lot area (sq. ft. or ac).
    ii. Buildable area (sq. ft. or ac).
    iii. Percent coverage by structure.
    iv. Percent coverage by parking.
    v. Percent coverage by landscape.
    vi. Percent coverage of impervious surface.

b. Building information.
    i. Gross floor area of proposed structures.
    ii. Number of units (if applicable).
    iii. Building height.
    iv. Number of stories.

c. Parking information.
    i. Total number of parking spaces.
    ii. Number of standard parking spaces.
    iii. Number of handicap parking spaces.
    iv. Number of compact parking spaces.
    v. Loading space.

11.4.2 **Sheet 2—Survey plan sheet information.**

1. Site boundaries.
2. Benchmarks used.
3. Dash or shade all existing improvements, lot lines, and lot numbers.

11.4.3 **Sheet 3—Site plan sheet information.**

1. Identify the land use and zone district information for adjacent land.
2. Show building footprints of all existing and proposed buildings and structures. Show all projecting and recessed building elements. Show all points of ingress and egress.
3. Show and dimension required setback and/or building to lines.
4. Dimension distance between structures.
5. Identify primary and side streets.
6. Locate and dimension vehicular access to site (curb cuts).
7. Show site distance triangles.
8. Show general parking arrangements
9. Locate and provide width for pedestrian sidewalks. Label all surfaces so that materials can be determined.

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10. Locate and provide detailed design for proposed fences, retaining walls, and trash enclosures.
11. Show location of all freestanding light fixtures.
12. Show location of existing and proposed signs.
13. Locate all planned site amenities (seating, bicycle facilities, trash receptacles etc.)
14. Show and dimension all landscaped areas and islands.
15. Show detention and retention facilities.
16. Show major drainage affecting the site and any 100-year floodplain on or adjacent to the site.
17. Locate all existing and proposed easements.
18. Locate all existing and proposed fire hydrants.

11.4.4 **Sheet 4—Parking plan sheet information.**

1. Parking structure layout with dimensions for parking stalls and driveways.
2. Accessible spaces with sign location and accessible routes to elevators and building entrance.
3. Loading areas with dimensions.
4. Bicycle enclosure/structures.
5. Traffic control signs.
6. Internal walkways though parking lot.

11.4.5 **Sheet 5—Utilities and grading sheet information.**

1. Existing and proposed structures, streets, and alleys.
2. Existing and proposed utilities and service lines, including water, sanitary sewer, storm sewer, gas, electricity, telephone, and cable television.
3. Existing and proposed fire hydrants (indicate distance to nearest fire hydrant) and FDC.
4. All relevant dimensions related to the location of existing and proposed utilities, service lines, and easements.
5. Existing and proposed drainage channels and facilities, and area subject to a 100-year flood.
6. Existing and proposed contour lines of the subject area shown in intervals not to exceed two feet. Provide finished floor elevations for ground floor of existing and proposed building.
7. Site elevations at each corner of lot, driveway and buildings.
8. Finish floor elevation (FFE) of buildings.
9. Site drainage patterns.

11.4.6 **Sheet 6—Landscape plan sheet information.**

1. Show and label zone lot boundary lines as heavy solid black line. Provide dimensions.
2. Show building footprints of all existing structures to remain and all proposed buildings and structures.
3. Illustrate parking lot layout.
4. Locate and dimension pedestrian sidewalk walkways.

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5. Show landscape elements including fences, walls, and berms, and all site amenities/structures such as seating, shelters, bicycle racks, trash receptacles/enclosures, and gazebos.
6. Illustrate planted areas identifying name, size and quantity of material to be used.
7. Provide planting details, including typical methods of planting, minimum required mulch materials and depths, underlayments, etc.
8. Show location of all existing and proposed signs. Signs and the locations of signs shown on the landscape plan are not approved by the site plan review process.
9. Provide a landscape legend showing quantity, botanical name, common name, size, and notes.

11.4.7 **Sheet 7—Architectural elevations.**

1. Show actual roofline and the top of the parapet (for flat roofs). Provide the parapet height.
2. Show height of the rooftop mechanical equipment and how this mechanical equipment will be screened.
3. Identify clear glazing and provide dimensions for all windows.
4. Show all projecting elements such as cantilevered floor area, balconies, bay windows, etc.
5. Identify all building material and provide samples.

11.4.8 **Sheet 8—Lighting plan sheet information.**

1. Show location of all freestanding and wall mounted exterior lighting.
2. Provide information about type (light source).
3. Show summary of photometric study including min, max, and average number of footcandles.
4. Show details of all light fixtures, including pole heights as measured from the ground.

11.4.9 **Sheet 9—Plan details (optional, all details may be shown on other sheets).**

1. Show trash enclosure design details (elevations).
2. Provide other details as required—Common issues and comments for architectural review:
   - Missing information—Please carefully follow the guidelines for needed information. If you believe something does not apply to you call and ask.
   - Missing drawings—Please carefully follow the sheet requirements. You are welcome to combine sheets when appropriate.
   - Ill-proportioned architectural design.
   - No identification of building materials.
   - Detail information for window and door systems.

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11.5 Resources and ordinances to refer to:

1. Zoning map.
2. Code of Ordinances.
   - Chapter 34 land disturbance and erosion control, illicit discharge and connection and trees on public property.
   - Chapter 42 flood damage prevention, and stormwater detention/retention.
   - Chapter 82 utilities.
   - Appendix A zoning regulations.
   - Appendix B development ordinance.

   Building plans shall comply with the currently adopted building codes.

11.6 Common issues and comments for site plan review.

- Missing information—Please carefully follow the guidelines for needed information. If you believe something does not apply to you call and ask.
- Missing drawings—Please carefully follow the sheet requirements. You are welcome to combine sheets when appropriate.
- Lack of landscaping.
- Missing landscape legend.
- No identification of building materials.
- No identification of existing utilities, sewer, and water facilities.
- No stormwater control.
- Missing details - typical pavements, dumpster enclosures, etc.
- Circulation issues.
- Sight triangle issues.

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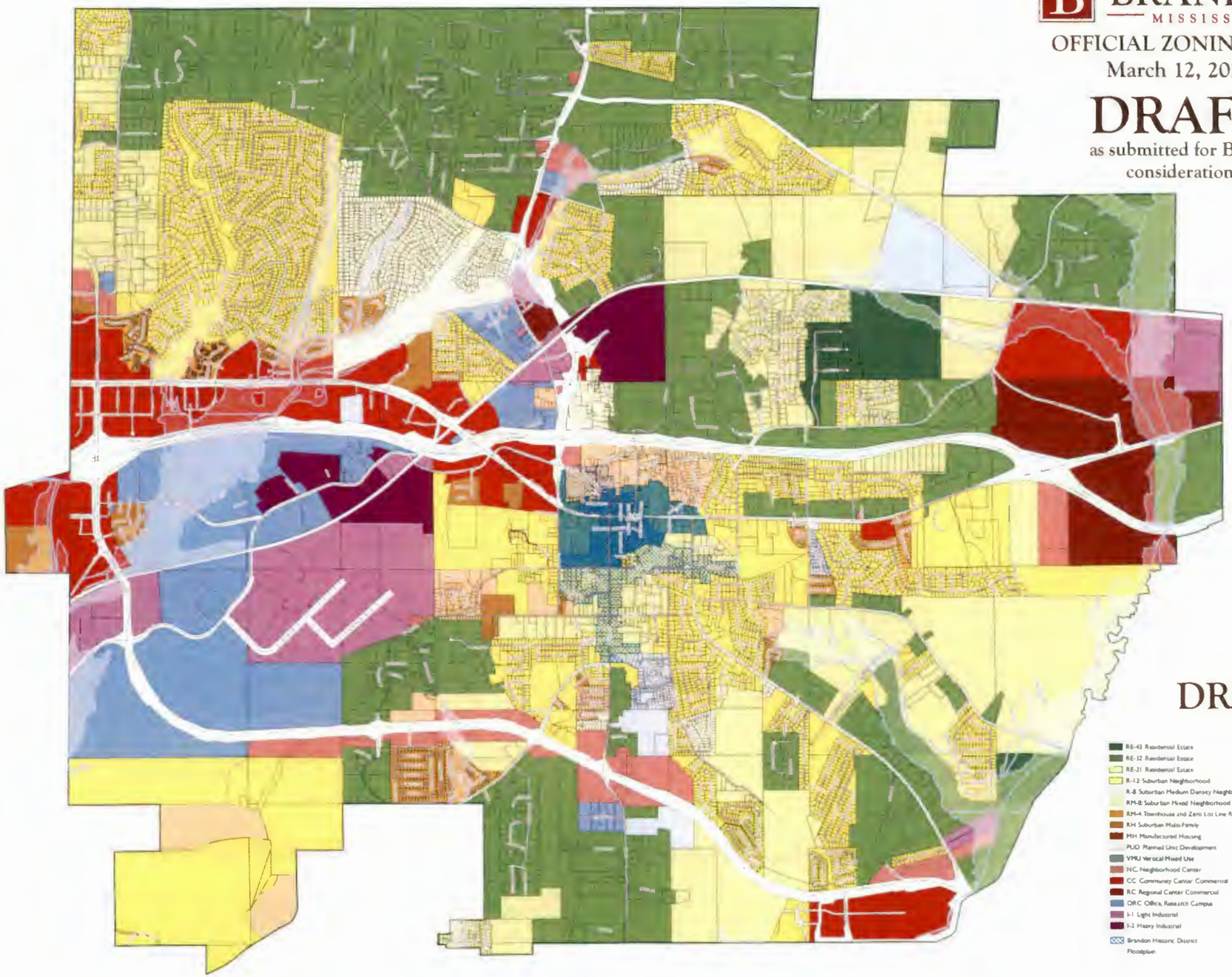
EXHIBIT "B"

BRANDON
MISSISSIPPI

OFFICIAL ZONING MAP
March 12, 2026

DRAFT
as submitted for Board consideration



ORDINANCE ADOPTING THE 2026 COMPREHENSIVE ZONING ORDINANCE INCLUSIVE OF SECTIONS 1.0 THROUGH 11.0 AND INCLUSIVE OF ALL SUB-PARTS THEREOF AND SECTIONS THEREIN AND ADOPTING THE 2026 OFFICIAL ZONING MAP, WHICH SHALL SUPERSEDE AND REPLACE IN ALL RESPECTS THE 2016 COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BRANDON, MISSISSIPPI INCLUDING SECTIONS 1.0 THROUGH 11.0 AND INCLUSIVE OF ALL SUB-PARTS THEREOF AND SECTIONS THEREIN TOGETHER WITH ANY AND ALL AMENDMENTS THERETO AND THE CURRENTLY ADOPTED AND IN USE OFFICIAL ZONING MAP TOGETHER WITH ANY AND ALL AMENDMENTS THERETO; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH

BE IT ORDAINED BY THE MAYOR AND THE BOARD OF ALDERMEN OF THE CITY OF BRANDON, MISSISSIPPI, that, in accordance with MCA Section 17-1-1 *et. seq.* (1972 as amended) and such applicable municipal ordinances and first finding that the amendments herein have been presented to the Planning Commission and having received a favorable recommendation for the approval of the same, and the governing authorities of the City of Brandon having held a public hearing hereon in accordance with MCA Section 17-1-15 (1972 as amended) and applicable municipal ordinances wherein parties in interest and citizens were given an opportunity to be heard and having considered the comments made by those appearing at the public hearing, and the governing authorities having incorporated the findings and conclusions by the Planning Commission as presented by the Director of Community Development and having appended the memo of the Director, with attachments thereto, to the Minutes, and the governing authorities having retained the services of a planning expert and having received the recommendations of said expert and of the City's Director of Community Development which are appended to the Minutes and having incorporated the recommendations herein and further finding that based on all attendant facts and circumstances that these amendments are consistent with the City's recently adopted Comprehensive Plan including

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Future Land Use Plan and Map, and further finding that these amendments will protect the health, safety and welfare of the citizenry and will promote and protect property values and the tax base and for all other reasons that such amendments are reasonable and necessary, does hereby adopt this Ordinance adopting the 2026 Comprehensive Zoning Ordinance inclusive of Sections 1.0 through 11.0 and inclusive of all sub-parts thereof and sections therein, attached hereto as Exhibit "A" and incorporated herein by reference, and adopting the 2026 Official Zoning Map, attached hereto as Exhibit "B" and incorporated herein by reference, which shall supersede and replace in all respects the 2016 Comprehensive Zoning Ordinance of the City of Brandon, Mississippi including Sections 1.0 through 11.0 and inclusive of all sub-parts thereof and sections therein together with any and all amendments thereto and the City of Brandon, Mississippi's currently adopted and in use Official Zoning Map together with any and all amendments thereto, and repealing all ordinances in conflict herewith.

SECTION 1. The 2016 Comprehensive Zoning Ordinance of the City of Brandon, Mississippi including Sections 1.0 through 11.0 and inclusive of all sub-parts thereof and sections therein together with any and all amendments thereto should be and the same is hereby superseded and replaced *in toto* by the 2026 Comprehensive Zoning Ordinance inclusive of Sections 1.0 through 11.0 and inclusive of all sub-parts thereof and sections therein which is attached hereto as Exhibit "A" and incorporated herein.

SECTION 2. The Official Zoning Map of the City of Brandon, Mississippi, together with any and all amendments thereto, should be and the same is hereby superseded and replaced *in toto* by the 2026 Official Zoning Map attached hereto as Exhibit "B" and incorporated herein. The 2026 Official Zoning Map shall be identified by the signature of the Mayor, attested by the

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City Clerk, and shall bear the seal of the City. The 2026 Official Zoning Map shall be prominently displayed in the City's Community Development Department accessible in person by the general public and made available for inspection and review via the internet on the City's official web-site and in such other manner as determined by the Mayor.

SECTION 3. The 2026 Comprehensive Zoning Ordinance shall be codified by the Municipal Code Corporation within the City of Brandon, Mississippi's current Code of Ordinances and made available for inspection and review in person at the City's Community Development Department and via the internet on the City's official web-site and in such other manner as determined by the Mayor.

SECTION 4. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance, Exhibit "A," or Exhibit "B" is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions hereof, it being the intent of the Mayor and Board of Aldermen that this Ordinance would have been adopted even if such invalid part had not been included herein.

SECTION 5. For the preservation of the public peace, health and safety and for other good cause shown, including but not limited to the need to insure proper development of the residential, commercial and industrial resources of the City of Brandon, this Ordinance shall be in force and effect from and after its adoption, unless the same receives less than a unanimous vote and if receiving less than a unanimous vote, this Ordinance shall be in force and effect 30 days after its adoption. All ordinances, parts of ordinances, resolutions, maps, or provisions in conflict with this Ordinance, Exhibit "A," or Exhibit "B" are hereby repealed to the extent of such conflict.

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SECTION 6. This Ordinance having been reduced to writing and no request for the same to be read by the Clerk having been made, the same was introduced by Alderman _____, seconded by Alderman _____ and was adopted by the following vote, to wit:

Sharon Womack, Alderman at Large	___
Jarrad Craine, Alderman Ward 1	___
Cris Vinson, Alderman Ward 2	___
Harry Williams, Alderman Ward 3	___
Lu Coker, Alderman Ward 4	___
Jereme King, Alderman Ward 5	___
David Farris, Alderman Ward 6	___

The Mayor thereby declared the Motion carried and the Ordinance adopted and approved on this the _____ day of _____, A.D., 2026.

_____
BUTCH LEE, MAYOR

ATTEST:

_____
MARY ANN HESS, CITY CLERK

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DRAFT – March 16, 2026

Disclaimer – Redlined Draft for Reference Only

This redlined document is provided for reference purposes only and is intended solely to illustrate the differences between the currently adopted and effective Zoning Ordinance of the City of Brandon and the proposed draft Zoning Ordinance. The proposed ordinance, if adopted, will repeal and replace the existing Zoning Ordinance in its entirety.

This document identifies proposed additions, deletions, and amendments through redline formatting. Because of the nature of the redlining process, formatting irregularities—including but not limited to numbering, spacing, and layout—may occur, and internal or cross-references may not accurately reflect the final organization of the proposed ordinance.

In the event of any discrepancy, the clean draft of the proposed Zoning Ordinance shall control. All formatting, numbering, and cross-reference issues have been corrected in the clean draft version that is being considered for adoption.

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APPENDIX A ZONING REGULATIONS[1]

ARTICLE 1. PURPOSE AND SCOPE

1.1 Title.

This ordinance shall be known as the Zoning Ordinance of Brandon, Mississippi and may be so cited. Further reference elsewhere as "zoning ordinance", "the ordinance" or "this ordinance" shall imply the same wording and meaning as the full title.

1.2 Authority.

This ordinance is promulgated under the authority of MCA 1972, §§ 17-1-1 through 17-1-27, as amended, which delegates the powers necessary for municipalities to adopt zoning regulations designed to promote the public health, safety, and general welfare of its citizens.

1.3 Purpose.

The purpose of this ordinance is to facilitate the implementation of the City of Brandon Comprehensive Plan and thereby preserve and promote the public health, safety, morals, and general welfare of the inhabitants of the City of Brandon and of the public generally.

The ordinance is intended to be consistent with the comprehensive plan which forms the basis for the ordinance. This ordinance regulates the location, height, number of stories, size of buildings and other structures; the density and distribution of population, size of yards and other open spaces; and the use of buildings, structures, and land for commercial, industrial, residential and other purposes.

Further, the ordinance establishes standards for the design of buildings, sites, and neighborhoods along with standards for the development of mobility facilities and landscaping.

(Ord. of 4-6-20(1), Exh. A)

1.4 Scope of regulations.

The provisions of this ordinance shall apply to all territory, uses and facilities within the City of Brandon, to all public and private lands, the uses on those lands and all structures, buildings, features and landscaping over which the city has jurisdiction.

---

[1]Editor's note(s)—Section 1 of an ordinance adopted March 21, 2016, repealed former App. A, §§ 100, 101, 200, 201, 300—303, 400—421, 500—504, 600—604, 700—705, 800—805, 900—911, 1000—1005, 1100—1115, 1200—1207, 1300—1307, 1350—1358, 1400—1407, 1500—1507, 1600—1607, 1700—1707, 1800—1806, 1850—1858, 1875—1882, 1900—1904, 2000—2007, 2100—2113, 2200—2205, which pertained to the zoning regulations of the city. See the Code Comparative Table for a complete derivation.

Subsequently, an ordinance adopted March 21, 2016(2), enacted a new zoning code to read as herein set out. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

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1.5 Omissions.

The omission of any specific use, dimension, word, phrase, or other provision from this ordinance shall not be interpreted as permitting any variation from the general meaning or intent of this ordinance, as commonly inferred or interpreted. Should occasion arise as to such intent or meaning, the interpretation of the zoning administrator shall apply as provided under article 9, administration and enforcement.

(Ord. of 4-6-20(1), Exh. A)

1.6 Separability and validity clause.

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

1.7 Repeal of conflicting ordinances or parts thereof.

All ordinances or codes or parts of ordinances or codes adopted heretofore by the City of Brandon, Mississippi, which are in conflict herewith or inconsistent with the provisions of this ordinance are hereby repealed.

1.8 Consistency with related regulations.

This ordinance shall be interpreted in harmony with the City's adopted Development Ordinance, building codes, and other applicable ordinances. In the event of direct conflict between such ordinances, the provision imposing the greater restriction or higher standard shall apply.

1.~~8~~ 9 Effective date of ordinance.

This ordinance shall become effective 30 calendar days from and after its adoption.

ARTICLE 2. UNIVERSAL PROVISIONS

2.1 Conformance required.

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformance with all of the regulations specified for the district in which it is located.

2.2 Regulations as minimum regulations.

The regulations established in this ordinance within each district of article 3 shall constitute minimum regulations.

(Ord. of 4-6-20(1), Exh. A)

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2.3 Nonconformities defined.

Nonconformities shall consist of any land, lot, building, structure, or parts thereof, or the various uses to which those items are or were put, and which lawfully existed prior to the enactment of this ordinance adopted on March 21, 2016, as amended, but which subsequently do not comply with the provisions of this ordinance and the requirements of the district wherein located. The regulations pertaining to such nonconformities are established in the district regulations and under section 3.9.

(Ord. of 4-6-20(1), Exh. A)

2.4 Permitted conditional uses constitute conforming uses.

Any land use which is permitted as a conditional use in a particular district under the terms of this ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

2.5 Uniformity within districts.

The regulations and provisions established by this ordinance for each district shall apply uniformly within each district of the same name and shall apply uniformly to each class or type of building, structure, use, or land therein except as otherwise provided.

2.6 Common yards prohibited.

No part of a yard or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as a part of yard, open space, or off-street parking or loading space similarly required for any other building.

2.7 Reduction of lot size prohibited.

No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

2.8 Street access required.

Every building or structure hereafter constructed, moved, or structurally altered shall have direct access to a public (dedicated) street or to an approved private street or parking area, and shall be so located as to provide safe and convenient access for servicing, fire protection, and required off-street parking. All private streets or "circulation drives" shall be a minimum of 20 feet wide excluding parking.

2.9 Visibility at intersections.

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede the vision of operators of motor vehicles.

2.10 Effect of annexation.

Any land annexed into the City of Brandon following enactment of this ordinance shall bear the zoning classifications of Rankin County and be subject to the zoning regulations of Rankin County with respect to permitted uses in all classifications until such time as the same is reviewed and considered by the city; however during the pendency of consideration of the city to retain the existing zoning classification or to re-zone the same, the zoning ordinances of the city shall apply with respect to lot sizes, dimensional requirements including square footage building requirements, density, off-street parking, site plan review and all other provisions with respect to

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any proposed uses, consistent with the comparable zoning classification of the city, unless otherwise allowed by the city. Any annexed areas in which the Rankin County zoning designation is inconsistent with the adopted comprehensive plan for the City of Brandon or which carry a zoning classification inconsistent with the city's zoning classifications or which the city determines requires reconsideration of any existing zoning, may be considered for re-zoning when due public notice of hearings is given to consider the zoning of all or part of such annexed land in accordance with the zoning ordinance of the City of Brandon. Following such public hearings and action by the mayor and board of aldermen, the annexed land shall be subject to the regulations of the city's zoning ordinance for all purposes.

2.11 Obstructions causing health or safety hazard prohibited.

No rubbish, salvage materials, junk or hazardous waste materials including inoperable vehicles and parts and any combustible matter, shall be openly stored, allowed to accumulate or kept in the open, and no weeds and other growth shall be allowed to go uncut within any district when the same shall be determined by the appropriate city official (the building inspector, fire chief, or other authorized city employee) or health official to constitute a menace to the public health and/or safety.

2.12 Structures proposed to exceed the maximum building height.

No structure exceeding the maximum building height allowed in any district shall be erected unless approved through the site plan review procedure as specified in section ~~9.9~~9.11 and/or the dimensional variance procedure as specified in section ~~9.6~~9.8 of this ordinance, as applicable.

(Ord. of 4-6-20(1), Exh. A)

2.13 Permitted encroachments and adjustments.

a. Every part of every required setback area shall remain open and unobstructed from the ground to the sky except as otherwise allowed in table 2.17, permitted setback area encroachments, or allowed or limited by provisions in article 4, use standards, article 5, development standards, or elsewhere in this ordinance.

b. Averaging Front setbacks. If the average front setback on improved lots located on the same block face and in the same zoning district is less than the applicable minimum front setback, the required front setback for a new principal structure may be reduced to that average, but in no case shall it be less than the smallest existing front setbeck or greater than the largest existing front setback among principal structures on that same block face. ~~minimum front setback required of a lot shall be reduced to that average front setback. This provision, however, does not apply to lots fronting a major arterial street.~~

Exception. Averaging front setbacks, in accordance with this section, shall be denied where it would conflict with documented right-of-way needs, utility placement, drainage, vision-clearance areas, driveway spacing standards, slope limits, fire department access, or for lots fronting a major arterial street.

c. Lots with multiple street frontages. For corner lots, or lots with more than one street frontage, averaging front setbacks, in accordance with Section 2.13(b), may apply only to the street designated as the front by the Zoning Administrator, and the required setbacks for other street frontages shall comply with the zoning district's minimum setback requirements.

~~c.~~d. Setbacks in floodplains. Where a lot contains an area of special flood hazard, the director of community development may reduce required front, corner side, and/or side setbacks by up to 50 percent on determining the reduction is necessary to accommodate a reasonably-sized structure on the lot.

~~d.~~e. Exception for future street right-of-way. The director of community development may exempt a lot from the requirement that front setbacks be measured from identified future street rights-of-way on determining that the existing street right-of-way is adequate to encompass any anticipated need for widening of the street or

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other improvements, and that widening the right-of-way in accordance with adopted plans would create nonconforming front setbacks for a substantial number of other structures on lots fronting the street.

(Ord. of 4-6-20(1), Exh. A)

2.14 Pending applications for building permits.

Nothing in this ordinance shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approvals and required building permits have been legally granted before the enactment of this ordinance. Construction shall have been started within six months of the effective date of this ordinance and completed in a normal manner within a subsequent two-year period and not discontinued until completion except for reasons beyond the builder's control. All permits for which construction has not begun within six months of the effective date of amendment of this ordinance are hereby revoked and void.

2.15 Accessory buildings or uses shall be subject to the following requirements.

a. No accessory building or use shall be permitted in any required yard, other than a rear yard in all districts except:

   i. When located in any ~~RR~~ RE district, accessory buildings may be permitted in the required side yard.

   ii. When located in an R-12 district, accessory buildings, such as detached garages or carports, may be permitted in the required side yard only if the architecture of the accessory building matches the main dwelling and is constructed of like materials, finishes, and colors.

The rear yard is the area between the rear property line and the nearest vertical portion of the main building, and extending the full width of the lot.

b. No accessory building or use shall be erected closer than five feet from another building.

c. The maximum size and dimensional requirements for accessory buildings are specified in table 2.16, accessory building dimensional requirements, below.

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Table 2.16 Accessory Building Dimensional Requirements																
Development Standard ■ = Required X= Not Applicable	**Zoning District**															
	Residential							**Commercial**			**Employment**			**Special**		
	~~RR~~ Any RE	**R-12**	**R-8**	**RM-8**	**RM-4**	**RH**	**RM**	**NC**	**CC**	**RC**	**I-1**	**I-2**	**ORC**	**VMU**	**~~TND~~**	**PUD**
Maximum height (feet)	20	20	20	20	20	20	8				20					20
Sideyard setback (feet)	10	8	5	5	5	5	10				30					5
Rear yard setback (feet)	10	5	5	5	5	5	5				15					5
Rear yard when abutting residential district (feet)	-	-	-	-	-	-	-				50					
Maximum size shall not exceed 5% of the area or 750 square feet whichever is greater	X	■	■	■	■	■	■									■

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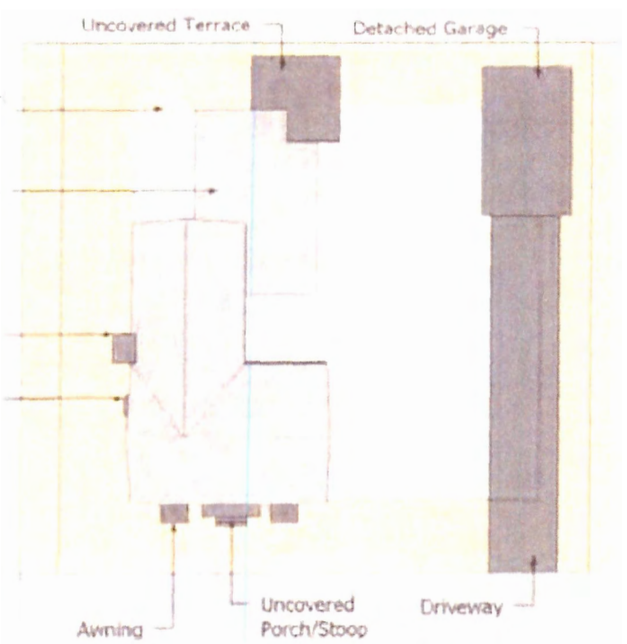

Table 2.17 Permitted Setback Area Encroachments	
Feature	**Extent and Limitations**
Open balconies, fire escapes, or stairways	May extend up to five feet into any required setback area
Bay windows	May extend up to three feet into any required setback area if no more than nine feet wide
Chimneys or fireplaces	May extend up to three feet into any required setback area
Moveable awnings	May extend up to three feet into any required setback area
Roof eaves and overhangs, or marquees	May extend up to three feet into any required setback area
Sills or entablatures	May extend up to 12 inches into any required setback area
Uncovered porches, stoops, decks, patios, terraces, or walkways	May extend into or be located in any required setback area if less than 12 inches higher than ground level; may extend up to three feet into any required setback area if more than 12 inches, but less than 30 inches, higher than ground level
Signs, projecting or freestanding	May extend into or be located in any required setback area in accordance with table 8.7: table of sign dimensions and locations
Flagpoles	May be located in any required setback area if less than 20 feet high, set back from side and rear lot lines by at least ten feet, and set back from front and corner side lot lines by a distance equal to the flagpole height
Lighting fixtures	May be located in any required setback area if less than 20 feet high
Fences or walls	May be located in any setback area, subject to the limitations in section 5.5, fences and walls
Accessory structures other than those listed above	Subject to the limitations in section 2.15 and in table 2.16

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Vegetation and landscaping features such as retaining walls, fountains, ponds, and similar landscaping features	May be located in any required setback area

(Ord. of 4-6-20(1), Exh. A; Ord. of 8-16-21(1))

ARTICLE 3. ZONING DISTRICTS AND MAP ESTABLISHED

3.1 Zoning districts established.

For the purpose of promoting public health, safety, morals, and general welfare, the City of Brandon, Mississippi, is hereby divided into the following zoning districts:

Zoning Districts
Residential
(RE-43) Residential Estate, Large Lot
~~(RR) Rural Neighborhood~~ (RE-32) Residential Estate, Moderate Lot
(RE-21) Residential Estate, Neighborhood Lot
(R-12) Suburban Neighborhood
(R-8) Suburban Medium Density Neighborhood
(RM-8) Suburban Mixed Neighborhood
(RM-4) Townhouse and Zero Lot Line Residential
(RH) Suburban Multi-Family
(MH) Manufactured Housing
Commercial
(NC) Neighborhood Center
(CC) Community Center
(RC) Regional Center
Employment
(I-1) Light Industrial
(I-2) Heavy Industrial
(ORC) Office, Research Campus
Mixed Use, Planned and Overlay
(VMU) Vertical Mixed Use
(PUD) Planned Unit Development
~~(PUD) Planned Unit Development~~
~~(TND) Traditional Neighborhood Development~~
(FLO) Flood Overlay
(HPO) Historic Preservation Overlay

3.2 Official zoning map.

The aforesaid zoning districts are identified and delineated on a map entitled official zoning map: City of Brandon, Mississippi, and said map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

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3.2.1 **Map certified.** The official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and shall bear the seal of the city under the following words:
"This is to certify that this is the Official Zoning Map of the City of Brandon, Mississippi, as adopted by the Mayor and Board of Aldermen on March 21, 2016."

3.2.2 **Location of official zoning map.** Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map located at the Brandon city hall shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

3.2.3 **Public inspection of map.** The official zoning map shall be available for public inspection as provided by law for all matter which is public record.

3.2.4 **Map amendment.** If, in accordance with the provisions of this ordinance and statutes of the State of Mississippi, changes are made in the zoning boundaries or other matters portrayed on the official zoning map, such changes shall be made on the official zoning map within 30 days after the amendment has been approved by the mayor and board of aldermen. All such amendments shall also be recorded by the zoning administrator in a book known as the log of amendments to the official zoning map, and these entries shall be made in chronological order.

"On _____by official action of the Mayor and Board of Aldermen, the following change(s) were made in the Official Zoning Map: (brief description of the nature of the change)." All entries in the log of amendments to the official zoning map shall be made within 30 days after the amendment has been approved by the mayor and board of aldermen.

Said log of amendments, like the official zoning map, shall be located in the city hall of Brandon and shall be available for public inspection. No amendment to this ordinance which involves matters portrayed on the official zoning map shall become effective until after such changes have been made on said map and recorded in the log of amendments. Furthermore, no changes of any nature on the official zoning map or matters shown thereon shall be made except in conformity with the procedures set forth in this ordinance. An unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided by law.

3.2.5 **Replacement of official zoning map.** In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the mayor and board of aldermen may, by resolution, adopt a new official zoning map which shall supersede the prior zoning map. The new official zoning map may correct drafting errors or other omissions on the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and shall bear the seal of the city under the following words:

"This is to certify that this Official Zoning Map replaces the Official Zoning Map adopted as part of the Zoning Ordinance of the City of Brandon, Mississippi."

3.3 Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following shall apply:

3.3.1 Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be constructed to follow such centerlines.

3.3.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

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3.3.3 Boundaries indicated as approximately following city limits shall be construed as following such city limits.

3.3.4 Where the boundary of a district line follows a railroad right-of-way, such boundary shall be deemed to be located on the right-of-way line to which it is closest, which shall completely include or exclude the railroad easement unless otherwise designated.

3.3.5 Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.

3.3.6 Boundaries indicated as parallel to or extensions of features indicated in subsections 3.3.1 through 3.3.5 above shall be so construed.

3.3.7 Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections 3.3.1 through 3.3.6 above, the mayor and board of aldermen shall interpret the district boundaries.

3.3.8 Where a district boundary line divides a lot which was in a single ownership at the time of passage or amendment of this ordinance, the mayor and board of aldermen may permit, as a conditional use, the extension of the use into the remaining portion of the lot.

(Ord. of 4-6-20(1), Exh. A)

3.4 Transition to new zoning districts.

On the effective date of this ordinance, land zoned with a zoning district classification from the previous zoning regulations shall be translated to one of the zoning district classifications in table 3.4. The table summarizes translation of the zoning districts used in the previous zoning regulations to the zoning districts based on the Brandon Comprehensive Plan. However, the administration of any vested or pre-existing approvals affected by these transitions shall be governed by the provisions of Section 9.3, Transitional and Vested Rights Provision.

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Table 3.4 Zoning Districts Conversion		
Former District	~~Plan Brandon~~ New Zoning District	Brandon Comprehensive Plan: Land Use Category
Residential Districts		
None	(RE-43) Residential Estate, Large Lot	Rural Residential
(RR) Rural Neighborhood	~~RR) Rural Neighborhood~~(RE-32) Residential Estate, Moderate Lot	Rural Residential or Residential Estate
None	(RE-21) Residential Estate, Neighborhood Lot	Residential Estate or Low Density Residential
(R-12) Suburban Neighborhood	(R-12) Suburban Neighborhood	Low Density Residential or Medium Density Residential
(R-8) Suburban Medium Density Neighborhood	(R-8) Suburban Medium Density Neighborhood	Medium Density Residential
(RM-8) Suburban Mixed Neighborhood	(RM-8) Suburban Mixed Neighborhood	Medium Density Residential
(RM-4) Townhouse and Zero Lot Line Residential	(RM-4) Townhouse and Zero Lot Line Residential	Patio Homes/Townhouses
(RH) Suburban Multi-Family	(RH) Suburban Multi-Family	Multi-Family Residential
(MH) Manufactured Housing	(MH) Manufactured Housing	Manufactured Home Residential
Commercial Districts		
(NC) Neighborhood Center	(NC) Neighborhood Center	Neighborhood Commercial
(CC) Community Center	(CC) Community Center	Community Commercial
(RC) Regional Center	(RC) Regional Center	Regional Commercial
Employment Districts		
(I-1) Light Industrial	(I-1) Light Industrial	Light Industrial
(I-2) Heavy Industrial	(I-2) Heavy Industrial	Heavy Industrial
(ORC) Office, Research Campus	(ORC) Office, Research Campus	Technical Industrial
Special Districts		
(VMU) Vertical Mixed Use	(VMU) Vertical Mixed Use	Vertical Mixed Use (including NC, CC, and limited RH)
(PUD) Planned Unit Development	(PUD) Planned Unit Development	None (Residential and Commercial Uses are Allowed)
(TND) Traditional Neighborhood Development	~~(TND) Traditional Neighborhood Development~~ (PUD) Planned Unit Development	None
(FLO) Flood Overlay	(FLO) Flood Overlay	Vertical Mixed Use (including NC, CC, and limited RH)
(HPO) Historic Preservation Overlay	(HPO) Historic Preservation Overlay	None
None	Public/Quasi-Public Conditional Use	Recreational Resort
NOTES: Former TND and PUD zoned properties with approved master plan shall be administered in accordance with the transitional and vested-rights provisions of Section 9.3 of this ordinance.		

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All other Former TND zoned properties without an approved master plan shall be rezoned to the most comparable base district consistent with the Comprehensive Plan, as determined by the Board of Aldermen following public notice and hearing.

(Ord. of 4-6-20(1), Exh. A)

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3.5 Residential districts.

3.5.1 RE-43 Residential Estate, Large Lot (RE-43)

PURPOSE

The purpose of the Residential Estate, Large Lot District is to protect certain areas of rural development character within the city so they may continue to be used for rural neighborhood purposes including residential, recreational and agricultural purposes. It is the intent of this ordinance that these districts be located only in the more undeveloped areas of the City of Brandon. These areas may contain limited or rural-level infrastructure. Nothing in this section shall be interpreted as creating an obligation upon the City to extend public utilities or roadways beyond existing service limits.

TYPICAL BUILDING TYPE



PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS

Minimum lot area (sf)	43,560
Minimum lot width (ft)	100
Minimum floor area per dwelling unit (sf)	2,200
Maximum building coverage (% of lot area)	n/a
Maximum height (ft)	40
Minimum front yard depth (ft)	50
Minimum side yard depth (ft)	10
Minimum rear yard depth (ft)	30
District land use	See section 4
Development standards	See section 5
Mobility standards	See section 6
Parking requirements	See section 7

NOTES: (sf = square feet, ft = feet)
Height limits shall not apply to appurtenances and not intended for human occupancy or to be used for any commercial or advertising purposes.

TYPICAL LOT PATTERN



TYPICAL DEVELOPMENT CONFIGURATION

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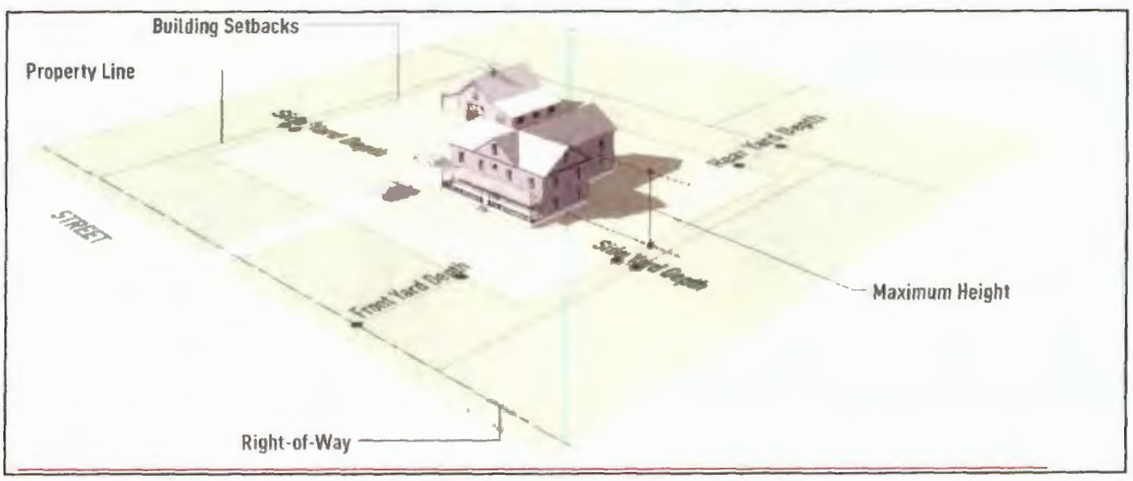

3.5.1-2 RR RURAL NEIGHBORHOOD (RR)RE-32 Residential Estate, Moderate Lot (RE-32)		
PURPOSE		**TYPICAL BUILDING TYPE**
The purpose of the ~~Rural Neighborhood~~Residential Estate District is to protect certain areas of rural-like development character within the city so they may continue to be used for ~~rural~~ neighborhood purposes including residential, recreational and agricultural purposes. It is the intent of this ordinance that these districts be located ~~only~~ in the more ~~rural,~~ undeveloped areas of the City of Brandon, which may have restricted or limited infrastructure including transportation at the time of adoption. These areas may contain limited or rural-level infrastructure. Nothing in this section shall be interpreted as creating an obligation upon the City to extend public utilities or roadways beyond existing service limits.		
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		**TYPICAL LOT PATTERN**
Minimum lot area (sf)	32,670	
Minimum lot width (ft)	~~80~~ 90	
Minimum floor area per dwelling unit (sf)	~~1,500~~2,200	
Maximum building coverage (% of lot area)	n/a	
Maximum height (ft)	40	
Minimum front yard depth (ft)	50	
Minimum side yard depth (ft)	8	
Minimum rear yard depth (ft)	30	
District land use	See section 4	
Development standards	See section 5	
Mobility standards	See section 6	

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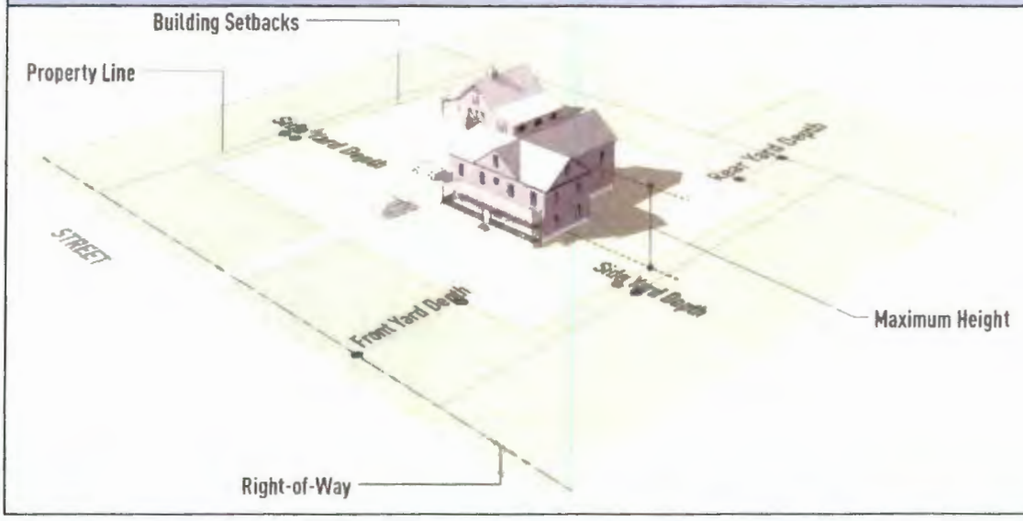
Parking requirements	See section 7
NOTES: (sf = square feet, ft = feet) Height limits shall not apply to ~~spires, cupolas, antennas, chimneys, or other mechanical~~ appurtenances ~~usually required to be placed above the roof level~~ and not intended for human occupancy or to be used for any commercial or advertising purposes.	

TYPICAL DEVELOPMENT CONFIGURATION



3.5.3 RE-21 Residential Estate, Neighborhood Lot (RE-21)

PURPOSE	TYPICAL BUILDING TYPE
The purpose of the Residential Estate, Neighborhood Lot District is to allow for estate style lots within the city so they may be used for residential platted or unplatted development purposes. It is the intent of this ordinance that these districts serve as a transition from more dense residential development and areas which are less dense or undeveloped. These areas may contain limited or rural-level infrastructure. Nothing in this section shall be interpreted as creating an obligation upon the City to extend public utilities or roadways beyond existing service limits.	

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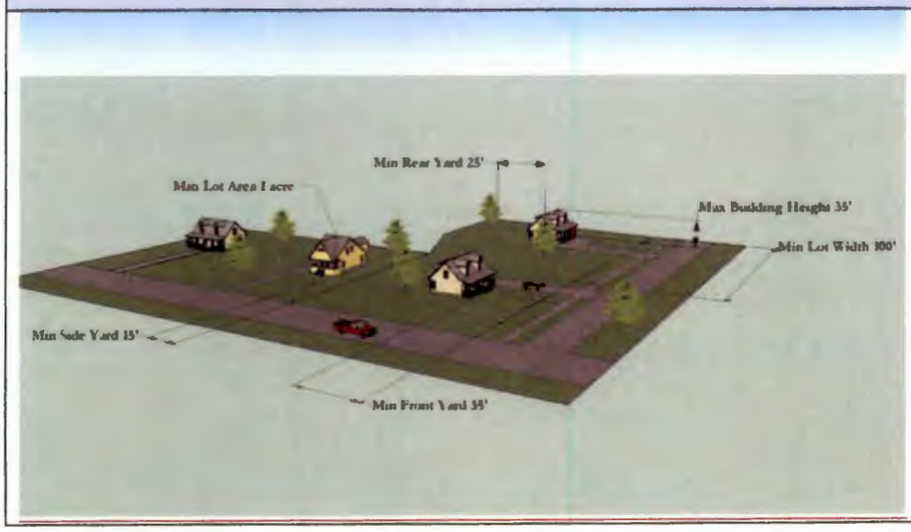
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		TYPICAL LOT PATTERN
Minimum lot area (sf)	21,780	
Minimum lot width (ft)	90	
Minimum floor area per dwelling unit (sf)	2,200	
Maximum building coverage (% of lot area)	n/a	
Maximum height (ft)	40	
Minimum front yard depth (ft)	50	
Minimum side yard depth (ft)	8	
Minimum rear yard depth (ft)	30	
District land use	See section 4	
Development standards	See section 5	
Mobility standards	See section 6	
Parking requirements	See section 7	
NOTES: (sf = square feet, ft = feet) Height limits shall not apply to appurtenances and not intended for human occupancy or to be used for any commercial or advertising purposes.		

TYPICAL DEVELOPMENT CONFIGURATION



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3.5.~~2~~4 R-12 SUBURBAN NEIGHBORHOOD (R-12)

PURPOSE

The purpose of the R-12 Suburban Neighborhood District is to provide areas for the development of low to moderate density, single-family residential and related uses. It is the intent of this ordinance that existing residential developments be protected from encroachment of undesirable and incompatible uses and that new developments be constructed according to sound, reasonable, and desirable regulations as stated within this ordinance.

TYPICAL BUILDING TYPE



PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS

Minimum lot area (sf)	12,000
Minimum lot width (ft)	90
Minimum floor area per dwelling unit (sf)	~~1,800~~2,000
Maximum building coverage (% of lot area)	30
Maximum height (ft)	40
Minimum front yard depth (ft)	30
Minimum side yard depth (ft)	8
Minimum rear yard depth (ft)	25
District land use	See section 4
Development standards	See section 5
Mobility standards	See section 6
Parking requirements	See section 7

NOTES: (sf = square feet, ft = feet)
Height limits shall not apply to spires, cupolas, antennas, chimneys, or other mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy or to be used for any commercial or advertising purposes.

TYPICAL LOT PATTERN



TYPICAL DEVELOPMENT CONFIGURATION

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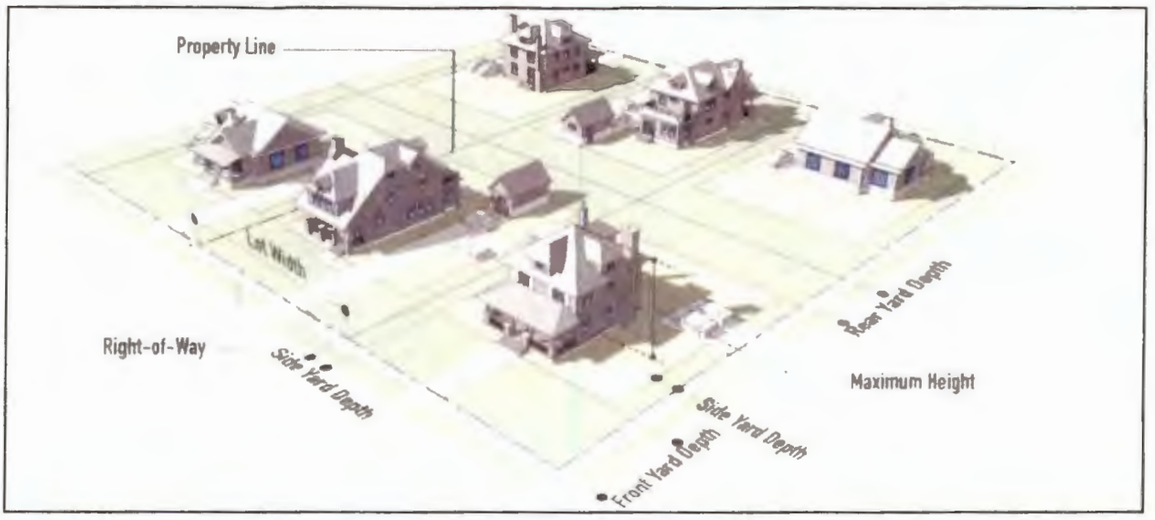

3.5.~~3-5~~ R-8 SUBURBAN MEDIUM DENSITY NEIGHBORHOOD (R-8)	
PURPOSE	**TYPICAL BUILDING TYPE**
The purpose of the R-8 Medium Density Neighborhood District is to provide areas for the development of medium density, single-family residential and related uses. It is the intent of this ordinance that existing residential developments be protected from encroachment of undesirable and incompatible uses and that new developments be constructed according to sound, reasonable, and desirable regulations as stated within this ordinance.	
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS	**TYPICAL LOT PATTERN**
Minimum lot area (sf) 8,000 Minimum lot width (ft) 85 Minimum floor area per dwelling unit (sf) ~~1,600~~1,800 Maximum building coverage (% of lot area) 45% Maximum height (ft) 40 Minimum front yard depth (ft) 25 Minimum side yard depth (ft) 5 Minimum rear yard depth (ft) 25 District land use See section 4 Development standards See section 5 Mobility standards See section 6 Parking requirements See section 7	
NOTES: (sf = square feet, ft = feet) Site plan review is required according to section 9.~~9~~11. Height limits shall not apply to spires, cupolas, antennas,	

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chimneys, or other mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy or to be used for any commercial or advertising purposes.	

TYPICAL DEVELOPMENT CONFIGURATION



3.5.~~4~~6 RM-8 SUBURBAN MIXED NEIGHBORHOOD (RM-8)

PURPOSE	TYPICAL BUILDING TYPE
The purpose of the RM-8 Mixed Neighborhood District is to provide areas for the development of moderate density, single-family residential uses in moderately spacious surroundings. It is the intent of this ordinance that these districts be located in suburban and intermediate portions of the city as well as in established moderate density residential areas. It is further the intent of this ordinance that new and existing developments in this district be protected from encroachment of higher density residential uses.	

PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		TYPICAL LOT PATTERN
Minimum lot area (sf)	8,000	
Minimum lot width (ft)	85	
Minimum floor area per dwelling unit (sf)	~~1,600~~1,800	
Maximum building coverage (% of lot area)	45%	
Maximum height (ft)	40	
Minimum front yard depth (ft)	25	
Minimum side yard depth (ft)	5	

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Minimum rear yard depth (ft)	20
District land use	See section 4
Development standards	See section 5
Mobility standards	See section 6
Parking requirements	See section 7

NOTES: (sf = square feet, ft = feet)
Site plan review is required according to section 9.~~9~~11.
Height limits shall not apply to spires, cupolas, antennas, chimneys, or other mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy or to be used for any commercial or advertising purposes.



TYPICAL DEVELOPMENT CONFIGURATION



3.5.~~5~~7 RM-4 TOWNHOUSE AND ZERO LOT LINE RESIDENTIAL (RM-4)

PURPOSE	TYPICAL BUILDING TYPE
The purpose of the RM-4 Town House and Zero Lot Line Residential District is to provide areas for the development of moderate to high density residential uses and structures in moderately spacious surroundings. These districts are intended to be located in ~~suburban and~~ intermediate portions of the city where a protected environment suitable for moderate density residential use can be provided~~, as well as in established moderate density residential areas~~. However, the use of this district is	

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appropriate on a smaller scale ~~in the suburban portions of the city~~ as a transitional area between low-density residential districts and commercial districts, industrial districts major transportation arteries, or other uses that are not compatible with low-density residential environment.	
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS	**TYPICAL LOT PATTERN**

Minimum lot area (sf)	4,000 (TH) 6,500 (ZLL)
Minimum lot width (ft)	35 (Per TH Group) 60 (ZLL)
Minimum floor area per dwelling unit (sf)	~~1,400~~1,800
Maximum building coverage (% of lot area)	50%
Maximum height (ft)	40
Minimum front yard depth (ft)	20*
Minimum side yard depth (ft)	20 (TH) 5/10 (ZLL)**
District land use	See section 4
Development standards	See section 5
Mobility standards	See section 6
Parking requirements	See section 7
Minimum rear yard depth (ft)	20*** 5 for garage



NOTES: (sf = square feet, ft = feet, TH = Townhome, ZLL = Zero Lot Line
Site plan review required according to section 9.~~9~~11.
*25 feet adjacent to ~~RR~~RE, R-12, RM-8,
**15 minimum between buildings,
***10 feet adjacent to ~~RR~~RE, R-12, RM-8,
A maximum of six dwelling units shall be allowed in each row of townhouses. Townhouse and Zero Lot Line Residential developments shall have a minimum of 10% open space.

TYPICAL DEVELOPMENT CONFIGURATION

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3.5.6-8 RH SUBURBAN HIGH DENSITY RESIDENTIAL (RH)		
PURPOSE		**TYPICAL BUILDING TYPE**
The purpose of RH Suburban High Density is to provide areas for the development of higher density of multifamily residential uses. These districts are to be located in or near the central portion of the city and other carefully selected areas where public services are adequate to support high density residential development. However, the use of this district on a smaller scale in the suburban portions of the city is appropriate as a transition area between low density residential districts and commercial districts, industrial districts, major transportation arteries or other uses not compatible with a low density residential environment.		
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		**TYPICAL LOT PATTERN**
Minimum lot area (sf)	8,500 (SF or TF) 43,560/5,445 per unit (MF)	
Minimum lot width (ft)	75	
Minimum floor area per dwelling unit (sf)	1,400 (SF)	
Maximum building coverage (% of lot area)	50%	
Maximum height (ft)	40	
Minimum front yard depth (ft)	25	
Minimum side yard depth (ft)	8 (SF or TF) 20 (MF)*	
Minimum rear yard depth (ft)	20	
District land use	See section 4	
Development standards	See section 5	

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Mobility standards	See section 6	
Parking requirements	See section 7	
NOTES: (sf = square feet, ft = feet, SF = single-family, TF = two-family, MF = multi-family) Site plan review is required according to section 9.911. *When abutting a single-family residential district		

TYPICAL DEVELOPMENT CONFIGURATION



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3.5.~~7~~8 MH MANUFACTURED HOME RESIDENTIAL (MH)

PURPOSE

The purpose of the MH Manufactured Home Residential District is to provide for needed and properly planned manufactured home parks. It is the intent of this ordinance that these districts may be located only in such areas as to not adversely affect the established residential subdivisions and residential densities in the city. Such locations, however, shall have necessary public services, a healthful living environment and normal amenities associated with residential zones of the city.

TYPICAL BUILDING TYPE



PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS

Minimum site area (ac)	10
Minimum lot size (sf)	~~5,000~~8,000
Minimum lot width (ft)	50
Perimeter setback	25
Minimum floor area per dwelling unit (sf)	n/a
Maximum building coverage (% of lot area)	50%
Maximum height (ft)	20
Minimum front yard depth (ft)	25
Minimum side yard depth (ft)	10
Minimum rear yard depth (ft)	15
District land use	See section 4
Development standards	See section 5
Mobility standards	See section 6
Parking requirements	See section 7

NOTES: (sf = square feet, ft = feet)
Site plan review is required according to section 9.~~9~~11.
Height limits shall not apply to spires, cupolas, antennas, chimneys, or other mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy or to be used for any commercial or advertising purposes.

TYPICAL LOT PATTERN



TYPICAL DEVELOPMENT CONFIGURATION

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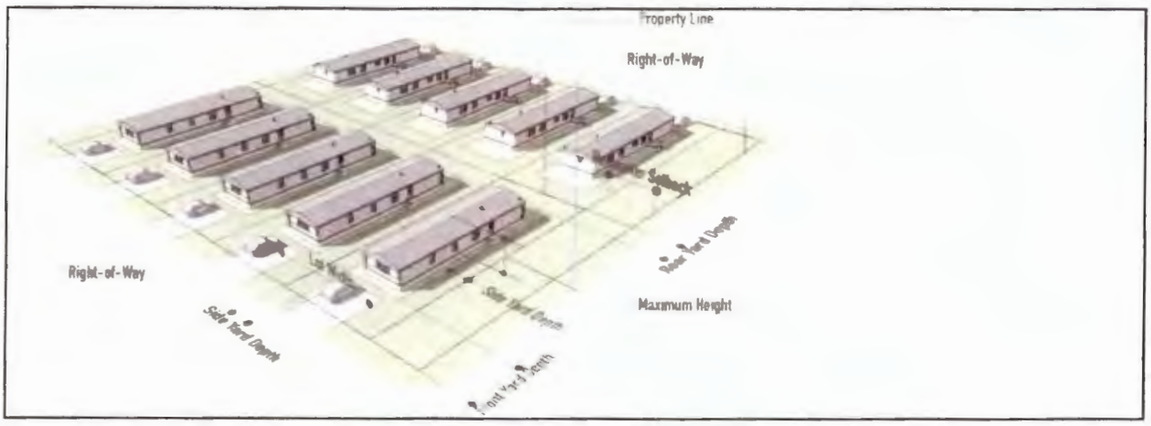

(Ord. of 4-6-20(1), Exh. A)

3.6 Commercial districts.

3.6.1 NEIGHBORHOOD CENTER (NC)		
PURPOSE		**TYPICAL BUILDING TYPE**
Neighborhood Centers contain a variety of commercial activities including groceries, convenience stores, other small retail shops, offices, and personal services. Typically no one use should occupy an area larger than 20,000 square feet to insure there are a variety of commercial uses and that no one use dominates a Neighborhood Center. Uses with drive-throughs shall be limited and small in scale.		
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		**TYPICAL LOT PATTERN**
Minimum lot area (sf)	None	
Minimum lot width (ft)	40	
Minimum floor area per dwelling unit (sf)	n/a	
Maximum building coverage (% of lot area)	50	
Maximum height (ft)	40	
Minimum front yard depth (ft)	20	
Minimum side yard depth (ft)	8/25*	
Minimum rear yard depth (ft)	20/25*	
District land use	See section 4	
Development standards	See section 5	
Mobility standards	See section 6	
Parking requirements	See section 7	

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NOTES: (sf = square feet, ft = feet) Height limits shall not apply to spires, cupolas, antennas, chimneys, or other mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy or for any commercial or advertising purposes. Site plan review required according to section 9.~~9~~11. *When abutting a Residential District. Exceptions to maximum setback allowed when the space is to be occupied by public plazas, outdoor dining, community gardens, etc.	
TYPICAL DEVELOPMENT CONFIGURATION	
	

3.6.2 COMMUNITY CENTER (CC)	
PURPOSE	**TYPICAL BUILDING TYPE**
Provides for the sale of soft lines (apparel) and hard lines (hardware, appliances, etc.) built around a junior department store, variety store, or discount department store as the major tenant, in addition to a supermarket. It may have a strong specialty store. Typical size is 150,000 square feet and may range in size from ~~100~~21,000 to 300,000 square feet. Uses with drive-through service and fuel pumps may be suitable.	
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS	**TYPICAL LOT PATTERN**

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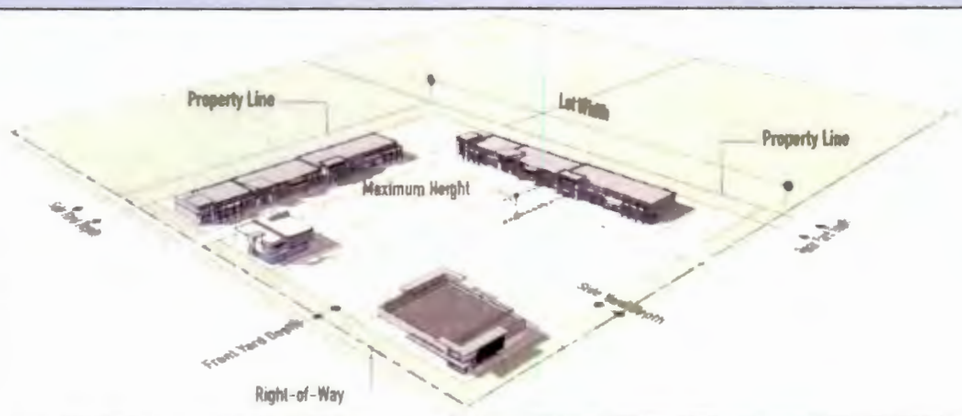
Minimum lot (site) area (sf)	None
Minimum lot (site) width (ft)	75
Minimum floor area per dwelling unit (sf)	n/a
Maximum building coverage (% of lot area)	80
Maximum height (ft)	40
Minimum front yard depth (ft)	20
Minimum side yard depth (ft)	8/35*
Minimum rear yard depth (ft)	20/35*
District land use	See section 4
Development standards	See section 5
Mobility standards	See section 6
Parking requirements	See section 7

NOTES: (sf = square feet, ft = feet)
Height limits shall not apply to spires, cupolas, antennas, chimneys, or other mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy or for any commercial or advertising purposes.
Site plan review required according to section 9.119.
*When abutting a Residential District.
Exceptions to maximum setback allowed when the space is to be occupied by public plazas, outdoor dining, community gardens, etc.



TYPICAL DEVELOPMENT CONFIGURATION



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3.6.3 REGIONAL CENTER (RC)

PURPOSE

Provides shopping goods, general merchandise, apparel, furniture, and home furnishings in full depth and variety. It is built around the full-line department store with a minimum GLA of 100,000 square feet, as the major drawing power. Two, three, or more department stores may be included. A regional center typically has a gross leasable area (GLA) of 300,000 to more than 1,000,000 square feet. Regional Centers in excess of 750,000 square feet GLA with three or more department stores are considered Super Regional. Uses which generate high traffic volumes are suitable.

TYPICAL BUILDING TYPE



PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS

Minimum lot area (ac)	5 acres
Minimum lot width (ft)	200
Minimum floor area per dwelling unit (sf)	n/a
Maximum building coverage (% of lot area)	50
Maximum height (ft)	40
Minimum front yard depth (ft)	20
Minimum side yard depth (ft)	8/75*
Minimum rear yard depth (ft)	20/40*
District land use	See section 4
Development standards	See section 5
Mobility standards	See section 6
Parking requirements	See section 7

NOTES: (sf = square feet, ft = feet, ac = acre)
Height limits shall not apply to spires, cupolas, antennas, chimneys, or other mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy or for any commercial or advertising purposes.
Site plan review required according to section 9.911.
*When abutting a Residential District.
Exceptions to maximum setback allowed when the space is to be occupied by public plazas, outdoor dining, community gardens, etc.

TYPICAL LOT PATTERN



TYPICAL DEVELOPMENT CONFIGURATION

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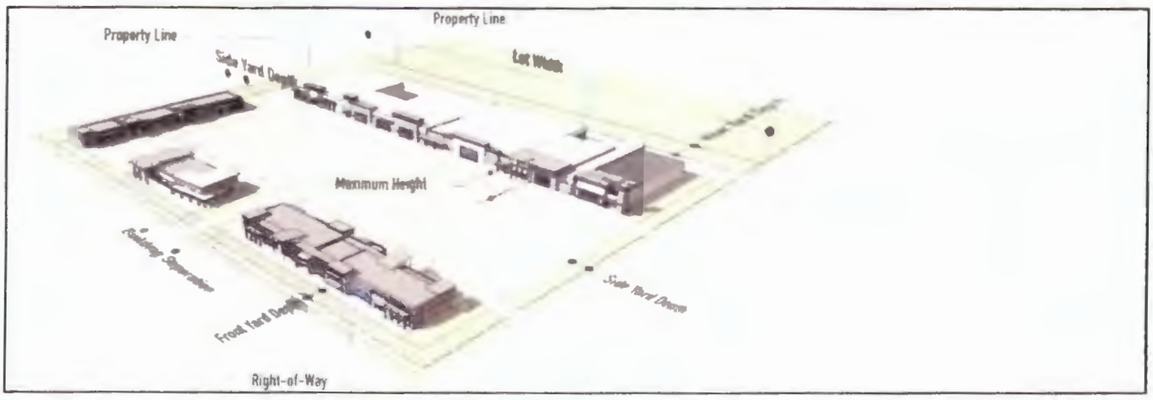

(Ord. of 4-6-20(1), Exh. A)

3.7 Employment districts.

3.7.1 OFFICE AND RESEARCH CAMPUS (ORC)		
PURPOSE		**TYPICAL BUILDING TYPE**
These areas are intended for large-scale, office (greater than 20,000 square foot floorplates and multi stories), research and development, and light manufacturing uses (e.g. warehouses, data centers~~) and data center related facilities such as substations, fuel storage and battery storage, etc.~~) is also appropriate for these areas. Restaurant, hotel, and business service (e.g. copy shop, computer sales and service uses that support the office/industrial uses may be considered.		
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		**TYPICAL LOT PATTERN**
Minimum lot area (sf)	8,500	
Minimum lot width (ft)	75	
Minimum floor area per dwelling unit (sf)	n/a	
Maximum building coverage (% of lot area)	50	
Maximum height (ft)	90	
Minimum front yard depth (ft)	20	
Minimum side yard depth (ft)	8/25*	
Minimum rear yard depth (ft)	15/25*	
District land use	See section 4	
Development standards	See section 5	
Mobility standards	See section 6	
Parking requirements	See section 7	

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Height shall not apply to industry relevant structures, any parapets including screening and rooftop utilities including condensers and air chillers to a maximum of 90 feet. If relevant structures and appurtenances must exceed 90 feet in height, then required to increase building buffering or setbacks 1' per 1' of proposed height deviation. This is in addition to the standards provided in Section 5. If industry relevant structures and appurtenances must exceed the maximum site coverage, additional buffering may be required by the Director, who shall apply the unit of measurement for a use that the Director deems most similar. Site plan review required according to section 9.~~9~~11. *When abutting a Residential District.	

TYPICAL DEVELOPMENT CONFIGURATION



3.7.2 LIGHT INDUSTRIAL (I-1)

PURPOSE	TYPICAL BUILDING TYPE
Light Industrial areas include light manufacturing, assembly, research and development, flex space, and large-scale office uses that do not involve hazardous materials, chemicals or processes that generate offensive levels of noise, odor, vibration or emissions. Selected business service uses are also appropriate when sized and designed to serve the employment area. Data center related facilities such as substations, fuel storage and battery storage, etc. may also be appropriate for these areas.	

PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		TYPICAL LOT PATTERN
Minimum lot area (sf)	30,000	
Minimum lot width (ft)	100	

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Minimum floor area per dwelling unit (sf)	n/a
Maximum building coverage (% of lot area)	90
Maximum height (ft)	40
Minimum front yard depth (ft)	40
Minimum side yard depth (ft)	30/50*
Minimum rear yard depth (ft)	30/50*
District land use	See section 4
Development standards	See section 5
Mobility standards	See section 6
Parking requirements	See section 7

NOTES: (sf = square feet, ft = feet)
Height shall not apply to industry relevant structures and appurtenances to a maximum of 60 feet.
Site plan review required according to section 9.~~9~~11.
*When abutting a Residential District.



TYPICAL DEVELOPMENT CONFIGURATION



3.7.3 HEAVY INDUSTRIAL (I-2)

PURPOSE	TYPICAL BUILDING TYPE
Heavy Industrial areas include all manufacturing, research and development, flex space, and may involve hazardous materials, chemicals or processes that generate offensive levels of noise, odor, vibration or emissions. Data center related facilities such as substations, fuel storage and battery storage, etc. are also appropriate for these areas. Selected business service uses are also appropriate when sized and designed to serve the employment area.	

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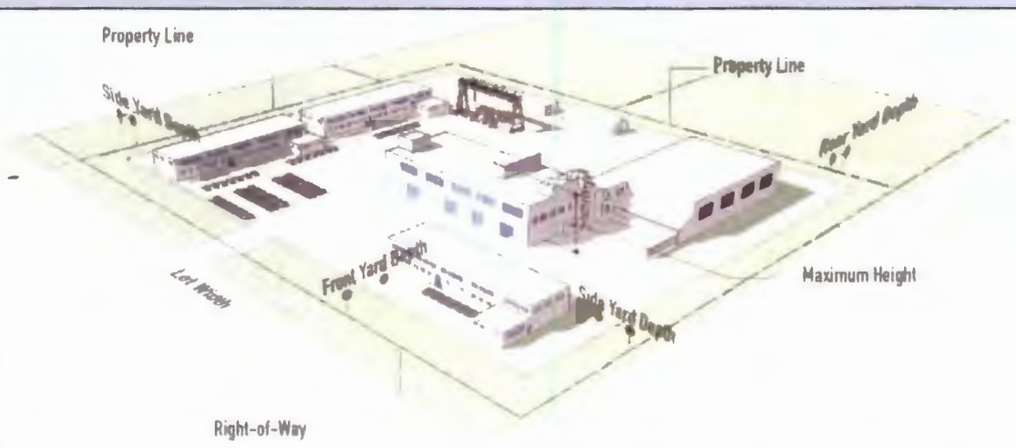
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS	
Minimum lot area (sf)	30,000
Minimum lot width (ft)	100
Minimum floor area per dwelling unit (sf)	n/a
Maximum building coverage (% of lot area)	90
Maximum height (ft)	40
Minimum front yard depth (ft)	40
Minimum side yard depth (ft)	30/50*
Minimum rear yard depth (ft)	30/50*
District land use	See section 4
Development standards	See section 5
Mobility standards	See section 6
Parking requirements	See section 7

NOTES: (sf = square feet, ft = feet)
Height shall not apply to industry relevant structures and appurtenances to a maximum of 60 feet.
Site plan review required according to section 9.~~9~~11.
*When abutting a Residential District.

TYPICAL LOT PATTERN



TYPICAL DEVELOPMENT CONFIGURATION



(Ord. of 4-6-20(1), Exh. A)

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3.8 Planned and overlay districts.

3.8.1 VERTICAL MIXED USE (VMU)

PURPOSE

Vertical mixed use contains a mix of residential and commercial uses. Typically, commercial uses (i.e. retail shops, restaurants, offices) are located on the ground floor, while residential units are located on upper levels. VMU provides flexibility in the planning and construction by allowing a combination of uses that protects adjacent properties; provides an environment that contributes to a sense of community and coherent living style; encourages the preservation of natural and cultural resources; provides open space and efficient arrangement of land uses, buildings, circulation systems, and infrastructure; encourages infill projects and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility, or topography;

TYPICAL BUILDING TYPE



PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS

Minimum site or lot area	None
Minimum lot width (ft)	None
Maximum residential density (units/acres)	12
Minimum open space	20%
Maximum height (ft)	50
Minimum/maximum front yard depth (ft)	0/25**
Minimum side yard depth (ft)	0/20**
Minimum rear yard depth (ft)	10/25**
District land use	See section 4*
Development standards	See section 5
Mobility standards	See section 6
Parking requirements	See section 7

NOTES: (sf = square feet, ft = feet)
*Lots fronting Government Street require commercial uses be located in the first story on the street frontage. A minimum of 50% of Government Street lot frontage shall be occupied by a building façade.
Site plan review required according to section 9.911.
**When abutting a Residential District.
Yard exception—Allowed when the space is to be occupied by public plazas, outdoor dining, community gardens, etc.

TYPICAL LOT PATTERN



TYPICAL DEVELOPMENT CONFIGURATION

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3.8.2 TRADITIONAL NEIGHBORHOOD DISTRICT (TND)		
PURPOSE		**TYPICAL BUILDING TYPES**
Traditional neighborhood development replicates historic development patterns found in American towns. Designs include compact, pedestrian friendly development with a mix of land uses in a village type setting with defined centers and edges, unlike conventional suburban subdivisions. Street networks are connection dense and often built on grid systems and designed to disperse and reduce the length of automobile trips. Traditional neighborhoods reduce land consumption, preserve open space, and are used to develop new communities and to extend or fill in an existing community.		
PRINCIPAL ELEMENTS AND LOCATION STANDARDS		**TYPICAL LOT PATTERN**
Minimum site area	Intended growth areas—3 acres redevelopment and infill areas—None	

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TND Structural Elements		General Land Allocations (min/max %)		
Neighborhood core	Reserved for civic, retail or open space or multi-family use	10/20		
Neighborhood transition	Single-family attached and detached use	25/35		
Neighborhoods edge	Single-family detached use	45/60		
Open space		10		
Maximum residential densities (unit/acre)		SF	MF	
		8	20	
Specific design dimensional and design standards		See following narrative		
District land use		A list of uses shall be provided in the master plan reflecting the requirements of this section.		
Development standards		See section 5		
Mobility standards		See section 6 and following narrative		
Parking requirements		See following narrative		
NOTES: (sf = square feet, ft = feet) Site plan review required according to section 9.9 to include master plan elements to illustrate the neighborhood design in its entirety.				

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EXAMPLE DEVELOPMENT CONFIGURATION



SPECIFIC DESIGN PROVISIONS FOR TND

3.8.2.1 **Access and layout.**

a. If a proposed TND development is located adjacent to a local, collector or higher-classification street, and the street is not designed to conform to the standards of an avenue or main street, street type, the following criteria shall apply:

- The internal streets providing access to the TND shall be aligned perpendicular to the local, collector or higher-order street.
- The buildings or structures that take access from the internal streets shall face the internal streets and not the collector or higher-order streets. However, wall transparency (windows and doors) shall address both streets.
- A continuous system of sidewalks shall connect the neighborhood core with streets and lanes that provide access to dwelling units.

b. Lot arrangement.

- All lots shall include frontage abutting a street, park or plaza. For a proposed TND less than 80 acres in size, at least 90 percent of the dwelling units shall be located within a five-minute walk (1,320 feet) from the perimeter of a plaza or park.
- For a proposed TND that is 80 acres or greater in size, at least 50 percent of the dwelling units shall be located within a five-minute walk (1,320 feet) from the perimeter of a plaza or park.

c. Variable block lengths.

- Blocks shall have an average length not exceeding 400 feet, with no block exceeding 800 feet in length. No block face should have a length greater than 400 feet without a dedicated alley or pathway providing through access to the opposite side of the block.

3.8.2.2 **Neighborhood element standards.**

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a. As a tradeoff for increased density and building mass, open space shall be required within the TND, including but not limited to: commons, pocket parks, plazas, courtyards, landscape features, water fountains and features, greenbelts, and trail connections. Of the required open space, at least 25 percent must be usable open space.

b. The design of the open space provided shall be determined by the size, scale, topography, and market niche of the proposed development. Design shall encourage comfortable and safe pedestrian use including landscaping, seating areas, and lighting, as appropriate.

c. Ownership and maintenance of public space. Provision shall be made for the ownership and maintenance of streets, squares, parks, open space, and other public spaces in a Traditional Neighborhood Development.

3.8.2.3 **Prominent sites and vistas.**

a. Prominent sites shall be reserved for the following building types:

- Civic buildings, including government offices, libraries, museums, schools, or churches;
- Hotels; or office buildings;
- Buildings located on a prominent site shall be at least two stories in height.

b. A "prominent site" may include a location along a main street, or the termination of a vista running from a main street, boulevard, or avenue and its intersection with an equal or lower order street.

3.8.2.4 **Frontage and siting standards.**

a. The location of uses shall be governed by street frontage as shown in Table 2.

Table 2 - Traditional Neighborhood Development Use Location

Street Type	Civic Uses	Retail or Service Uses	Multi-family Uses	Single-Family Uses
Parkways	x	—	—	—
Boulevard	x	x	x	—
Main street	x	x	x	—
Avenue	x	x	x	—
Local	—	—	x	x
Alley or Lanes	—	—	—	x

x = the use or building type is permitted. A dash ("—") means that the use or building type is not permitted.

b. Building lines. The setback for principal buildings shall be as set forth in table 3. Setbacks for accessory structures or accessory dwellings shall comply with that for accessory uses and structures.

c. The frontage and setback requirements shall not apply to parks and open space. In order to allow for variations for unique uses, such as anchor retail tenants or auditoriums, the maximum frontage requirements shall be computed as an average.

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Table 3 - Setback for Principal Buildings							
Location	Min. Frontage (ft)	Max. Avg. Frontage	Min. Front Setback	Maximum Front Setback	Min. Side Setback	Max. Side Setback	Min. Rear Setback
Parkways	100	—	10	30	5	—	20
Boulevard	40	80	5	30	5	20	20
Main Street	—	40	—	5	—	5	5
Avenue	20	40	5	20	5	—	20
Local	20	70	5	30	5	—	20
Alley or lane	20	70	5	30	5	—	20
(—) = not applicable.							

3.8.2.5 **Building design.**

a. Building design shall reflect a demonstrated relationship to historic architecture in the Brandon Historic Districts and the character precedents in Plan Brandon. The principal entrance of all buildings shall open to a street (excluding outbuildings).

b. Building orientation. All principal buildings shall be oriented to parks and open space or to a street. Loading areas shall not be oriented to a street. Buildings that abut both a street and parks or open space shall be oriented to both features.

c. Front porches. Front porches shall be provided on at least 50 percent of all dwelling units within the single-family land use allocation. Porches shall be constructed of masonry or wood materials. Architectural metal may be used if it is consistent with the exterior or roofing materials of the primary building. The seating area shall have a minimum width of nine feet and a minimum depth of six feet.

d. Retail and service buildings. Retail and service uses may designate the entire building area above the ground floor or the second floor for residential use. The applicant shall submit floor plans identifying the use of each room.

e. Abutting uses. Uses may abut at side or rear lot lines, or face across streets or parks. This applies regardless of whether they are in the same or a different land use category.

f. Accessory dwelling. Accessory dwellings are permitted on any lot designated for single-family detached dwellings.

3.8.2.6 Landscaping and screening.

a. The following standards do not apply to a TND:

- Separation buffer standards.
- Building base area standards.

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- Entrance standards.

b. The following standards do apply to a TND:

- Street protective yard standards.
- Interior planting area standards.

c. In order to provide a continuous pedestrian transition for residential neighborhoods and commercial areas, retail, service, or civic land uses shall not be separated from multifamily or single-family land uses within the TND by berms or buffers unless a trail or sidewalk is established that provides a direct connection between the uses.

3.8.2.7 Parking.

a. Adequate parking shall be provided to service all site uses. In order to achieve the intent of the TND district, minimum parking space requirements shall serve as a guide to establishing appropriate levels of parking, but are not intended to be strictly applied. The applicant shall demonstrate adequate parking.

b. Parking lots shall be located at the rear of principal buildings or in mid-block locations. Parking lots and parking garages shall not abut street intersections or civic use lots.

c. Parking lots shall not be located adjacent to parks or open space.

d. Parking lots shall not occupy lots that terminate a street vista.

e. Parking lots shall be located in the interior of a block or shall take access from an alley.

3.8.2.8 Property owners association.

a. A plan for a traditional neighborhood district shall be accompanied by provisions for a property owners association including the following:

- Projected date of organization.
- Organizational structure.
- Diagram of areas to held in common.
- Estimated fees for the proper functioning of the property owners association.

b. Prior to the issuance of a building permit for any building in an approved traditional neighborhood, official organization of the property owners association shall have occurred.

3.8.2.9 Master regulating plan requirements and approval process.

a. When indicated on the zoning map but a traditional neighborhood may be established upon site plan review application procedures where such district is designated but no master regulating plan has been approved. Otherwise, the district shall be established through the requirements and procedures for rezoning land to include the approval of a master regulating plan.

b. Application for a traditional neighborhood shall be accompanied by a master regulating plan developed in accordance with the intent, principles and standards of traditional neighborhood development. Elements shall include, at a minimum, the following:

- A topographic survey and stormwater drainage plan.
- The layout and location and hierarchy of streets and public open spaces and parking areas.
- The layout and location of residential, commercial, and civic building lots.

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- ~~Plan data and statistics to include densities, buildings by type, setbacks, and other explanatory information.~~
- ~~A list of uses by neighborhood section.~~
- ~~A master sign plan.~~
- ~~A phasing plan for the entire development along with projected implementation schedule.~~
- ~~A series of architectural renderings which convey the overall character of the development.~~
- ~~Architectural design guidelines for all site elements and buildings.~~
- ~~An open space plan indicating proposed improvements thereon and the proposed conditions at the project edges.~~
- ~~An overall landscaping plan for the entire development.~~
- ~~A stormwater plan that shows integration of stormwater features into the overall project design.~~

~~c. The master regulating plan shall be evaluated by the site plan review committee for compliance with the intent and standards for traditional neighborhoods.~~

~~d. Approval of the master regulating plan shall constitute preliminary subdivision approval.~~

~~3.8.2.10 Conflict with other provisions.~~

- ~~Where the provisions of the traditional neighborhood district conflict with other ordinance provisions, the provisions of this district shall apply.~~

3.8.~~3~~2 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)		
PURPOSE		**TYPICAL BUILDING TYPE**
The purpose of the planned unit development district is to provide for the development of planned total communities that provide a full range of residential types as well as certain commercial~~,~~ or office~~, or light industrial~~ uses designed to serve the inhabitants of the districts consistent with the comprehensive plan. For purposes of this ordinance, a planned unit development shall be a tract of land at least four acres in area (unless smaller site is approved), under single, corporation, firm, partnership or association ownership, planned and developed as an integrated unit, in a single development operation or a programmed series of development operations and according to an approved master plan.		The planned unit development ~~legacy~~ district is highly customized approved master plans. A typical building illustration is not applicable.
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		**TYPICAL LOT PATTERN**
Minimum lot area (sf)	According to the master plan.	Lotting patterns vary widely in a planned unit development according to the nature and purpose of the
Minimum lot width (ft)		
Minimum floor area per dwelling unit (sf)		

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Maximum building coverage (% of lot area)		development. Lotting pattern may range from those associated with a residential neighborhood to those associated with ~~major~~ minor commercial ~~or industrial~~ developments.
Maximum height (ft)		
Minimum front yard depth (ft)		
Minimum side yard depth (ft)		
Minimum rear yard depth (ft)		
District land use		
Development standards	See Article 5	
Mobility standards	See Article 6 and following narrative	
Parking standards	See Article 7	
NOTES: (sf = square feet, ft = feet) Site plan review required according to section 9.~~9~~ 11 to include master plan elements to illustrate the neighborhood design in its entirety.		

EXAMPLE DEVELOPMENT CONFIGURATION



SPECIFIC DESIGN PROVISIONS FOR PUD

3.8.~~3~~2.1 **Master Plan Required.**

The Planned Unit Development (PUD) district shall established only upon application, after public hearing as specificed in the amendatory procedures of this ordinance and shall require an approved master plan and project narrative which,

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when zoning is granted, will govern the development of the land and all development plans thereof.

3.8.~~3~~2.2 **Minimum planned unit development standards.**

The master plan must provide for an conform entirely to the following standards and requirements:

a. In order to encourage ingenuity, imagination, and high-quality design through flexible lot standards, with overall residential density generally limited to five (5) ~~families~~ units per one (1) acre for single-family dwellings or ~~twenty (20)~~ten (10) ~~families~~ units per one (1) acre in multi-family dwellings, allowing clustering of dwellings to provide maximum open space. Consideration shall be given to the City's adopted Land Use Plan when determining overall density standards within the development.

b. Street widths, improvements, and off-street parking facilities required to conform to City standards or to the standard approved in the master plan.

c. Provisions for water supply, sanitary sewers, stormwater drainage, other utilities, and connections required to meet the standards of the City of Brandon and the State of Mississippi.

d. All improvements were, or are, as applicable, to be installed and maintained by the developer unless other arrangements are approved by the governing authority.

e. Other special improvements may have been required where deemed reasonable and essential.

f. A minimum total area of ten (10) percent of the gross residential area were required to be set aside as parks and playgrounds. Of this ten (10) percent, a maximum of one-half (1/2) may have been permitted to be covered with water. A maximum of five (5) percent of the area designated to be parks and playgrounds may have been permitted to be covered with structures to be used for recreational purposes in the area. Parks and playgrounds must have been suitably improved for their intended use, but parks and playgrounds containing natural features clearly worthy of preservation may have been permitted, or required, to be left unimproved.

g. Master plan showing the relationship of uses, street patterns, open space, and the general character of the proposed development.

3.8.2.3 Master Plans and Amendments.

An application for rezoning to PUD district shall be accompanied by a site plan and project narrative presenting the following:

a) Proposed land uses and population densities.

b) Proposed primary circulation pattern.

c) Proposed parks and playgrounds.

d) Delineation of the units or phases to be constructed together with a proposed timeline.

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

f) Relationship to the comprehensive plan, land uses in the surrounding area and to the general plan of the PUD. Rezoning procedures shall be in accordance with this ordinance.

g) Architectural design standards for all site elements and buildings.

~~g)~~h) Amendments. Following the initial rezoning procedure, the proposed development shall follow all applicable procedures and requirements governing the subdivision of land. No building permits shall be issued until a final plat of the proposed development, or portion thereof, is approved, filed, and recorded.

~~h)~~i) If construction of the planned unit development is not started within two years of the date of approval, the board of aldermen may consider rezoning the site to its previous classification. The applicant, by showing good cause why he cannot adhere to the proposed timetable described in the master plan may seek an extension of not more than one year at a time. A request for extension shall be submitted in writing to the planning commission.

3.8.~~3~~2.4 The master plan site plan shall conform to the site plan standards in the appendix.

3.8.~~4~~3 FLOOD OVERLAY (FLO)		
PURPOSE		**TYPICAL BUILDING TYPE**
The City of Brandon participates in the National Flood Insurance Program (NFIP) and administers the City of Brandon Floodplain Ordinance. Any land within the City of Brandon that lies wholly or partially within the designated 100-year floodplain or floodway is subject to the provisions of the City of Brandon Floodplain Ordinance. The zoning map indicates the approximate location of floodplains. The official NFIP flood maps should be consulted for final determination of lands impacted by this provision.		
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		**TYPICAL LOT PATTERN**
Minimum lot area (sf)	According to the requirements of the underlying base district.	
Minimum lot width (ft)		
Minimum floor area per dwelling unit (sf)		
Maximum building coverage (% of lot area)		
Maximum height (ft)		
Minimum front yard depth (ft)		
Minimum side yard depth (ft)		
Minimum rear yard depth (ft)		
District land use		
Development standards		
Mobility standards		

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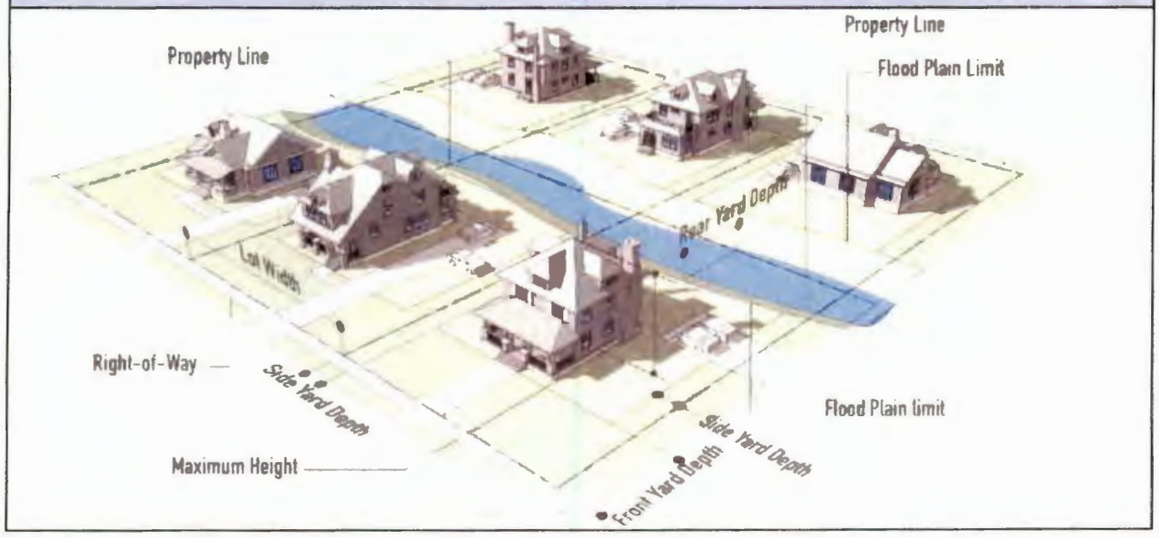
Parking standards		
NOTES: (sf = square feet, ft = feet)		
TYPICAL DEVELOPMENT CONFIGURATION		
		

3.8.~~5~~ 4 HISTORIC PRESERVATION OVERLAY (HPO) ~~(RESERVED)~~		
PURPOSE		**TYPICAL BUILDING TYPE**
The purpose of the Historic Preservation Overlay District in Downtown Brandon is to protect and preserve the unique historical, architectural, and cultural character of the area while guiding new development and redevelopment in a manner that is compatible with the existing built environment. Development within this district shall reinforce the established patterns of building scale, orientation, and materials to ensure continuity with the historic fabric of Downtown Brandon. Special emphasis is placed on promoting pedestrian access and walkability, recognizing the essential role that a pedestrian-friendly environment plays in maintaining the district's traditional, human-scaled character and overall vitality.		
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		**TYPICAL LOT PATTERN**
Minimum lot area (sf)	The dimensional regulations shall be determined during site plan review to maintain the historic development pattern to	
Minimum lot width (ft)		
Minimum floor area per dwelling unit (sf)		
Maximum building coverage (% of lot area)		
Maximum height (ft)		

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Minimum front yard depth (ft)	the greatest extent possible.~~According to the requirements of the underlying base district.~~	
Minimum side yard depth (ft)		
Minimum rear yard depth (ft)		
District land use		
Development standards		
Mobility standards		
Parking standards	~~Reserved~~	
NOTES: (sf = square feet, ft = feet)		
TYPICAL DEVELOPMENT CONFIGURATION		

(Ord. of 4-6-20(1), Exh. A)

3.9 Nonconformities.

3.9.1 **Purpose of this article.** A nonconformity is any land, lot, building, structure or parts thereof, existing prior to the enactment of this ordinance, which subsequent to the enactment of this ordinance or amendment thereto, does not conform with the use regulations and/or dimensional regulations of the district in which it is situated, and/or does not comply with any other requirements herein.

It is the intent of this ordinance to permit nonconforming uses to continue until they are removed, but not to permit their expansion or encourage their survival. It is further the intent of this ordinance that nonconforming buildings, structures or parts thereof may be enlarged upon, expanded or extended provided such expansion is in conformance with this ordinance.

Nonconforming uses are declared by this ordinance to be incompatible with permitted land use in the districts involved. Therefore, a nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this ordinance by:

- Attachment on a building or premises of additional signs intended to be seen from off the premises; or
- By the addition or other uses of a nature which would be prohibited generally in the district involved.

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

3.9.2 **Types of nonconformities.** Nonconformities shall be further defined according to one of the types of nonconformities listed below, or combination thereof, for the purpose of regulation.

a. Nonconforming undeveloped lot of record. This type of nonconformity is an undeveloped lot of record (i.e., part of a subdivision, the map of which has been recorded in the office of the chancery clerk of Rankin County, Mississippi, or a lot described by metes and bounds, the description of which has been recorded in said office) the dimensions of which, subsequent to

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the passage of this ordinance, do not meet the area or width requirements, or both, of the district wherein such lot is located.

b. Nonconforming structure. This type of nonconformity includes anything lawfully constructed or erected with a fixed location on the ground (or attached to something having a fixed location on the ground) prior to the passage of this ordinance, but which subsequently does not comply with the bulk, placement and dimensional requirements of the zoning district wherein located.

c. Nonconforming use. This type of nonconformity includes the uses of any land, lot, building, structure, or parts thereof, which lawfully existed prior to the passage of this ordinance but which subsequently does not comply with all or some part of the use requirements of the zoning district wherein located.

3.9.3 **Regulations concerning nonconforming undeveloped lots of record.** Erection of one-family dwellings allowed on single nonconforming undeveloped (or vacant) lots of record in separate ownerships: In any district in which one-family dwellings are permitted, a one-family dwelling and customary accessory buildings may be erected on any single nonconforming undeveloped (or vacant) lot of record after the effective date of this ordinance notwithstanding limitations imposed by other provisions of this ordinance. This provision shall apply even though such single lot of record fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that:

a. The required yard dimensions and other requirements (than those applying to lot area or width, or both) of the proposed single-family residential use shall conform to the regulations in the district in which such single nonconforming lot of record is located.

b. Variance of yard requirements shall be obtained only through action of the mayor and board of aldermen.

3.9.4 **Regulations concerning nonconforming structures.** Where a lawful structure exists before the effective date of adoption or amendment of this ordinance that could not subsequently be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its placement on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, provided that:

a. Should such nonconforming structure or nonconforming portions of a structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with the provisions of this ordinance.

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

3.9.5 **Regulations concerning nonconforming uses of land (or land with minor structures only).** Where at the time of passage of this ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with a replacement cost exceeding $1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

a. A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;

b. A nonconforming use shall not be moved in whole or in part to any portion of the lot or parcel other than that was occupied by such use at the effective date of adoption or amendment of this ordinance;

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c. If any such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located; or

d. An additional structure not conforming to the requirements of this ordinance shall not be erected in connection with such nonconforming use of land.

3.9.6 **Regulations concerning nonconforming uses of major structures or of major structures and land in combination.** If lawful use involving individual major structures (i.e., those with a replacement cost of $1,000.00 or more) or of such major structures and land in combination, exists prior to the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. An existing structure devoted to a use prohibited by this ordinance in the district in which it is located shall not be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but such use shall not be extended to occupy any land outside such building;

c. If structural alterations are not made, any nonconforming use of a structure, or structure and land, may as a conditional use be changed to another nonconforming use provided that the mayor and board of aldermen, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the mayor and board of aldermen may require appropriate conditions and safeguards in accord with the provisions of this ordinance;

d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

e. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period (except when government action is impeded access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located; and

f. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to the extent of more than 50 percent of the replacement cost at the time of destruction.

3.9.7 **Structures containing a nonconforming use.** Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(Ord. of 4-6-20(1), Exh. A)

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ARTICLE 4. USE REGULATIONS

4.1 Establishment of a table of uses.

The uses permitted in the zoning districts established by article 3 are set forth in the table of uses~~, table 4.1~~.

4.2 Determination of use category.

The director shall make a determination as to whether or not any proposed use is permitted within Brandon's zoning jurisdiction based on the uses listed in the table of uses. Whenever it is not clear whether a proposed use is or is not permitted, the director shall consult the purpose statement for each district and the table of uses ~~the latest version of the North American Industrial Classification System (NAICS)~~ to help make a determination. Any use not specifically listed in the permitted uses table and any proposed use not substantially similar to a listed use as determined by the director after consultation shall be deemed to be prohibited in that district.

4.3 Table of uses.

4.3.1 **In general.** The following table lists uses permitted in each zoning district by:

a. Issuance of a permit by the city without conditions; and

b. Issuance of a permit by the city with conditions. Conditions for specific uses are listed in section 4.4. The table also denotes in which districts certain uses are not permitted.

4.3.2 **Districts.** The permitted uses table lists uses for each district within the city's zoning jurisdiction. Overlay districts are not listed in the table since uses allowed are governed by the underlying district.

4.3.3 **Symbols.**

i. Where the symbol "P" is shown, the use to which it refers is permitted as a use by right in the indicated district, provided it complies fully with all applicable development standards of this chapter.

ii. Where the symbol "C" is shown, the use to which it refers is conditional and must be approved by the mayor and board of aldermen. See section ~~9.7~~9.9 conditional uses.

iii. Where a cel ~~is blank~~ in the table contains the following symbol – then ~~in the table~~, the use to which it refers is not permitted.

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TABLE 4.3 PERMITTED USES TABLE

Use	Zoning District																
	Residential									Commercial			Employment			Special Districts	
	RE 43	RE 32	RE 21	R-12	R-8	RM-8	RM-4	RH	MH	NC	CC	RC	I-1	I-2	ORC	VMU	PUD
Agriculture																	
Agriculture	P	P	P	~~P~~ -	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential																	
Duplex	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	P
Boarding house	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-
Manufactured home	C	C	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
Multifamily, four or fewer units	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	P
Multifamily, more than four units	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	~~P~~ C	P
Secondary attached/detached dwellings	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	C	C
Single-family	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P	P
Upper Floor Residential	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P
Build-to-Rent Development	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-
Short term rental	C	C	C	C	C	C	-	-	-	-	-	C	C				
Commercial																	
Automobile body repair and painting	-	-	-	-	-	-	-	-	-	-	~~P~~ C	~~P~~	P	P	-	-	-

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Carpenter shops, electrical, plumbing and heating shops, furniture upholstering and similar establishments	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Commercial printing	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	-	-
Building material sales	-	-	-	-	-	-	-	-	-	-	~~P~~ C	P	P	-	~~-~~ C	-	-
Farm equipment sales	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Nursery, yard and garden shop, farm supply	C	C	-	-	-	-	-	-	-	~~P~~ C	P	P	-	-	-	-	-
Community/Public and Quasi-Public																		
Assembly	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	C	C
Cemetery	C	C	C	C	C	C	C	C	C	C	~~-~~ C	-	-	-	C	-	-
College or university	-	-	-	-	-	-	-	-	-	-	C	C	-	-	P	P	P
Community and Civic Associations	-	-	-	-	-	-	-	-	-	C	P	C	-	-	-	P	P
Hospital	-	-	-	-	-	-	-	-	-	-	C	C	-	-	~~C~~ P	P	~~P~~ C
Library, museum, art gallery	-	-	-	-	-	-	-	-	-	C	P	P	-	-	~~-~~	P	P
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School	C	C	C	C	C	C	C	C	-	~~-~~ C	~~-~~ C	~~-~~ C	-	-	C	-	C
Industrial																		
Assembly, light	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Data Center	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Industrial, heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	P		-	-
Junk Yard, Auto Wrecking Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-

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Mining, quarrying and crude petroleum and natural gas production	C	C	C	C	C	C	C	C	-	-	-	-	C	C	-	-	-
Outdoor storage	-	-	-	-	-	-	-	-	-	-	-	–C	P	P	-	-	-
Research and development	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P C
Self-storage	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Storage, climate controlled		-	-	-	-	-	-	-	-	-	-	-	P	P	C	-	-
Warehouse	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Lodging																	
Bed and breakfast	C	C	C	C	-	-	-	-	-	P	P	-	-	-	-	P	P
Convalescent homes, nursing homes or assisted living facilities	-	-	-	-	-	-	-	-	-	C	C	C	-	-	C	-	-
Group home	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	C
Hotel	-	-	-	-	-	-	-	-	-	-	P C	P	-	-	P	P	P
Office																	
Office	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Medical office	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Recreation																	
Athletic fields	–C	–C	- C	- C	C-	-C	-C	-	-	C	C	P	P	P	C	-	P
Commercial recreation	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P	P	P
Golf course, country club	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-	P
Horse riding stables	–C	–C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P C
Retail/Personal Service																	
Adult business	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-
Animal care, vet clinic	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-

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Automobile sales and rental	-	-	-	-	-	-	-	-	-	-	~~P~~ C	P	C	C	-	-	-
Bail Bonds	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-
Bar, night club	-	-	-	-	-	-	-	-	-	-	~~P~~ C	~~P~~ C	-	-	-	~~P~~ C	~~P~~ C
Carwash	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
Check cashing and title loan business	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-
Convenience grocery store	-	-	-	-	-	-	-	-	-	C	P	~~C~~ P	C	C	C	-	P
Convenience store, gas station	-	-	-	-	-	-	-	-	-	~~C~~	~~P~~ C	~~C~~ P	C	C	C	-	~~P~~ C
Day care	C	C	C	C	C	C	C	C	-	P	P	P	P	P	P	P	P
Dry cleaner	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	P
Emergency medical facility	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P
Farmer's market	-	-	-	-	-	-	-	-	-	~~-~~C	P	P	-	-	-	P	P
Financial services/Bank	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	P
Funeral home, mortuary	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
Liquor store, package store	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-
Motor vehicle service, minor	-	-	-	-	-	-	-	-	-	-	~~P~~ C	P	P	P	-	-	-
Movie theater	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	P	~~P~~
Pawn shop	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
Personal services	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	P	P
Psychic/fortune teller		-	-	-	-	-	-	-	-	-	-	-		P			
Restaurant with drive in or drive through	-	-	-	-	-	-	-	-	-	-	~~P~~ C	P	-	-	-	C	~~-~~C
Restaurant without drive in or drive through	-	-	-	-	-	-	-	-	-	P	P	P	C	-	P	P	P
Retail stores	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	P
Studios for work and/or teaching	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Tattoo parlor	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-

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Tobacco and/or beer retailer	-	-	-	-	-	-	-	-	-	-	P	C	-	-	-	-	-
Truck stop	-	-	-	-	-	-	-	-	-	-	~~C~~	C	~~P~~	~~C~~	-	-	-
Walk-up/Drive Through Food Stand	-	-	-	-	-	-	-	-	-	C	C	P	-	-	-	C	C
Transportation																	
Airport	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
Railroad facilities	-	-	-	-	-	-	-	-	-	-	-	-	~~P~~	P	-	-	-
Truck terminals	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Utility																	
~~Data Center~~	-	-	-	-	-	-	-	~~C~~	-	-	-	-	~~P~~	~~P~~	~~P~~	-	-
Public or quasi-public utilities and related facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
~~Data Center~~ Fuel/Energy Storage Related Facility	-	-	-	-	-	-	-	-	-	-	-	-	~~P~~C	~~P~~C	~~P~~	-	-
Substation	-	-	-	-	-	-	-	-	-	-	-	-	~~P~~C	~~P~~C	~~P~~C	-	-
Wireless telecommunication facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Accessory																	
Collection boxes	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
Home occupation	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	P	P
Temporary																	
Construction trailer or sales office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Garage sales	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	P	P

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Mobile Food Sales	-	-	-	-	-	-	-	-	-	~~P~~ C	~~P~~ C	~~P~~ C	~~P~~ C	~~P~~ C	~~P~~ C	~~P~~ C	~~P~~ C
Outdoor display	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P
Roadside, farmer's stand	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	C	-

(Ord. of 12-4-17, § 2; Ord. of 4-6-20(1), Exh. A; Ord. of 8-16-21(1); Ord of 5-2-2022(3), § 1; Ord. of 10-17-2022(1))

4.4 Additional standards.

4.4.1 **Agricultural uses.**

1. **Agriculture.**

   i. **Definition:** The keeping, grazing, feeding, or breeding of animals by the property owner or occupant for commercial gain and/or the growing and harvesting of agricultural products to provide food, fiber, or horticultural vegetation for ornamental purposes, or any combination of these uses.

   ii. **Districts permitted:** ~~RR~~RE-43, RE-32, RE-21~~, R-12~~.

   iii. **Parking:** This use has no parking requirements.

   iv. **Loading:** This use has no loading requirements.

   v. **Additional standards:**

   - Accessory sales associated with open agricultural uses shall conform to the requirements of section 4.4.12, accessory uses.
   - One single-family dwelling, occupied by the owner or manager of the farm, will be considered customary and incidental as part of this use.
   - Any accessory structures must be accessory to the use of the property on which the structure is located.

4.4.2 **Residential uses.**

1. **Duplex.**

   i. **Definition:** A structure containing two dwelling units on a single lot.

   ii. **Districts permitted:** RM-8, RM-4, RH, PUD, ~~TND~~.

   iii. **Parking:** Two spaces per unit; units dedicated to elderly, 0.5 spaces per unit.

   iv. **Loading:** This use has no loading requirements

   v. **Additional standards:**

   - A dwelling shall have a primary entrance either on the façade facing the front lot line or visible from the public right-of-way.

2. **Boarding house - rooming house.**

   i. **Definition:** An establishment providing overnight lodging to four or fewer transient patrons.

   ii. **Districts permitted:** Conditional use in RH.

   iii. **Parking:** One space per bedroom.

   iv. **Loading:** This use has no loading requirements.

   v. **Additional standards:**

   - A boarding house shall have a primary entrance either on the façade facing the front lot line or visible from the public right-of-way.

3. **Manufactured home.**

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i. **Definition:** ~~A structure, transportable in one or more sections, which, when erected on site, is 320 or more square feet, and which is built on a permanent chassis. These homes are designed to be used for residential purposes, with or without a permanent foundation when connected to the required utilities, and contain the necessary plumbing, heating, airconditioning, and electrical systems. A home which does not meet the minimum size requirements stated above, is a manufactured home if it either (1) is certified as such by HUD pursuant to the federal Manufactured Home Construction and Safety Standards Act, 41 U.S.C. 778 5401, et. seq., as amended, or (2) complies with the NFPA 501B/ANSI A119.1 (1973, 1974 and 1975 editions)~~These are homes built entirely in a factory under a Federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. Manufactured homes may be single or multi-section and are transported to a site and installed.

- A manufactured home also means a residential building which, whether or not a manufactured home as defined above (and which under the county's prior regulations may have been defined as a mobile home), is ~~either:~~

~~• L~~located in a legally existing manufactured home park in the city on the effective date of these regulations~~; or~~.

~~• Proposed to be relocated onto a legal manufactured home space in a manufactured home park; predates the certification requirements of the Federal Manufactured Home Construction and Safety Standards Act and NFPA 501b/ANSI a119.1 (1973 through 1975 editions); and is inspected by the chief building official and determined to be in a safe, sound physical condition and to meet any other requirements for such homes as may be specified in the city's building code.~~

- The term manufactured home shall not include travel trailers, camper trailers, campers or self-contained motor homes or camper buses.

ii. **Districts permitted:** MH: Conditional use in ~~RR~~RE-43, RE-32.

iii. **Parking:** Two spaces per unit.

iv. **Loading:** This use has no loading requirements.

v. **Additional standards:**

- The mobile home shall be located in an approved mobile home park.

4. **Multifamily, four or fewer units.**

i. **Definition:** A structure containing four or fewer attached dwelling units used for residential occupancy.

ii. **Districts permitted:** RM-4, RH, PUD~~, TND~~.

iii. **Parking:** Two spaces per unit.

iv. **Loading:** This use has no loading requirements.

v. **Additional standards:**

- Façades shall be designed with consistent materials and treatments that wrap around all street-facing façades. There shall be a unifying architectural theme for the entire multifamily development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.

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- Building façades shall include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a façade.
- Flat roofs shall include cornices, parapets, or similar architectural details to add variety and break up the roofline.
- Where townhouse lots and dwelling units are designed to face upon an open or common access court rather than upon a street, this open court shall be a minimum of 40 feet in width and such court shall not include vehicular drives or parking areas.
- In accordance with the development ordinance of the City of Brandon, all underground utility connections shall be installed in such a manner that the utility lines do not cross the lots of adjoining townhouses other than in dedicated easements.
- Parking shall be located in the rear, or side of the structures.

5. **Multifamily, more than four units.**

i. **Definition:** A structure or structures containing more than four attached dwelling units used for residential occupancy.

ii. **Districts permitted:** RH, ~~VMU,~~ PUD~~, TND~~.: Conditional Use in VMU.

iii. **Parking:** One per bedroom for single bedroom units and two for each dwelling unit containing two or more bedrooms.

iv. **Parking:** Shall be located in the rear, or side of the structures.

v. **Loading:** One loading space is required for developments of greater than 12 units.

vi. **Additional standards:**

- Façades shall be designed with consistent materials and treatments that wrap around all street-facing façades. There shall be a unifying architectural theme for the entire multifamily development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.
- Building façades shall include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a façade.
- Flat roofs shall include cornices, parapets, or similar architectural details to add variety and break up the roofline.
- There shall be a minimum distance of ten feet between main buildings of an apartment complex containing up to eight dwelling units. Multifamily dwellings of more than eight units shall require site plan review to determine the minimum distance between buildings.

~~7~~6. **Secondary attached/detached dwelling unit.**

i. **Definition:** An attached or detached dwelling unit created on a lot with a principle dwelling unit. The secondary dwelling unit is created auxiliary to, and is smaller than, the main dwelling. Secondary dwelling units can be created in a variety of ways, including conversion of a portion of an existing house, addition to an existing house, or the construction of an entirely new building. Secondary dwelling units shall not be utilized for short term rentals or for transient lodgings (see bed and breakfast). Examples of secondary dwelling units are: granny flats, in-law units/suites, etc.

ii. **Districts permitted:** Conditional use in ~~RR~~RE-43, RE-32, RE-21, R-12, VMU, PUD~~, TND~~.

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iii. **Parking:** One space per unit.

iv. **Loading:** This use has no loading requirements

v. **Additional standards:**

- The principle single-family dwelling must be owner occupied and not a rented or leased dwelling unit. If, at any time, the principle dwelling is not owner-occupied, then the secondary attached/detached structure shall not be occupied as a secondary dwelling unit.
- Secondary attached/detached dwellings shall be an extension of the principle single-family dwelling and shall only be occupied by the same single-family unit.
- Secondary detached dwellings shall only be permitted on lots with a one acre minimum.
- Secondary attached dwellings shall only be permitted on lots with a one-half acre minimum.
- The setback/minimum yard requirements for the secondary detached dwelling shall be the same as the principle dwelling.
- Secondary attached/detached dwellings shall not have separate street addresses from the principle dwelling.
- Secondary attached/detached dwellings shall utilize the same driveway as the principle dwelling.
- Secondary attached/detached dwellings shall be architecturally compatible with the principle dwelling.
- Secondary attached/detached dwellings shall be limited to 30 percent of the total square footage of the heated/cooled space of the principle dwelling.
- Secondary attached/detached dwellings shall be limited to one per principle dwelling.
- Secondary detached dwellings shall be a minimum of ten feet from the principle dwelling or other accessory structures.

~~6~~7. **Single-family.**

i. **Definition:** A site-built residential building designed for occupancy by one family. For the purposes of this ordinance, single-family dwelling does not refer to mobile, manufactured, modular, panelized or pre-cut homes.

ii. **Districts permitted:** ~~RR~~RE-43, RE-32, RE-21, R-12, R-8, RM-8, RM-4, RH, VMU, PUD~~, TND~~.

iii. **Parking:** There shall be a minimum of two covered parking spaces, side by side, having a minimum dimension of 400 square feet per single-family dwelling unit.

iv. **Loading:** This use has no loading requirements.

v. **Additional standards:**

1. Single-family units in RM-4, VMU, and PUD ~~and TND~~ may be attached.

2. Lease limitation and protective covenant shall be subject to the following requirements:

   a. **Applicability.** The following provisions apply only to new single-family subdivisions or phases, approved by the governing authority, that create a homeowners association (HOA) or other form of shared or common ownership. They do not apply to individual infill homes, existing build-ready lots or tracts of record that are not part of a subdivision or HOA, or within an existing subdivision.

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i. **Protective covenant language.** Prior to recordation of the final plat for any phase, the developer shall submit draft protective covenants for that phase to the City for review and approval by the governing authority. After approval, the developer shall record protective covenants for that phase, which shall, at minimum, include all of the following provisions:

1) "Not more than five percent (5%) of the gross total number of lots in this Phase, regardless of the nature of the lease, or the purpose of the lease, may be leased for any reason. For any such lease, no part or portion of a Lot or dwelling (as distinguished from the entire Lot or dwelling) shall be rented for any period. The entire dwelling and all the improvements on the lots must be leased and then only for a minimum term of 12 consecutive months, except as otherwise provided herein.

2) No lots or dwellings shall be leased or rented under any time-sharing, time interval, or right-to-use programs. Any owner or tenant of any lot or dwelling who shall lease or rent such lot or dwelling shall promptly, following execution of a rental agreement, or upon the request in writing of the Board of Directors, forward a conformed copy of such rental agreement to the Board of Directors and to the Management Agent, if any.

3) All lease or rental agreements, other than for Build-to-Rent Developments approved under the City of Brandon, Mississippi's adopted Zoning Ordinance, as amended from time to time, and shall be in writing and must be submitted to the HOA for approval. Any such agreements shall contain, or shall be deemed to contain, a provision to the effect that the rights of the tenant to use and occupy the dwelling shall be subject and subordinate in all respects to the provisions of this Declaration, Bylaws, and to such reasonable Neighborhood Rules as the Board of Directors may from time to time duly adopt and promulgate among the Members. Each lease agreement shall further provide that any failure by the tenant to comply with any of the same shall be a default under the lease agreement.

4) An allowance is permitted for "cover leases" by residential homebuilders within the first thirty-six (36) months after the issuance of a Certificate of Occupancy for up to 36 months. By the terms hereof, a "cover lease" is a lease by the homebuilder to enable them to place their newly-built houses for lease to provide "cover" for the homebuilder if the house is on the market for a greater than anticipated or expected period of time before sale.

5) The prohibitions of this section shall not be interpreted or construed to prevent the use and occupancy of a dwelling by a member of an Owner's immediate family, related by blood or marriage, during a term of limited duration when the Owner is away for an extended period of time but is expected to return.

6) An allowance or exception is made for true lease-purchases, whereby the owner is required to close on the purchase of the dwelling house within a certain set period of time, not to exceed three years after the inception of the lease-purchase agreement, and at least five percent (5%) of each lease payment is applied as a credit against the purchase price, and the

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lessee, in addition to lessor, is liable for compliance with the protective covenants.

7) The provisions for amendment of these Protective Covenants notwithstanding, this Section Paragraphs 1-6, may not be amended without the written consent of the governing authority of the City of Brandon, Mississippi."

ii. **Preliminary plat submittal.** Draft protective covenants shall be submitted with any application for preliminary plat approval. The Department of Community Development shall verify that the draft covenants contain the required provisions prior to scheduling the subdivision for consideration by the Mayor and Board of Aldermen.

iii. **Exception:** The provisions of Section 4.4.2(6)(v)(2) do not apply to developments approved as a Build-to-Rent Development under Section 4.4.2(9); however, all such developments shall remain subject to the procedural and submittal requirements of this Ordinance, the City's Development Ordinance, and any other applicable ordinances, rules, and regulations.

b. **Enforceability**. The provisions of this Section shall constitute conditions of subdivision approval under this Ordinance and shall be enforceable under Section 9.13 of this Zoning Ordinance. Compliance shall also be reflected in the protective covenants recorded for each phase. Private enforcement of the recorded covenants remains the responsibility of the homeowners association or affected property owners.

c. **Rental Standards Compliance**. All rental or lease activity permitted under Section 4.4.2(6)(v), second bullet (beginning "Lease limitation and protective covenant...") shall comply with all applicable standards, requirements, and procedures established by the City of Brandon for the regulation of rental dwellings, whether now in effect or hereafter adopted, including any registration, inspection, or licensing provisions, and any rules or guidelines promulgated thereunder.

8. **Upper floor residential.**

i. **Definition:** A structure containing dwelling units on the second story or above with commercial or office space on the ground floors.

ii. **Districts permitted:** NC, CC, VMU, PUD.

iii. **Parking:** One space per unit.

iv. **Loading:** This use has no loading requirements.

v. **Additional standards:** None.

9. **Build-to-Rent Development (BTR).**

i. **Definition:** A unified residential development of detached or attached single-family dwellings that are designed, constructed, and operated for long-term rental occupancy, held in common ownership and under single on-site or centralized professional management.

ii. **Districts permitted**: Conditional use in R-8.

iii. **Parking:** Two spaces per unit; units dedicated to elderly housing, 0.5 spaces per unit.

iv. **Loading:** This use has no loading requirements.

v. **Additional standards:**

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1. Project Size. A maximum of twenty-five (25) homes shall be permitted in a single development where BTR housing is present.

2. Rental Limitation. In any mixed-tenure subdivision or phase containing both for-sale and for-rent dwellings, no more than ten percent (10 %) of homes within that phase may be offered for lease unless the project has been approved as a dedicated BTR development under this subsection.

3. Separation. A BTR development shall be located at least one (1) mile, measured radially from the nearest point of the lot line of one Build-to-Rent development to the nearest point of the lot line of another, to ensure adequate separation between such developments.

4. On-Site Management. Professional on-site or centralized management shall be required. Any management or leasing office shall be designed as an accessory structure consistent with the architectural style, materials, and character of the overall development.

5. Design Variety (Anti-Monotony).

   a) Developments containing ten (10) or more dwellings shall provide at least four (4) substantially distinct front-elevation configurations.

   b) Developments containing fewer than ten (10) dwellings shall provide at least two (2) distinct configurations.

   c) The same front-elevation configuration shall not repeat within four (4) consecutive lots on either side of a street segment or directly across the street from one another.

   d) Side and rear building elevations, garages, carports, and accessory structures shall include the same level of architectural detailing and materials as the front façade.

6. Garage Placement. Garages shall be recessed behind the principal façade and shall be architecturally integrated to reinforce variation in the streetscape.

10. **Short Term Rental.**

   i. **Definition:** Any dwelling or portion there of that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than 30 consecutive days, and meals are not provided.

   ii. **Districts permitted:** Conditional Use in RE-43, RE-32, RE-21, R-12, R-8, RM-8, VMU, PUD.

   iii. **Parking:** As required by the zoning district and use type in which this use is located.

   iv. **Loading:** This use has no loading requirements.

   v. **Additional standards:** Short term rentals shall be regulated based on the conditions applied in approval as well as any additional, yet separate ordinances adopted by the City of Brandon.

4.4.3 **Commercial/business service uses.**

1. **Automobile body repair and painting shop.**

   i. **Definition:** Body repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, including the incidental sale, installation, and servicing of related equipment and parts.

   ii. **Districts permitted:** ~~CC~~RC, I-1, I-2: Conditional Use in CC.

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iii. **Parking:** Two spaces per 500 square feet of floor area; or One space for each regular employee, plus one space for each 300 square feet of floor area used for mechanical or body repair.

iv. **Loading:** This use has no loading requirements.

v. **Additional standards:**

- All repairs shall be conducted entirely within an enclosed building.
- The use shall screen all vehicles that have been accepted for repairs from view within a building or by providing a six-foot solid screening fence or six-foot solid screen evergreen hedge along the property line.
- No more than two vehicles per bay or repair/inspection station that have been accepted for repairs by the shop may be stored or parked outside after regular business hours.
- No sales of vehicles is permitted from the premises of this use.

2. **Carpenter shops, electrical, plumbing and heating shops, furniture upholstering and similar establishments.**

i. **Definition:** A facility providing for general building repair, service, and maintenance including installation of plumbing, roofing, signs, electrical, air conditioning, heating, and landscaping, or the making, repairing, or refinishing of furniture or wood products for sale.

ii. **Districts permitted:** I-1, I-2.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

3. **Commercial printing.**

i. **Definition:** A facility for the reproduction, cutting, printing, or binding of materials on a bulk basis using lithography, offset printing, blueprinting, silk screening, or similar methods.

ii. **Districts permitted:** I-1, I-2, conditional use in RC.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

4. **Building material sales.**

i. **Definition:** A facility for the sale of home, lawn, and garden supplies; landscaping materials; plants; brick; lumber; and other similar materials. This use may include the outside storage of materials.

ii. **Districts permitted:** RC, I-1~~;~~: Conditional use in~~and~~ CC, ORC..

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

5. **Farm equipment sales.**

i. **Definition:** An establishment engaged in the on-premises lease, rental, or retail sale of new or used farm equipment, with or without incidental service for minor repairs and maintenance.

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ii. **Districts permitted:** I-1, I-2.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- The use shall screen all building materials on the side and rear yards by placing the materials in a building or by providing a six-foot solid screening fence or six-foot solid screen evergreen hedge along the property line.

6. **Nursery, yard and garden shop, farm supply.**

i. **Definition:** A use, which may be wholly or partially contained within one or more greenhouses, where trees, shrubs, flowers, or vegetable plants are grown and sold. The dominant characteristic of this use includes sales of products not necessarily grown on-site.

ii. **Districts permitted:** ~~NC,~~ CC, and RC, conditional use in ~~RR~~RE-43, RE-32, NC.

iii. **Parking:** One space per 1,000 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- No more than ten percent of sales may be from nonagricultural or non-horticultural products.
- One single-family dwelling, occupied by the owner, operator, or manager of the nursery will be considered customary and incidental as a part of this use.

4.4.4 **Community uses.**

1. **Assembly.**

i. **Definition:** A facility principally used for people to gather together for public worship, religious training, or other religious activities.

ii. Districts permitted: NC, CC, RC, I-1, I-2, ORC; Conditional use in ~~RR~~RE-43, RE-32, RE-21, R-12, R-8, RM-8, RM-4, RH, MH, VMU, PUD~~, TND~~.

iii. **Parking:** One parking space for each five seats in the principal assembly hall.

iv. **Loading:** One loading space if over 10,000 square feet of floor area.

v. **Additional standards:**

- The structure height limitations of these regulations shall not apply to church spires, belfries, or cupolas.
- One single-family dwelling for the housing of the pastor or similar leader of the church and their family will be considered customary and incidental as a part of this use.
- Schools and daycare facilities associated with this use require conditional use review where not permitted as a primary use.

2. **Cemetery.**

i. **Definition:** A place designated for the burial or keeping of the remains of the dead, whether human or animal, including crematories, mausoleums, and columbaria operated within the boundaries of the cemetery.

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ii. **Districts permitted:** Conditional use in ~~RR~~RE-43, RE-32, RE-21, R-12, R-8, RM-4, RH, MH, NC, CC, ORC.

iii. **Parking:** To be determined through conditional use review.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- Access. An entrance to the facility shall be provided on an arterial or collector street with ingress and egress designed to minimize traffic congestion.

3. **College or university.**

i. **Definition:** A place which is accredited by the State of Mississippi providing higher education beyond grade 12, which offers either a two-year or four-year degree in specific disciplines.

ii. **Districts permitted:** ORC, VMU, PUD~~, TND~~; Conditional use in CC, RC

iii. **Parking:** One space per 250 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- All entrances to the campus shall be from a minor arterial classification or higher.
- Facilities normally associated with a college, such as residence halls, administrative buildings, auditoriums, gymnasiums, classrooms and sports facilities shall be permitted as normal accessory uses.

4. **Community and civic association uses.**

i. **Definition:** Community serving organizations; headquarters and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations, civic, social and fraternal organizations, labor unions and similar organizations, political organizations, professional membership organizations, and other membership organizations.

ii. **Districts permitted:** CC, VMU, PUD, TND; Conditional use in NC, RC.

iii. **Parking:** One space per 250 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

5. **Hospital.**

i. **Definition:** An institution licensed by the state providing health services and medical or surgical care to persons. Provided services are generally on an inpatient basis, but associated care and related services may include diagnostic and laboratory services on an outpatient basis. Staff offices and central services facilities are integral parts of the facility.

ii. **Districts permitted:** VMU, ORC~~, PUD, TND~~; Conditional use in CC, RC, ~~ORC~~PUD.

iii. **Parking:** One space for each patient bed, plus one space for each employee.

iv. **Loading:** One loading space for 10,000 square feet of floor area, plus one for each additional 25,000 square feet.

v. **Additional standards:** None.

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6. **Library, museum, art gallery.**

i. **Definition:** A public or quasi-public facility, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, planetariums, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

ii. **Districts permitted:** CC, RC, VMU, PUD, TND; Conditional use in NC.

iii. **Parking:** One space per 250 square feet of floor area.

iv. Loading: One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

7. **Park.**

i. **Definition:** A public area of land intended for indoor or outdoor active or passive recreational uses and all ancillary uses, or for open space.

ii. **Districts permitted:** All districts.

iii. **Parking:** None.

iv. **Loading:** None.

v. **Additional standards:** None.

8. **School.**

i. **Definition:** Buildings and uses for educational or research activities associated with an academic institution which has curriculum for technical or vocational training, kindergarten, elementary, secondary, or higher education, including residential facilities for faculty, staff, and students.

ii. **Districts permitted:** Conditional use in ~~RR~~RE-43, RE-32, RE-21, R-12, R-8~~,~~, RM-8, RM-4, RH, NC, CC, RC, CIRC, PUD~~, TND~~.

iii. **Parking:**

a. **Elementary school:** One space for each six students or one space for each six fixed seats (if provided) in any auditorium, gymnasium or other facility for public assembly, whichever is greater, to accommodate student and parent/visitor parking needs; plus one space for each staff member or other employee of the school.

b. **High and vocational schools:** One space for each four students or one space for each four fixed seats in any auditorium, gymnasium or other facility for public assembly, whichever is greater, to accommodate student and parent/visitor parking needs; plus one space for each staff member or other employee of the school.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

4.4.5 **Industrial uses.**

1. **Assembly, light.**

i. **Definition:** Places for the conduct of any light industrial activity including but not limited to assembling; compounding; food or beverage processing; inside storage, or processing or treatment of products which do not involve the use of hazardous materials, or have the potential to generate excessive noise, odor, vibration, or other emissions.

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ii. **Districts permitted:** I-1, I-2, ORC.

iii. **Parking:** One space per 500 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- Accessory inside retail sales may occupy up to ten percent of the total floor area of the main use.

2. **Data Center.**

i. **Definition:** A facility which houses the necessary computer servers or systems, network systems, related hardware, wiring, data transmitters and other components required for the remote storage ("cloud storage"), transfer, backup and recovery, analysis or processing of digital data. Further, a data center may also include a facility that engages in developing computer technology, software development, programming, data analytics and digital media. This use may also include on-site exterior equipment and facilities necessary for the safe, secure and compatible operation of a Data Center. Such equipment and facilities may include, but is not limited to: HVAC equipment, back-up power generation units, and sound attenuation devices. Energy storage systems are regulated independently.

ii. **Districts permitted:** I-1, I-2, ORC.

iii. **Parking:** One parking space for each 10,000 square feet of gross floor area; plus one space for each vehicle operating from the premises.

iv. **Loading:** One loading space for 50,000 square feet of gross floor area.

v. **Additional standards:**

- The need for supplemental utilities will follow Section 4.4.5.10 ~~Data Center~~ Fuel/Energy Related Facilities.
- Any applicant must provide a site plan produced by a registered engineer illustrating parking and circulation in accordance with the Institute of Transportation Engineers standards.

~~2~~3. **Industrial, heavy.**

i. **Definition:** Any manufacturing operation, research and development, or other industrial use which may involve hazardous materials, chemicals, or processes which might generate excessive noise, odor, vibration, or other emissions.

ii. **Districts permitted:** I-2.

iii. **Parking:** One space per 500 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- Accessory inside retail sales may occupy up to ten percent of the total floor area of the main use.

4. **Junk Yard, Auto Wrecking Yard, and other similar uses.**

i. **Definition:** A place where waste and discharged or salvaged materials are brought, sold, exchanged, baled, packed, stored, disassembled or handled, including auto wrecking yard, used lumberyards, house wrecking yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but excluding places where such uses are

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conducted entirely within a complete enclosed building, and not including pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition or salvaged materials incidental to manufacturing operations.

ii. **Districts permitted:** Conditional use in I-2.

iii. **Parking:** One space per 300 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- Not to be located within 600 feet of any Interstate Highway, US Hwy 80, or Mississippi Highways 18, 468, and 471;
- Comply with all state and federal environmental requirements.
- Comply with all other Brandon City Codes;
- Be compatible with the surrounding land uses, such as adjacent to vehicle repair shops or businesses that have permitted outdoor storage, especially metal parts;
- Have a minimum of three (3) acres of land;
- All items to be stored and screened from view within a fenced area. Ensure that no items are visible above the fence line.
- A one-hundred (100) foot buffer shall be required when abutting a residentially zoned property. The buffer shall be in addition to the separation buffer requirements per Section 5.6.

~~3~~5. **Mining, quarrying and crude petroleum and natural gas production.**

i. **Definition:** The extraction of earth materials including oil and natural gas, by extracting directly from the exposed or buried deposits or other materials. The term mining includes, but is not limited to, such processes as open cut mining, open pit mining, strip mining, quarrying, drilling, and dredging.

ii. **Districts permitted:** Conditional use in I-1, I-2; and Conditional use in ~~RR~~RE-43, RE-32, RE-21, R-12, R-8. RM-8, RM-4, RH for dirt mining only.

iii. **Parking:** This use has no parking requirements.

iv. **Loading:** This use has no loading requirements.

v. **Additional standards:**

- This use shall also be granted and maintain all applicable local, state, and federal permits.
- Processing of the mined material (to the extent approved through the conditional use process) may occur on the parcel where the mining is situated, or on a parcel owned or leased by the mining parcel owner, lessee, or operator provided the parcel is located within 1,000 feet of the mining parcel. No processing of oil or natural gas may occur at the site.

~~6~~5. Outdoor **Storage~~, outdoor~~.**

i. **Definition:** Storage of vehicles or commercial goods or materials in open lots for more than 24 hours.

ii. **Districts permitted:** I-1, I-2; Conditional Use in RC~~.~~

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iii. **Parking:** One space per 250 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- Construction materials stored outside at an active construction site are excluded from this use.
- Storage areas visible from public streets that are not separated from the street by intervening buildings shall be screened.

a. Screening walls and fences shall be at least eight feet in height. If located on a lot line or in a required yard, they shall not exceed the maximum allowable fence heights in required yards.

b. Setback. A setback shall be provided for outdoor stored material at the ratio of 1:1 from all lot lines equal to total height of stored material above required screen wall. Minimum required yards visible from off-site and not enclosed by an eight-foot screen wall are required to be landscaped.

~~7~~6. **Research and development.**

i. **Definition:** Facilities that are primarily office uses for scientific research. This use can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. This use does not involve the fabrication, mass manufacture, or processing of the products.

ii. **Districts permitted:** I-1, I-2, ORC; Conditional Use in ~~,~~ PUD.

iii. **Parking:** One space per 300 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

47. **Self-storage facility.**

i. **Definition:** Facilities offering enclosed storage with individual access for personal effects and household goods, including miniwarehouses and mini-storage. The storage units are not heated and cooled and the entrances to the individual spaces are accessed by exterior doors. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

ii. **Districts permitted:** I-1, I-2.

iii. **Parking:** One space per 300 square feet of office space plus one space per 1,000 square feet of gross storage area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- All facilities shall be limited to inactive items. No retail, repair, or other commercial use shall be conducted out of the individual rental storage units.
- No storage of hazardous materials is permitted. This restriction shall be included in rental contracts and posted at a conspicuous location within the front of each rental unit.
- Open storage, outside an enclosed building, shall be limited to vehicles and trailers with a valid registration and screened from public view by building façades or solid fences of eight feet with view-obscuring gates.
- Driveway aisles shall be a minimum of 24 feet wide.

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- Exterior walls visible from a public street or residential district shall be constructed of decorative block, concrete panel, stucco, or similar material. These walls shall include architectural relief through articulation, trim, change in color at the base, variations in height, the use of architectural "caps", attractive posts, or similar measures.

~~5~~8. **Storage, climate controlled.**

i. **Definition:** A storage facility offering enclosed storage with individual access for personal effects and household goods. The facility is heated and cooled and in which the individual storage units or spaces must be accessed only from the interior of a building.

ii. **Districts permitted:** I-1, I-2; conditional use in ORC.

iii. **Parking:** One space per 300 square feet of office space plus one space per 1,000 square feet of gross storage area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- All facilities shall be limited to inactive items. No retail, repair or other commercial use shall be conducted out of the individual rental storage units.
- No storage of hazardous materials is permitted. This restriction shall be included in rental contracts and posted at a conspicuous location within the front of each rental unit.
- If being considered as a conditional use in certain zones, buildings shall be designed to accommodate for future re-use by taking into consideration architectural compatibility with adjacent developments, floor plate height, and height between floors (if multi-story).

~~8~~9. **Warehouse.**

i. **Definition:** A facility used primarily for the inside storage and distribution of goods and materials, which includes land and buildings used as a relay station for the transfer of goods from one vehicle or party to another, and the parking and storage of tractor and/or other trailer units.

ii. **Districts permitted:** I-1, I-2, ORC.

iii. **Parking:** One parking space for each 1,000 square feet of gross floor area; plus one space for each vehicle operating from the premises.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- The parking and storage of tractor and/or other trailer units does not allow the storage either of empty inoperable trailers or trailers as storage units themselves.

4.4.6 **Lodging and community housing uses.**

1. **Bed and breakfast.**

i. **Definition:** An owner-occupied or tenant occupied single-family dwelling unit offering transient lodging accommodations within that dwelling where meals may be provided, not short term rentals which do not offer food service..

ii. **Districts permitted:** NC, CC, VMU, PUD~~, TND~~; conditional use in ~~RR~~ RE-43, RE-32, RE-21 and R-12.

iii. **Parking:** One space per guest room in addition to the two spaces required for the owners.

iv. **Loading:** None.

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v. **Additional standards:**

- A bed and breakfast may have no more than three guest rooms or serve no more than six guests per night.

2. **Convalescent home, nursing home, or assisted living.**

i. **Definition:** A residential facility for three or more persons licensed by the state to provide special care and supervision to convalescents, invalids, and/or aged persons, but where no persons are kept who suffer from mental sickness or disease or physical disorder or ailment which is normally treated within sanitariums or hospitals. Special care in such a facility includes, but is not limited to, nursing, feeding, recreation, boarding and other personal services.

ii. **Districts permitted:** Conditional use in CC, NC, RC, ORC.

iii. **Parking:** One space per 400 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- This use shall also be granted and maintain all applicable local, state, and federal permits.

3. **Group home.**

i. **Definition:** A residential facility for six or more persons, either adults or minors, who for various reasons cannot reside in their natural home and where 24-hour adult care, supervision and consultation exists under license of the State of Mississippi.

ii. **Districts permitted:** Conditional Use in RH, PUD.

iii. **Parking:** One space per two beds.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- No group home shall be located on a lot within 1,200 feet, measured by a straight line in any direction, from the lot line of another group home;
- The number of residents is limited by applicable state laws, including any minimum square footage requirement per person, but in no event shall the number of residents exceed ten;
- This use shall also be granted and maintain all applicable local, state, and federal permits.

4. **Hotel.**

i. **Definition:** A building or buildings where lodging is provided for more than 12 persons, who are usually but not always transients, for compensation.

ii. **Districts permitted:** ~~CC,~~ RC, ORC, VMU, PUD; Conditional Use in CC.

iii. **Parking:** One space for each guest room.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

4.4.7 **Office uses.**

1. **Office.**

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i. **Definition:** Places of business of individuals engaged in providing personal services, such as attorneys, architects, accountants, real estate brokers, and similar professions.

ii. **Districts permitted:** NC, CC, RC, I-1, I-2, ORC, VMU, PUD~~, TND~~.

iii. **Parking:** One space per 300 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

2. **Medical office.**

i. **Definition:** A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis. Includes medical offices (for example offices for chiropractors, dentists, medical doctors, optometrists, prescription opticians, psychologists, etc.), outpatient facilities which may include surgery, urgent care facilities, dental laboratories, and medical laboratories.

ii. **Districts permitted:** NC, CC, RC, I-1, I-2, ORC, VMU, PUD~~, TND~~.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** None.

v. **Additional standards:** None.

4.4.8 **Recreation uses.**

1. **Athletic fields.**

i. **Definition:** A recreational area providing parks and playfields.

ii. **Districts permitted:** RC, I-1, I-2, PUD~~, TND~~; Conditional use in RE-43, RE-32, RE-21, R-12, R-8, RM-8, RM-4, NC, CC, ORC.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- If lighted, the use requires conditional use approval.

2. **Commercial recreation.**

i. **Definition:** An indoor and/or outdoor area or structure(s) operated for profit and devoted to facilities and equipment for recreational purposes, including, but not limited to, swimming pools, tennis courts, racquetball courts, dance and other similar uses, whether the use of such area is limited to private membership or whether open to the public upon the payment of a fee.

ii. **Districts permitted:** CC, RC, I-1, I-2, ORC, VMU, PUD~~, TND~~; Conditional use in NC.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

3. **Golf course, country club.**

i. **Definition:** A recreational facility primarily used for the purpose of playing golf, but which may include associated eating and drinking areas, retail sales areas, and staff offices.

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ii. **Districts permitted:** PUD, Conditional use in NC, CC, RC.

iii. **Parking:** Parking and loading analysis required.

iv. **Loading:** Parking and loading analysis required.

v. **Additional standards:** None.

4. **Horse riding stables.**

i. **Definition:** An establishment where different people per month, other than the owner or manager of the property, are, for a fee, trained or instructed in riding, driving, or showing horses.

ii. **Districts permitted:** ~~PUD, TND~~Conditional Use in RE-43, RE-32, PUD.

iii. **Parking:** Sufficient to accommodate the use.

iv. **Loading:** Sufficient to accommodate the use.

v. **Additional standards:**

- Conditional use review is required for any equestrian center with amplified sound and/or lighted outdoor riding, driving, or showing of horses.
- Unlighted outdoor equestrian arenas shall be set back 300 feet from existing schools, churches and dwelling on other lots, unless reduced through a conditional use review.
- One single-family dwelling, occupied by the owner or manager of the use, will be considered.
- Boarding of horses is permitted.

4.4.9 **Retail and personal service uses.**

1. **Adult business.**

i. **Definition:** Entertainment that is distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas. Uses shall be subject to the regulations of chapter 10 of the Brandon City Code and shall include, but shall not be limited to, the following:

- Adult bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals and goods and items held for sale which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or sections devoted to the sale or display of such material.
- Adult photo studio: An establishment that, upon payment of a fee, provides on-premises photographic equipment, services, and/or models for the purpose of photographing specified anatomical areas.
- Adult theater: A theater used for the presentation of material distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities.

ii. **Districts permitted:** Conditional use in I-1, I-2.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- All adult uses shall be located a minimum of 500 feet from any residential use, place of worship, educational facility, park/playground, public or cultural facility.

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- An adult use shall be located a minimum of 2,000 feet from any other adult use.
- No adult use may be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing, or relating to specified sexual activities or specified anatomical areas, from any public or private right-of-way or any property.

2. **Animal care, vet clinic.**

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

   ii. **Districts permitted:** NC, CC, RC, I-1, I-2, ORC.

   iii. **Parking:** One space per 200 square feet of floor area.

   iv. **Loading:** One loading space for 10,000 square feet of floor area.

   v. **Additional standards:**

   - All animals shall be confined within an enclosed area.
   - When adjacent to an existing residential use, indoor areas containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to the residence, unless required by the building code.
   - Exterior kennels require conditional use review.

3. **Automobile sales and rental.**

   i. **Definition:** An establishment engaged in the display, sale, leasing, or rental of new or used automobiles and light trucks. Vehicles included, but are not limited to, automobiles, light trucks, vans, and motorcycles. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships.

   ii. **Districts permitted:** ~~CC,~~ RC; conditional use in CC, I-1 and I-2.

   iii. **Parking:** One space per 300 square feet of floor area; plus one space per each 2,000 square feet of outside sales and display area.

   iv. **Loading:** One loading space for 10,000 square feet of floor area.

   v. **Additional standards:**

   - Minimum lot size of two acres is required for this use.
   - The sales building must be 4,000 square feet or greater.
   - No person shall park a vehicle upon any roadway for the principal purpose of displaying such vehicle for sale; or washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.

4. **Bail bonding.**

   i. **Definition:** An establishment where pledging United States currency, United States postal money orders, cashier's checks, a surety bond or other property as bail for a person in connection with a judicial proceeding, and receiving or being promised therefore money or other things of value.

   ii. **Districts permitted:** Conditional use in CC.

   iii. **Parking:** One space per 200 square feet of floor area.

   iv. **Loading:** None

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v. **Additional standards:** None.

5. **Bar, nightclub.**

i. **Definition:** A building or part of a building used primarily for the sale or dispensing of alcoholic beverages or liquor by the drink. Live entertainment is permitted, subject to all applicable city regulations.

ii. **Districts permitted:** ~~CC, RC,~~; Conditional Use in CC, RC, VMU, PUD~~, TND.~~

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- Bars are permitted in restaurants provided they are less then 50 percent of the serving area.

6. **Car wash.**

i. **Definition:** Any building, premises or portions thereof used for the washing, polishing or detailing of automobiles and other light motor vehicles.

ii. **Districts permitted:** CC, RC.

iii. **Parking:** Three spaces for each service bay. Space inside the service bay shall be considered a parking space.

iv. **Loading:** None.

v. **Additional standards:**

- Stacking length—80 feet per bay at entrance, 20 feet per bay at exit.

7. **Check cashing and title loan business.**

i. **Definition:** Establishments that, for compensation, engage in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes the business of deferred deposits, whereby the facility refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement. Non-institutional banking does not include state or federally chartered banks, savings associations, credit unions, or industrial loan companies.

ii. **Districts permitted:** Conditional use in RC.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** None.

v. **Additional standards:** None.

~~9~~8. **Convenience grocery store.**

i. **Definition:** A small store (15,000 square feet gross floor area or less) that stocks a range of everyday items such as groceries, medicine, pharmaceuticals, toiletries, alcoholic and soft drinks, tobacco products, and/or household items. A convenience grocery store does not include the sale of fuel nor carwash facilities.

ii. **Districts permitted:** CC, RC, PUD~~PUD~~; conditional use in NC, ~~RC,~~ CBRC, ~~TND~~, I-1, and I-2.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

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v. **Additional standards:** None.

~~8~~9. **Convenience store, gas station.**

i. **Definition:** A small store (15,000 square feet gross floor area or less) which deals in grocery items of a convenience nature which includes the sale of fuel. May also include car wash facilities and/or provide minor automobile repair services.

ii. **Districts permitted:** ~~CC,~~ RC~~,1-1, 1-2, PUD~~; conditional use in ~~NC,~~ ~~RC~~CC, I-1, I-2, ORC, ~~IND~~PUD.

iii. **Parking:** One space per gas pump, plus two spaces per service bay.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- A one bay car wash may be accessory to the vehicle service center.
- One stacking space per pump island on either end, and one stacking space for each service and car wash bay.
- Structures and all pump islands, compressed air connections, and similar equipment shall be set back a minimum of 20 feet from side and rear lot lines.
- No access driveway may exceed 25 feet in width. For a corner lot, curb cuts are restricted to one curb cut per street frontage.
- The minimum distance between the canopy and the curb line shall be 12 feet and 20 feet from any interior lot line.
- Motor vehicle repair is permitted as part of a gas station use. However, repair work is limited only to minor repair work, such as tire or tube repairing, battery changing, lubrication, engine tune-ups, brake and muffler repair or replacement, and similar types of work. Minor repair work does not include replacement of engines, replacement of transmissions, or any body work. All repair work shall be conducted entirely within an enclosed structure. Storage of all merchandise, auto parts, and supplies shall be within an enclosed structure.
- Light fixtures mounted under canopies should be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy.
- The sides (fascia) of the canopy should extend below the lens of the fixture 12 inches to block the direct view of the light sources and lenses from property line.
- Lights should not be mounted on the top or sides (fascias) of the canopy, and the sides (fascia) should not be illuminated.
- Buildings that derive their image solely from applied treatments that express corporate identity are prohibited.
- All sides of a building should express consistent architectural detail and character. All site walls, screen walls and pump island canopies and other outdoor covered areas should be architecturally integrated with the building by using similar material, color and detailing.
- The use of highly reflective or glossy materials should be limited and will not be appropriate in all contexts.
- Architectural integration of canopy to building and site walls is desirable. Multiple canopies or canopies that express differing architectural masses are encouraged.

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- Canopy height, as measured from the finished grade to the lowest point on the canopy fascia, should not exceed 13 feet nine inches. The clearance height of canopies should be clearly indicated on the structure or through use of a headache bar. The overall height of canopies should not exceed 17 feet.
- Lighted bands or tubes or applied bands of corporate color are discouraged.
- All display items for sale should occur within the main building or within designated areas that are screened from public streets.
- The use of translucent materials and internally lighted cabinets are discouraged as finishes or as applied treatments at the pump island or on the canopy.
- The use of super-graphics is prohibited.
- The cladding of the canopy columns must be proportioned to the height and scale of the canopy.

10. **Day care.**

i. **Definition:** A facility licensed by the state providing care for the five or more children, or adults in a protective setting for less than 24 hours a day.

ii. **Districts permitted:** NC, CC, RC, I-1, I-2, ORC, VMU, PUD~~, TND~~; conditional use in ~~RR~~RE-43, RE-32, RE-21, R-12, R-8. RM-8, RM-4, RH.

iii. **Parking:** One space per 400 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- Hours of operation in a residential district. When the site is located within a residential district, day care facilities shall operate only Monday through Friday. No outdoor play is allowed before 7:00 a.m. or after 8:00 p.m.
- Pick-up and drop-off. A plan and schedule for the pick-up and drop off of children or clients shall be provided prior to approval. The plan shall demonstrate that adequate parking and loading are provided to minimize congestion, and it shall demonstrate that the plan for pick-up and drop-off of children or clients does not require passing through traffic.
- Outdoor play areas. Outdoor play areas shall not be located along major arteries or adjacent to industrial uses.
- Screening of outdoor play areas. Outdoor play areas shall have a screening feature around the perimeter adjacent to the public right-of-way, outside of the minimum front and side setbacks. Screening shall add to the visual diversity of the use and need not be an opaque barrier.
- State and other licensing. All day care facilities shall be state licensed and operated according to state and all other applicable regulations.

11. **Dry cleaner.**

i. **Definition:** An establishment where laundry or dry cleaning is dropped off and picked up by customers, and that also includes on-site laundry and/or cleaning activities. This use excludes large-scale bulk cleaning plants.

ii. **Districts permitted:** NC, CC RC, I-1, I-2, VMU, PUD~~, TND~~.

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iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- Stacking length—40 feet per window.

12. **Emergency medical facility.**

i. **Definition:** A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This does not include private medical and dental offices that typically require appointments and are usually smaller scale.

ii. **Districts permitted:** CC, RC, I-1, I-2, PUD.

iii. **Parking:** One space per 250 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

13. **Farmer's market.**

i. **Definition:** A retail market featuring foods sold directly by farmers to consumers.

ii. **Districts permitted:** CC, RC, VMU, PUD~~, TND.~~; Conditional Use in NC.

iii. **Parking:** Parking and loading analysis required.

iv. **Loading:** Parking and loading analysis required.

v. **Additional standards:**

- Farmers markets must be operated by one or more certified producers, a nonprofit organization, or a local government agency.
- At least 70 percent of vendors must be farmers, ranchers, and other businesses who sell food, plants, flowers, and added value products such as jams and jellies.
- A management plan shall be prepared and provided to the director. The management plan shall include the following:
- Identification of a market manager or managers, who shall be present during all hours of operation.
- A set of operating rules addressing the governance structure of the market, the method of assigning booths and registering vendors, hours of operation, maintenance, security, refuse collection, and parking.
- Market activities shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. Set-up of market operations shall begin no earlier than 6:00 a.m., and take-down shall end no later than 8:00 p.m.
- Adequate composting, recycling, and trash containers shall be provided during hours of operation, and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.

14. **Financial services/Bank.**

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i. **Definition:** An establishment authorized by the government to accept deposits, pay interest, clear checks, make loans, act as an intermediary in financial transactions, and provide other financial services to its customers.

ii. **Districts permitted:** NC, CC, RC, ORC, VMU, PUD~~, TND~~.

iii. **Parking:** One space per 400 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- Stacking length—40 feet per window.
- Stacking length—80 per ATM kiosk.

15. **Funeral home, mortuary.**

i. **Definition:** An establishment primarily engaged in the care, preparation, or disposition of human remains and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum, or mortuary.

ii. **Districts permitted:** CC, RC.

iii. **Parking:** One space per 100 square feet used for public assembly plus one space per 400 square feet of office area.

iv. **Loading:** One loading space.

v. **Additional standards:** None.

16. **Liquor store, package store.**

i. **Definition:** A store exclusively for the retail sale of sealed and unopened alcoholic beverages as permitted pursuant to MCA 1972 § 67-1-51.

ii. **Districts permitted:** Conditional Use in CC.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- A liquor store shall have a minimum of 1,800 square feet heated and cooled area.
- Any conditional use approval where the applicant proposes to occupy an existing building shall be contingent upon the removal, prior to occupancy, of all trademarks to include any logo, symbol, phrase, word, name, or design and all trade dress including all elements used to promote a specific service or product, including but not limited to architectural features, associated and/or uniquely identifiable with a national or regional franchise or brand such that the location of the liquor store does not recollect, remind or otherwise invoke consideration by reasonable observation that the building and/or premises was previously occupied and/or otherwise used for any commercial purpose by a prior national or regional retailer, manufacturer or other occupant.
- Any conditional use approval for a liquor store shall terminate unless the applicant has obtained a building permit within 180 days of such conditional use approval. Work must begin within 180 days of the issuance of any building permit. If any such store is discontinued or abandoned for 180 consecutive days or for 18 months during any three-year period, the conditional use permit shall be revoked.

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- All liquor stores shall be subject to all other applicable provisions of chapter 6, Alcoholic Beverages, of the Brandon Code of Ordinances.

17. **Motor vehicle service, minor.**

    i. **Definition:** An establishment that provides services in repairs to motor vehicles, motorcycles, and other recreational vehicles.

    ii. **Districts permitted:** ~~CC,~~ RC, I-1, I-2, Conditional Use in CC.

    iii. **Parking:** One space for each regular employee, plus one space for each 300 square feet of floor area used for mechanical or body repair.

    iv. **Loading:** One loading space for 10,000 square feet of floor area.

    v. **Additional standards:**

    - All repair and service operations shall be performed within a fully enclosed building. All equipment and parts shall be stored indoors.
    - All vehicle service establishments shall be screened along interior side and rear lot lines with a solid wall or fence, a minimum of five feet and a maximum of eight feet in height.
    - No partially dismantled, wrecked, or unlicensed vehicle shall be stored outdoors on the premises. This standard does not apply to vehicles under repair.

18. **Movie theater.**

    i. **Definition:** A building or part of a building devoted to the showing of motion pictures on a paid admission basis.

    ii. **Districts permitted:** CC, RC, ORC, VMU~~, PUD~~.

    iii. **Parking:** One per four seats of theater rooms.

    iv. **Loading:** One loading space for 10,000 square feet of floor area.

    v. **Additional standards:** None.

19. **Pawn shop.**

    i. **Definition:** An establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

    ii. **Districts permitted:** I-2.

    iii. **Parking:** One space per 200 square feet of floor area.

    iv. **Loading:** None.

    v. **Additional standards:** None.

20. **Personal services.**

    i. **Definition:** Provision of regularly needed services of a personal nature, including, but not limited to barber shops and beauty salons, day spas, fitness studios, seamstresses, tailors, shoe repair shops, self-service laundries, and travel agencies mainly intended for the consumer.

    ii. **Districts permitted:** NC, CC, RC, VMU, PUD~~, TND~~.

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iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- Stacking length—80 feet per window.

21. **Psychic, palm reader, fortune teller, or similar use.**

i. **Definition:** Any person, business or establishment which practices the telling of fortunes, forecasting of futures, or reading the past, by means of any occult, psychic power, faculty, force, clairvoyance, cartomancy, psychometry, phrenology, spirits, tea leaves, tarot cards, scrying, coins, sticks, dice, sand, coffee grounds, crystal gazing or other such reading, or through mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mindreading, telepathy or other craft, art, science, talisman, charm, potion, magnetism, magnetized article or substance, or by any such similar thing or act. It shall also include effecting spells, charms, or incantations, or placing, or removing curses or advising the taking or administering of what are commonly called love powders or potions in order, for example to get or recover property, stop bad luck, give good luck, put bad luck on a person or animal, stop or injure the business or health of a person or shorten a person's life, obtain a success in business, enterprise, speculation and games of chance, win the affection of a person, make one person marry or divorce another, induce a person to make or alter a will, tell where money or other property is hidden, make a person to dispose of property in favor of another, or other such similar activity.

ii. **Districts permitted:** I-2.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

22. **Restaurant with drive-through.**

i. **Definition:** An establishment for the sale and consumption of food and beverages on the premises, which includes drive through service.

ii. **Districts permitted:** ~~CC,~~ RC; conditional use in CC, VMU, PUD.

iii. **Parking:** One space for each 75 square feet of floor area devoted to patron use, plus one space every 200 square feet of kitchen area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- Bars are permitted in restaurants provided they are less than 50 percent of the serving area.
- Stacking length—drive-thru lanes shall be a minimum of 180 feet in length to provide on-site storage for a minimum of ten vehicles, as measured from the forward most drive-thru window to the entrance to the queuing space.
- Stacking lanes shall be physically separated from all parking areas and driveways by the use of raised islands, or other forms of barriers. Provide decorative paving treatments and soft landscaping for the barriers where possible.
- In locating the stacking lane, avoid blocking access to parking spaces and loading and service areas.

23. **Restaurant without drive-through.**

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i. **Definition:** An establishment for the sale and consumption of food and beverages on the premises.

ii. **Districts permitted:** NC, CC, RC, ORC, VMU, PUD~~, TND~~; conditional use in I-1.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- Bars are permitted in restaurants provided they are less than 50 percent of the serving area.

24. **Retail stores.**

i. **Definition:** The retail sale or rental of merchandise not specifically listed under another use classification. Tenant lease space shall also be considered as Section 3 of this Ordinance. This classification includes, but is not limited to, department stores, clothing stores, furniture stores, pet supply stores, hardware stores, toys, hobby materials, handcrafted items, jewelry, cameras, pharmacies, electronic equipment, sporting goods, antiques, art galleries, art supplies and services, office supplies, bicycles, video rental, and new automotive parts. Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

ii. **Districts permitted:** NC, CC, RC, ORC, VMU, PUD~~, TND~~; conditional use in I-1.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

25. **Studios for work and/or teaching.**

i. **Definition:** Work space for an artist or artisan, including individuals practicing one of the fine arts or performing arts, or an applied art or craft. This use may include incidental display and retail sales of items produced on the premises and instructional space for small groups of students.

ii. **Districts permitted:** NC, CC, RC, I-1, ORC, VMU, PUD~~, TND~~.

iii. **Parking:** One space per 500 square feet of floor area, but not less than two spaces.

iv. **Loading:**: One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

26. **Tattoo parlor.**

i. **Definition:** An establishment whose principal business activity is the practice of one or more of the following:

a. The placing of designs, letters, figures, symbols, or other marks upon or under the skin, using ink or similar substances, by means of the use of needles or other instruments designed to contact or puncture the skin.

b. The creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

ii. **Districts permitted:** I-2.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:**: One loading space for 10,000 square feet of floor area.

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v. **Additional standards:**

- Any person who is engaged in the business of tattooing or body modification shall provide evidence of registration with the county department of health and city codes.
- A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 is allowed on site, unless accompanied by a parent or legal guardian.

27. **Tobacco and/or beer retailer.**

i. ***Definition:*** A commercial establishment typically less than 10,000 square feet of gross sales area which may or may not declare itself through name or advertising to be oriented specifically to the selling of tobacco and/or beer and/or light wine and where the sale and/or display of tobacco and/or beer and/or light wine accounts for 75 percent of gross sales area and/or gross sales receipts. This use also includes businesses which retail vaping devices, also known as e-cigarettes, e-vaporizers, or electronic nicotine delivery systems.

ii. **Districts permitted:** CC; conditional use in RC.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

28. **Truck stop.**

i. **Definition:** An establishment primarily selling retailing automotive fuels and other services to tractor-trailer trucks. This use may also involve providing repair services, retail sales, restaurant, and showers.

ii. **Districts permitted:** I-1; Conditional use in ~~CC~~,RC, I-2.

iii. **Parking:** One space per gas pump, plus two spaces per service bay.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- The parcel on which the truck stop is located must be within 2,500 feet of the centerline of the nearest interstate highway exit/entry ramp.
- The major collector serving the truck stop shall handle any expected traffic and load increase with no more than minor traffic disruptions to adjoining or nearby (within one mile) properties and no significant additional wear and tear on the roadway.
- Fueling areas for automobiles and fueling areas for trucks must be separated.
- Overnight parking is not allowed unless electrified parking spaces (EPS), also known as truck stop electrification, is installed for each overnight space to allow truck drivers to provide power to necessary systems, such as heating, air conditioning, or appliances, without idling the engine.
- One stacking space per pump island on either end, and one stacking space for each service bay.
- All structures and pump islands, compressed air connections, and similar equipment shall be set back a minimum of 20 feet from side and rear lot lines.
- No access driveway may exceed 25 feet in width. For a corner lot, curb cuts are restricted to one curb cut per street frontage.

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- The minimum distance between the canopy and the curb line shall be 12 feet and 20 feet from any interior lot line.
- Motor vehicle repair is permitted as part of a gas station use. However, repair work is limited only to minor repair work, such as tire or tube repairing, battery changing, lubrication, engine tune-ups, brake and muffler repair or replacement, and similar types of work. Minor repair work does not include replacement engines, replacement of transmissions, or any body work. All repair work shall be conducted entirely within an enclosed structure. Storage of all merchandise, auto parts, and supplies shall be within an enclosed structure.
- Light fixtures mounted under canopies should be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy.
- The sides (fascia) of the canopy should extend below the lens of the fixture 12 inches to block the direct view of the light sources and lenses from property line.
- Lights should not be mounted on the top or sides (fascias) of the canopy, and the sides (fascia) should not be illuminated.
- Buildings that derive their image solely from applied treatments that express corporate identity are prohibited.
- All sides of a building should express consistent architectural detail and character. All site walls, screen walls and pump island canopies and other outdoor covered areas should be architecturally integrated with the building by using similar material, color and detail.
- The use of highly reflective or glossy materials should be limited and will not be appropriate in all contexts.
- Architectural integration of canopy to building and site walls is desirable. Multiple canopies or canopies that express differing architectural masses are encouraged.
- Canopy height, as measured from the finished grade to the lowest point on the canopy fascia, should not exceed 13 feet nine inches. The clearance height of canopies should be clearly indicated on the structure or through use of a headache bar. The overall height of canopies should not exceed 17 feet.
- Lighted bands or tubes or applied bands of corporate color are discouraged.
- All display items for sale should occur within the main building or within designated areas that are screened from public streets.
- The use of translucent materials and internally lighted cabinets are discouraged as finishes or as applied treatment at the pump island or on the canopy.
- The use of super-graphics is prohibited.
- The cladding of the canopy columns must be proportioned to the height and scale of the canopy.

29. **Walk-up or Drive-Through Food Stand.**

i. **Definition:** A type of commercial use where the sale and service of food and/or beverages is limited to customers who either remain in their vehicles or approach the establishment on foot, with no indoor seating, dining or interior customer space provided. These establishments are characterized by transactional convenience, typically featuring walk-up windows, service counters, vending equipment or drive-through lanes, and may operate with or without on-site employees.

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ii. **Districts permitted:** RC; conditional use in NC, CC, VMU, PUD.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:** None.

4.4.10 **Transportation uses.**

1. **Airport.**

   i. **Definition:** The area comprising land used by aircraft for taking off and landing, together with all adjacent land and facilities used in connection with aircraft and flight operations, existing and proposed.

      - Airports, publicly owned. The area comprising airports owned by a public agency such as the county or a municipal government.
      - Landing strips and helistops, privately owned. The area comprising landing strips or helistops located primarily on land owned by a private landowner.

   ii. **Districts permitted:** I-2.

   iii. **Parking:** Parking and loading analysis required.

   iv. **Loading:** Parking and loading analysis required.

   v. **Additional standards:** None.

2. **Railroad facilities.**

   i. **Definition:** Railroad land used for through tracks, or areas used for classification yards, switch tracks, team tracks, storage tracks and freight yards.

   ii. **Districts permitted:** I-1, I-2.

   iii. **Parking:** One space per 1,000 square feet of floor area.

   iv. **Loading:** One loading space for 10,000 square feet of floor area.

   v. **Additional standards:** None.

3. **Truck terminal.**

   i. **Definition:** Facilities for freight, courier, and postal services by truck or rail. This classification does not include local messenger and local delivery services.

   ii. **Districts permitted:** I-1, I-2.

   iii. **Parking:** One space per 1,000 square feet of floor area.

   iv. **Loading:** One loading space for 10,000 square feet of floor area.

   v. **Additional standards:** None.

4.4.11 **Utility uses.**

1. **Public or quasi-public utilities and related facilities.**

   i. **Definition:** Facilities which provide service to the public of water, sewer, gas, electricity, telephone, fiber-optic communication, and cable television. The foregoing shall be deemed to

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include facilities and appurtenances to the above uses but shall not include energy storage systems, public utility generating plants or offices.

ii. **Districts permitted:** Conditional use in all districts.

iii. **Parking:** None.

iv. **Loading:** None.

v. **Additional standards:** None.

2. ~~Data Center~~ Fuel/Energy **Related Facilities.**

i. **Definition:** This term shall include ~~the on-site exterior equipment and facilities necessary for the safe, secure and compatible operation of a Data Center. Such equipment and facilities may include, but is not limited to: HVAC equipment, back-up power generation units, sound attenuation devices,~~ battery energy storage systems and any equipment and facilities necessary to interface with the electric power grid system~~, and electric power switches and transformers including, without limitation, public/quasi-public facilities and utilities~~.

ii. **Districts permitted:** ~~I-1, I-2, ORC~~ Conditional use in I-1, I-2.

iii. **Parking:** N/A.

iv. **Loading:** N/A.

v. **Additional standards:**

3. **Substation.**

i. **Definition:** An electrical substation is a facility that acts as a crucial connection point in the power grid, managing the flow of electricity between power plants and end-users. It converts high-voltage electricity for efficient long-distance transmission into lower, safer voltages for distribution to homes and businesses. Key functions include transforming voltage levels, switching circuits, and protecting the system from surges.

ii. **Districts permitted:** Conditional use in I-1, I-2, ORC.

iii. **Parking:** None.

iv. **Loading:** None.

v. **Additional standards:** None.

~~2~~4. **Wireless telecommunication facilities.**

i. **Definition:** A facility used for the transmission or reception of electromagnetic or electrooptic information, which is placed on a new structure, requires accessory structures, or exceeds the height requirements of the district in which it is located. This use does not include any not used for communication, or radio frequency machines which have an effective radiated power of 100 watts or less.

ii. **Districts permitted:** Conditional use in all districts.

iii. **Parking:** This use has no parking requirements.

iv. **Loading:** This use has no loading requirements.

v. **Additional standards:**

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- Towers: Wireless telecommunications towers and related equipment facilities shall be allowed upon approval with a conditional use permit. Co-location on existing towers is subject only to an administrative review.
- Building-mounted: Building mounted telecommunications shall be integrated into the design of the building or be fully screened, and in either case must receive development plan approval as a building modification. Satellite dishes not exceeding two feet in diameter shall be permitted in any zoning district. Building-mounted dishes shall require administrative review, except for residential uses. Building-mounted dishes greater than two feet in diameter are permitted only in commercial, mixed-use, and office/industrial districts and shall require a use permit.
- Co-location: Wireless telecommunication facilities may be co-located, subject to administrative review only. Any addition to the existing height or change in appearance of the tower, as determined by the community development director, or designee, to facilitate co-location may require a use permit. Wireless telecommunication facilities to be attached to existing light, power or telephone poles shall require a use permit.
- Application requirements. An applicant for a new wireless telecommunication facilities use permit shall submit the following information:

    a. Use permit application, including a development plan when applicable.

    b. For towers, monopoles, and similar proposals, a visual study containing, at a minimum, a vicinity map depicting where, within a one-half mile radius, any portion of the proposed wireless telecommunication facilities could be visible, and a scaled graphic simulation showing the appearance of the proposed tower and accessory structures from two separate points within the impacted vicinity, accompanied by an assessment of potential mitigation measures. Such points are to be mutually agreed upon by the community development director, or designee, and the applicant.

    c. Documentation of the steps that will be taken to minimize the visual impact of the proposed wireless telecommunication facilities.

    d. A landscape plan drawn to scale that is consistent with the need for screening at the site. Any existing vegetation that is to be removed must be clearly indicated and provisions for mitigation included where appropriate.

    e. A feasibility study for the co-location of telecommunication facilities as an alternative to new structures. The feasibility study shall include:

    - An inventory, including the location, ownership, height, and design of existing wireless telecommunication facilities within one-half mile of the proposed location of a new wireless telecommunication facilities. The city may share such information with other applicants seeking permits for WTFs, but shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.
    - Applicant shall document efforts made to co-locate on existing towers. Each applicant shall make a good faith effort to contact the owners of existing or approved towers and shall provide a list of all owners contacted in the area, including the date, form and content of such contact. Co-location shall not be precluded simply because a fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared

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tower. Co-location costs exceeding new tower development are presumed to be unreasonable.

f. The community development director, or designee, may request any other information deemed necessary to fully evaluate and review the application and the potential impact of a proposed tower and/or antenna.

- Abandoned tower/antenna: The wireless telecommunication tower/antenna shall be removed within 90 days of discontinuance of the tower/antenna's use.

4.4.12 **Accessory uses.** An accessory use must be a use customarily incidental to and on the same parcel as the main use. Except as provided in this article, an accessory use must comply with all regulations applicable to the main use.

1. **Collection boxes.**

   i. **Definition:** Containers, or other facilities used to collect used clothing and household items, or recycling materials.

   ii. **Districts permitted:** I-1.

   iii. **Parking:** Two spaces.

   iv. **Loading:** None.

   v. **Additional standards:**

   - Collection facilities that are not part of the principal use of the property shall not exceed a building site footprint of 250 square feet.
   - Space shall be included for the periodical removal or exchange of materials or containers.
   - No power-driven processing equipment, except for reverse vending machines, may be used.
   - Facilities shall not be located within 50 feet of a residential district.
   - Facilities shall be set back at least ten feet from any street lot line and not obstruct pedestrian or vehicular circulation.
   - Containers shall be constructed of durable waterproof and rustproof materials and secured from unauthorized removal of material.
   - Capacity shall be sufficient to accommodate materials collected in the collection schedule.
   - Containers shall be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator and the hours of operation.
   - The maximum sign area shall be 16 square feet.
   - Patrons and the attendant shall not reduce available parking spaces below the minimum number required for the main use.
   - Sites shall be maintained clean, sanitary, and free of litter and any other undesirable materials. Noise and odors shall be contained within immediate area of the establishment so as not to be a nuisance to neighbors.

2. **Home occupation.**

   i. **Definition:** A home occupation shall mean an accessory use consisting of a vocational activity conducted inside a dwelling unit or its accessory structures, and used only by the individuals who reside therein and one employee, provided that the home occupation:

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- Does not result in noise or vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line;
- Includes only the incidental sale of stocks, supplies, or products;
- Is clearly subordinate to the use of the lot for dwelling purposes and does not change the character of the lot;
- Does not include the outside storage of goods, materials, or equipment; and
- Has signs limited to a non-illuminated identification sign two square feet or less in size.

ii. **Districts permitted:** ~~RR~~RE-43, RE-32, RE-21, R-12, R-8, RM-8, RM-4, RH, MH, VMU, PUD~~, TND~~.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** None.

v. **Additional standards:**

- There shall be no public display of stock in-trade upon the premises.
- Not more than 25 percent of the floor area of a dwelling shall be used for the conduct of a home occupation. Any accessory building used in connection with a home occupation shall not exceed 450 square feet in area.
- No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupations shall be met off the street and other than in a required yard. Furthermore, an ample amount of such off-street parking shall be provided to meet the maximum anticipated need at any time of the day.
- There shall be no exterior lighting which would indicate that the dwelling and/or accessory building is being utilized in whole or in part for any purpose other than residential purposes.
- No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses off the lot if the occupation is conducted in a single-family or two-family residence (or in any accessory structure on the same premises with a single- or two-family residence), or outside of the dwelling unit if conducted in a multifamily dwelling unit building or complex. Furthermore, no equipment or process shall be used in any home occupation which creates visual or audible electrical interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

4.4.13 **Temporary uses.**

1. **Construction trailer or sales office.**

i. **Definition:** A facility temporarily used as a construction or sales office.

ii. **Districts permitted:** By special authorization of the building official in all districts.

iii. **Parking:** To be determined by the building official.

iv. **Loading:** None.

v. **Additional standards:**

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- A construction trailer, or sales office may be established and operated until the time of the certificate of occupancy, or completion of the sale of the lots or residences within the subdivision, or for a duration specified as a condition of the temporary use permit.
- Real estate sales conducted from a temporary sales office are limited to sales of lots within the subdivision it is located and to other subdivision projects under the same ownership.

2. **Garage sales.**

   i. **Definition:** The sale of tangible personal property at retail by a person who is not in the business of selling tangible personal property at retail.

   ii. **Districts permitted:** ~~RR~~RE-43, RE-32, RE-21, R-12, R-8, RM-8, RM-4, RH, MH, VMU, PUD~~, TND~~.

   iii. **Parking:** One space per 200 square feet of floor area.

   iv. **Loading:** None.

   v. **Additional standards:**

   - Sales may occur no more than four times a year for no more than three days on each occurrence.
   - A person shall not sell merchandise acquired solely for the purpose of resale at a garage or occasional sale.

3. **Mobile food sales.**

   i. **Definition:** The sale of consumable food for immediate consumption which is located temporarily for this purpose.

   ii. **Districts permitted:** Conditional Use in NC, CC, RC, I-1, I-2, ORC, VMU, PUD~~, TND~~.

   iii. **Parking:** One space per 200 square feet of floor area.

   iv. **Loading:** None.

   v. **Additional standards:**

   - No vendors shall conduct any vending operations other than the sales of food items for immediate consumption.
   - No vendor shall conduct any vending operations from any device or vehicle other than a push cart or mobile truck.
   - Pushcarts or mobile food trucks used by vendors shall not:

   a. Be left unattended at any time;

   b. Be parked or placed within 15 feet of any ROW;

   c. Operate within 300 feet of a like business or another such mobile food vendor;

   d. Be permitted a permanent or proprietary location on any property within the city;

   e. Leave mobile food vendor equipment on site for overnight storage;

   - Mobile food vendors shall be responsible for keeping the area clean of any litter or debris.
   - No vendor shall ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within city limits.

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- If a business is subject to a certificate of health or sanitary examination, the person applying for zoning approval must produce such certificate or permit from the county health department before a permit can be issued.
- One sandwich board sign shall be allowed within ten feet of the mobile food vendor. (see section 8.9.4).
- Mobile food vendors shall secure written permission from a sponsoring business owner of the site. The mobile food vendor must be able to use the sanitary facilities of the sponsoring business owner.
- Provide written permission from property owner to locate mobile food operation on property in accordance with an approved site plan.
- Traffic circulation, public safety, siting of mobile food vendor, and parking will be reviewed and may be subject to conditions of approval.
- Mobile food vendors shall be limited to 14 consecutive days maximum at each temporary location and shall remove their push cart or mobile food truck when the on-site business is not open.

4. **Outdoor display.**

   i. **Definition:** The display of merchandise for sale associated with a retail use which otherwise is conducted within a structure.

   ii. **Districts permitted:** CC, RC, I-1, I-2, VMU, PUD~~, TND~~.

   iii. **Parking:** One space per 200 square feet of floor area.

   iv. **Loading:** None.

   v. **Additional standards:**

   - Outdoor display is allowed for less than 24 hours unless otherwise approved by the director.
   - All outdoor display of goods shall be located immediately adjacent to the storefront and not in drive aisles, loading zones, fire lanes, or parking lots.
   - The area used for outdoor display or sales shall not occur on the sides and rear of buildings and shall be limited to no more than one-quarter of the length of the store front, unless increased by the director after taking into account aesthetic and safety concerns or other relevant factors.
   - No goods shall be attached to a building's wall surface.
   - The height of the outdoor display shall not exceed six feet, unless an exception to this provision has been granted by the director.
   - The outdoor display area shall take place on an improved surface such as the sidewalk or pavement.
   - No outdoor displays shall be allowed in required landscape areas.
   - At least five feet along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to get around the display.

5. **Roadside, farmer's stand.**

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i. **Definition:** A location for the sale of agricultural and horticultural products. Nonagricultural and non-horticultural products and products may comprise no more than ten percent of sales. This use includes Christmas tree sales and pumpkin sales.

ii. **Districts permitted:** ~~RR~~RE-43, RE-32, RE-21, R-12; conditional use in VMU.

iii. **Parking:** One space per 200 square feet of floor area.

iv. **Loading:** One loading space for 10,000 square feet of floor area.

v. **Additional standards:**

- Sales events must be conducted solely on private property and not encroach within the public right-of-way or occupy required parking, unless an alternative parking scenario is approved by staff to meet the intent. Location of the displayed merchandise must not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
- All trees, pumpkins, or other items for sale, as well as signs and temporary structures, shall be removed within five days after the end of sales, and the appearance of the site shall be returned to its original state.

(Ord. of 12-4-17, § 3; Ord. of 4-6-20(1), Exh. A; Ord. of 8-16-21(1); Ord. of 5-2-22(3), §§ 2, 3; Ord. of 10-17-22(1))

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ARTICLE 5. DEVELOPMENT STANDARDS

5.1 Purpose.

In order to fully implement the goals of Plan Brandon Comprehensive Plan, supplementary development standards are required to insure that new development, renovation, and reconstruction are designed, sized, and sited to achieve functionally efficient, economically productive, pedestrian friendly, aesthetically pleasing environments. development which These standards are intended to contributes to the stability, vitality and long term livability of the city. Such standards are also required to promote sound environmental stewardship, public safety, efficient delivery of public services, and transportation choice.

5.2 Applicability.

5.2.1 **Generally.** The following development standards shall be applied by zoning district in according to the development standards tables with the following exceptions:

- Routine maintenance related to plumbing, mechanical, or electrical systems of buildings and sites.
- All plumbing, mechanical and electrical equipment when such work is entirely within the interior of a building.
- Construction or alteration necessary for the compliance with a lawful order of the city, fire department, police department, or public works department related to the immediate public health or safety.
- Any interior alterations, repairs, or renovation which does not change the principal use of the structure.
- Demolition or wrecking, repair, construction, reconstruction, alteration, rehabilitation, moving, demolition, or change in use for either land or buildings within any historic district approved by the historic preservation commission.

5.2.2 **Alternative compliance.** Requests for alternative compliance to the elements and requirements contained in table 5.5 development standards may be granted by the mayor and board of aldermen for any permit application to which the development standards apply, when one or more of the following conditions are met.

- Improved environmental quality would result from alternative compliance.
- Topography, soil, vegetation, drainage or other site conditions are such that full compliance is impractical.
- Spatial limitations, unusually shaped pieces of land, unusual servitude requirements, or prevailing practices in the surrounding neighborhood may justify alternative compliance.
- Public safety considerations make alternative compliance appropriate.
- Public improvement projects make alternative compliance appropriate.

The alternative compliance process is not to be used with respect to any item which:

- Is subject to a dimensional requirement. Dimensional requirements are subject to the variance provisions of section 3.~~68~~.

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- References or conflicts with any other building, fire, or city code.
- References or conflicts with any other federal, state, or local law or standard.

(Ord. of 4-6-20(1), Exh. A)

5.3 Relation to special districts.

These standards shall also apply in all overlay districts if the standard would apply to the applicable underlying district, unless an alternative standard is set forth in the overlay district.

5.4 Organizational principles and design standards table.

The development standards are organized in 5.5 development standards table. Compliance shall be determined by the department of community development.

Standards are divided into the following major building and construction elements.

- Parking and traffic circulation.
- Parking lot design.
- Pedestrian and bicycle circulation.
- Site lighting and building illumination.
- Building form and materials.
- Fences, walls and screening.
- Landscaping and buffering.

(Ord. of 4-6-20(1), Exh. A)

5.5 Development standards table.

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TABLE 5.5 DEVELOPMENT STANDARDS																		
Development Standard		**Zoning District**																
		Residential									**Commercial**			**Employment**			**Special**	
■ = Required **X= Not Applicable**		**RE 43**	**RE 32**	**RE 21**	**R-12**	**R-8**	**RM 8**	**RM 4**	**RH**	**MH**	**NC**	**CC**	**RC**	**I-1**	**I-2**	**ORC**	**VMU**	**PUD**
PARKING AND TRAFFIC CIRCULATION																		
Curb Cuts																		
5.5.1	Curb cuts shall be located no closer than 75 feet from the intersection of two streets as measured from the end of the radius nearest the proposed cut. Where the width of the site is less than 75 feet, the curb cut shall be placed the as far as possible from the street intersection.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	X	■
5.5.2	Curb cuts, except where shared, shall be located a minimum of 10 feet from a parcel or lot line measured from edge.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	X	■
5.5.3	Curb cuts shall be located directly opposite one another or separated	■	■	X	X	X	X	X	X	X	■	■	■	■	■	■	X	X

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	by a minimum of 150 feet measured from edge.																	
5.5.4	Curb cuts shall be limited to one for every 300 feet of street frontage. Parcels with less than 300 feet of frontage shall be limited to one curb cut per street frontage.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	X	X
Entrances																		
5.5.5	Entrances and exits to the site shall be so located such that parking spaces and traffic aisles do not conflict with entering and exiting traffic.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.6	One-way driveway entrance curb cuts shall be a minimum of 12 feet and a maximum 14 feet wide.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.7	Two-way driveway entrances shall be a maximum of 24 feet wide.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.8	Three-way driveway entrances shall be a maximum of 36 feet wide.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.9	Shared driveways are required on developing parcels.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
PARKING LOT DESIGN																		
5.5.10	Vehicular and pedestrian cross access shall be provided to all adjacent commercial properties.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.11	The number of required spaces shall conform to parking space requirements in Section 7.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	X	■

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5.5.12	No parking or loading areas may be designed to allow vehicles to back directly onto an adjacent public street.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	X	■
5.5.13	Parking spaces shall be delineated by white pavement striping unless otherwise required by ADA. Reflective striping is encouraged.	X	X	X	X	X	■	■	■	■	■	■	■	■	■	■	■	■
5.5.14	Non-residential uses shall provide emergency vehicle access in accordance with the currently adopted Fire Code.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.15	Fire lanes shall be a minimum of 14 feet in width or as specified in the applicable fire code.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	X	X
5.5.16	Rear access to buildings shall comply with the adopted fire code.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.17	All parking areas and loading areas shall be provided with a permanent cement concrete curb designed to permit low impact stormwater treatment. All landscaped areas that may be encroached upon by a motor vehicle shall be protected by a cement wheel stop appropriately anchored to the pavement, and set a minimum of two feet back from the edge of pavement.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.18	Loading docks, overhead doors, and truck parking shall be positioned, or	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■

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	screened in such a way as to not be visible from the public street.																	
5.5.19	A landscaped island not less than 8 feet wide and 20 feet in length or 160 square feet, measured from back of curb, shall be installed for each 100 linear feet of parking area and shall cap ends of parking rows.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.20	No more than 15 spaces can occur in a continuous row without interruption by a landscape island.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
PEDESTRIAN AND BICYCLE CIRCULATION																		
External to Site																		
5.5.21	Sidewalks shall be provided along all public streets on the entire frontage of a development site and align with existing sidewalks on adjacent properties.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.22	Minimum sidewalk width is five feet or per site plan review.	X	X	■	■	■	■	■	■	■	X	X	X	X	X	X	■	■
5.5.23	Minimum sidewalk width is eight feet.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	■	■
5.5.24	Sidewalks shall be ADA complaint. Handicapped access ramps shall be constructed at street corners.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.25	Where adjacent sidewalks are not yet present, sidewalks shall be constructed at least five feet behind	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

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	the curb. When present, new walks shall connect to existing.																	
5.5.26	Sidewalks shall not be required to cross driveways as long as the driveway provides an ADA compliant connection between the sidewalk ends.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.27	Sidewalks shall be composed of broom finished, colored, or exposed aggregate concrete or brick. Asphalt sidewalks are prohibited.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.28	Crosswalks shall be provided to connect external pedestrian circulation systems to a site and safely convey pedestrians to the site destination.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.29	Crosswalks shall be striped in conformance with the latest edition of the Manual on Uniform Traffic Control Devices.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.30	Bicycle Circulation. Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non-motorized users) and separate, striped, 4-foot bicycle lanes on streets.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

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5.5.31	Bicycle parking and storage facilities shall be provided.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	■	■	■
5.5.32	Motor vehicle circulation shall be designed to minimize conflict with pedestrians and bicycles. Traffic calming features such as curb extensions, traffic c circles, and medians should be used to encourage slow traffic speeds.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Internal Circulation																		
5.5.33	Internal pedestrian circulation shall be provided to create interconnected walkways safely conveying pedestrians from adjacent streets and parking areas to the site destination.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.34	Material may include brick, pavers, tile, stone, ~~washed aggregate~~ concrete, slate, brick, or stamped concrete. The use of asphalt, cinderblock, and gravel is prohibited.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.35	Crosswalks shall be designated by white pavement striping or materials of a different color and texture from the surrounding surface but conforming to the overall color scheme of the development.	X	X	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.36	Distinguish walkways from driving surfaces by using varied paving	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■

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	treatments and by raising walkways to curb level																	
SITE LIGHTING AND BUILDING ILLUMINATION																		
5.5.37	Streets, driveways, parking lots, walks and service areas shall be adequately illuminated as evenly as possible, not exceeding an average of .3 foot-candles diminishing to zero at a site's boundary. Lighting intensity shall be demonstrated by means of a site lighting plan illustrating compliance.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.38	Site lighting shall not extend beyond site boundaries. Luminaries shall be shielded, shaded, or directed to prevent light from being cast on adjacent property.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.39	No exterior lighting fixture shall be placed or directed so as to interfere with the operation of vehicles.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.40	No exterior light shall have any blinking, flashing, or fluttering light, or other illuminating device which has a changing light intensity or brightness of color.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.41	Lighting fixtures shall be compatible in style with the architecture of their associated buildings and shall otherwise comply with any officially adopted streetscape plan.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■

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5.5.42	Pole mounted luminaries shall be full cutoff with shields, reflectors, or refractor panels to direct and cut-off emitted light at 90 degrees or less.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.43	Building mounted luminaries shall be full cut-off using shields, reflectors, or refractor panels to direct and cut-off the emitted light at 45 degrees or less except for low intensity decorative lighting not exceeding 45 watts per bulb (incandescent equivalent).	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.44	Poles in commercial and multiple-family developments, whether mounted upon a building or independently upon a light standard, shall not exceed 20 feet in height.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	X	■	■
5.5.45	Lighting fixtures within industrial developments shall not exceed 25 feet in height, except in those instances where the subject property adjoins any residentially zoned property, in which case, poles may not extend above the roof line of the associated building.	X	X	X	X	X	X	X	X	X	X	X	X	■	■	■	X	■
BUILDING FORM AND MATERIALS																		
5.5.46	When adjoining a residential zone, structures shall be compatible with the character of single-family residential structures. Compatibility shall be determined by comparing	X	X	X	X	X	X	X	X	X	■	■	■	X	X	■	■	■

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	the consistency of existing and proposed design elements, colors, materials, height, bulk and landscaping.																	
5.5.47	Multiple buildings on a site should be clustered to create plaza or pedestrian mall areas. Where this cannot be achieved buildings shall be connected by means of pedestrian walkways defined by separate paving textures and accented by landscape areas.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	X	X	■
5.5.48	False or stage-set façades are prohibited. Materials and colors used on the street façade face shall continue to the sides and rear of the building where visible from a street right-of-way or adjacent residence.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.49	The maximum, unbroken façade plane shall be 60 feet. The façade plane shall be interrupted by projections, recesses, portals, courtyards, plazas, or other appropriate architectural design. Façade plane breaks shall have a minimum depth of six inches per foot.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	X	■	■
5.5.50	No split faced block or metal surfaces shall be visible upon the exterior of any building as a primary surface material. Flat-faced ~~cement~~ concrete	X	X	X	X	X	X	X	X	X	■	■	■	X	X	■	■	■

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	block shall have the appearance and proportions of traditional brick subject to approval.																	
5.5.51	Pitched roofs shall, as a primary roof form, have a slope not less than 5/12. Porches shall be sloped not less than 3/12.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	X	■	■
5.5.52	Parapet façades may be used when of unified construction with the primary surface of the wall and of the same material and color. The parapet shall be designed such that the reverse side of all elements shall not be visible to public view. False mansards are prohibited.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	■	■	■
5.5.53	Parapets shall extend above the highest level of any roof mounted building equipment on all sides.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.54	Building materials shall suit the architectural style of a building and be consistent or complementary throughout. Exterior surface materials shall be selected from the following: brick, cementitious stucco, stone, vertical board and batten, wood or cementitious siding and approved architectural concrete masonry unit. Dryvit or EFIS may only be used in banding, decorator strips, cornice lines and wall capping.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	■	■	■

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5.5.55	Building materials for residential construction shall use well-proportioned integrated materials of: brick, stone, masonry, stucco, and composite siding, using well planned architectural design. Vinyl / aluminum siding is allowed only on eaves and trim.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	■	■
5.5.56	Roof design shall be appropriate to the architectural style of a building. Where exposed to public view, roof material shall be selected from enameled standing seam metal, concrete or clay tiles, copper metal, or wood textured (architectural grade) or composition asphalt shingles. The use of plastic, fiberglass, other metal, or glass visible to public view is prohibited.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.57	Wall surfaces shall be composed of at least 75% a single material and color. With the exception of decorator accents, colors shall be subtle, neutral, or earth tone or relate to appropriate historic building colors found within the city.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	■	■	■
5.5.58	Walls that can be seen from an arterial or collector street shall be treated as a building façade.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	■	■	■
5.5.59	No less than 50% of the horizontal distance of any building front shall be	X	X	X	X	X	X	X	X	X	■	■	■	X	X	■	■	■

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	designed with arcades, windows, entrances, awnings, or similar features.																	
5.5.60	Retail façades shall be glazed with clear glass no less than 40% of the first story, or 70% in the VMU ~~and TND~~ Districts. Other uses may provide the authentic appearance of such transparency.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	X	■	■
Fences																		
5.5.61	Fences and walls within a development shall be of compatible design and materials.	■	■	■	■	■	■	■	■	■	■	■	■	X	X	■	■	■
5.5.62	Fences and walls shall be constructed such that the "finished" part of the fence or wall is located toward and facing the exterior of the property.	■			■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.63	Barbed wire, woven wire or electrical fencing may be used in agricultural applications only.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.64	Fences or walls topped with or containing metal spikes, broken glass, razor wire or similar material are prohibited.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.65	No fence or wall shall be placed on any lot closer to the front property line than 15 feet behind the front corners of the residence or primary building, located on said lot. Fences, walls or hedges on a corner lot (a lot	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

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	involving a lot abutting two or more streets at their intersections) shall not be located any closer than ten feet to the side street property line.																	
5.5.66	Uncoated chain link and other wire material fences shall not be permitted in a front setback except in the case of athletic or play surfaces.	■	■	■	■	■	■	■	■	■	■	■	■	X	X	■	■	■
5.5.67	Chain link fencing shall be black vinyl coated.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.68	The maximum height of fences and walls shall be four feet above grade when located in a front yard. Otherwise the maximum height of a fence is eight feet.	X	X	■	■	■	■	■	■	■	X	X	X	X	X	X	■	■
Walls																		
5.5.69	Retaining walls less than three feet tall may be constructed of treated timbers, split-faced concrete block, flat-faced concrete block, or poured-in-place concrete with either a flat or decorative face.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.70	Retaining walls three feet or more in height shall only be constructed of splitfaced concrete block or poured-in place concrete with a decorative face.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
Outside Storage and Waste																		

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5.5.71	Commercial refuse container areas shall comply with Ordinance 66-48	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.72	Berms, landscaping, walls and buildings, or a combination thereof, shall be used to screen outside storage areas.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.73	Trash containers and waste oil and grease containers must be visually screened on all sides. Combinations of berming, landscaping, walls, fences and buildings shall be used to screen containers and enclosures.	X	X	X	X	X	X	X	X	X	■	■	■	X	X	■	■	■
5.5.74	Wash down areas shall be tied into the sanitary sewer in accordance with city specifications.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.75	Outside storage areas and waste containers shall be located to the side or rear of principal structures and be constructed with water wash down facilities.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.76	Outside storage areas and waste containers shall be sited to avoid conflict with vehicular and pedestrian movement.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
LANDSCAPING AND BUFFERS																		
5.5.77	Separation buffers shall be required according to section 5.6.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Street Protective Yards																		

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5.5.78	Street protective yard shall be a minimum of 5 feet measured perpendicular to right-of-way.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.79	Street protective yards shall have one street tree per 40 linear feet of street yard. Trees can be clustered and do not need to be evenly spaced. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.80	Street protective yards shall have at least 10 live shrubs per 50 linear feet of street yard measured from the corners of the property.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.81	Street protective yards shall have at least 20 lives shrubs per 50 linear feet of street yard measured from the corners of the property when screening vehicular areas.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.82	Street protective yards shall have no more than 15% cover with impervious surfaces. The impervious surfaces may be used for ingress and egress, walls, and the like.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
Interior Planting Areas																		
5.5.83	All new surface vehicle access within 50' feet of right-of-way shall have a landscape screen of plants, walls,	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■

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	fences, or berms or combination thereof.																	
5.5.84	Screen must occupy 75% of the required edges of the vehicle area and shall have a minimum mature height of 3 feet.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.85	Berms shall be covered with live vegetation and vegetation can be of less mature height when combines with height of berm.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
5.5.86	Optional—Horizontal parking can use interior planting between rows of parking to meet required planting.	X	X	X	X	X	X	X	X	X	■	■	■	■	■	■	■	■
Building Base Areas																		
5.5.87	A 3-foot minimum width landscape strip shall be provided adjacent to the front and sides of the base of the building with the exception of the area adjacent to drive thru windows or within five feet of an entrance or access point.	X	X	X	X	X	X	■	■	X	■	■	■	X	X	■	X	X
5.5.88	A minimum shrub area shall be at least 5% of the total front yard area. The minimum shrub specifications shall be 5-gallon size for background/foundation and 1-gallon size for foreground.	■	■	■	■	■	■	■	X	X	X	X	X	X	X	X	X	■
5.5.89	All trees shall be double staked. All trees shall be tied to stakes with a rubber "cinch tie" or equal.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

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Material Standards																		
5.5.90	Plant material must be locally adapted and non-invasive.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.91	Mature plant size should be appropriate to placement and sensitive to utility lines, sight triangles, under plantings, etc.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.92	Street trees—Minimum of 8' in height at planting and minimum 2.5" caliper.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.93	Ornamental trees—Minimum of 6' height at planting and minimum 15-gallon or equivalent.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.94	Shrubs—Minimum of 18" in height at planting for upright shrubs, minimum of 3-gallon container size.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
5.5.95	At least two trees (min. 2 "caliper) in addition to the required street trees are to be planted per residential front yard. Alternatively, three 15-gallon size trees can be used in place of the two 2" caliper.	X	X	■	■	■	■	■	X	■	X	X	X	X	X	X	X	■
Continuous Maintenance Requirements																		
5.5.96	All plant growth in landscaped areas be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

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	vehicular access, or otherwise constitute a traffic hazard.																	
5.5.97	All planted areas be maintained in a relatively weed-free condition and clear of undergrowth.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

(Ord. of 4-6-20(1), Exh. A; Ord. of 8-16-21(1))

Editor's note(s)—Ordinance adopted April 6, 2020(1), Exh. A, renumbered § 5.5 as § 5.6, and § 5.6 as § 5.7, as set out therein.

5.6 Separation buffer types established.

5.6.1 The following types of separation buffers are hereby established.

5.6.1.1 **Type A**—Solid wall with exterior landscaping. (eight-foot minimum width) This buffer can be used to minimize the width of the separation buffer while maintaining a visual and auditory separation between uses. A solid, opaque wall constructed of brick, stone, masonry, or products designed to resemble these materials shall be at least six feet in height (ten-foot maximum height). A six-foot-wide landscape strip (minimum width) shall be located on the exterior side of the wall facing the adjacent properties. One evergreen shrub shall be installed for every four linear feet of wall. One understory or ornamental tree can be substituted for every four shrubs, provided the tree is a minimum of eight feet tall and three inches in caliper.

5.6.1.2 **Type B**—Planting screen. (15-foot minimum width) At maturity, intended to be a completely visually opaque barrier. At a minimum, three staggered rows of evergreen shrubs spaced five feet on center from one another shall fill the entire length of the buffer. The vegetation used shall be designed to grow to a minimum height of eight to ten feet.

5.6.1.3 **Type C**—Semitransparent greenspace. (25-foot minimum width) A wide buffer designed to provide limited visual permeability between uses. At a minimum, the buffer shall contain trees planted at a maximum of 40 feet on center from one another.

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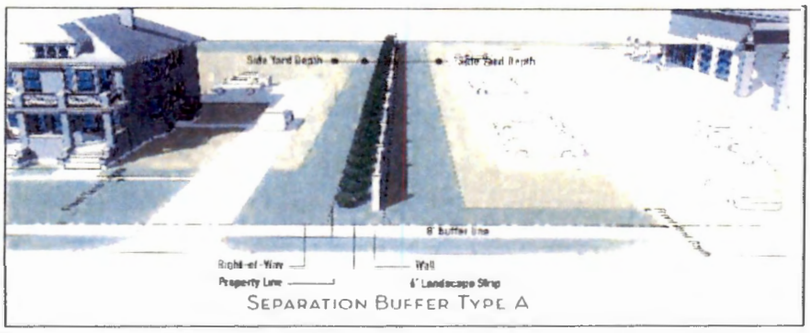
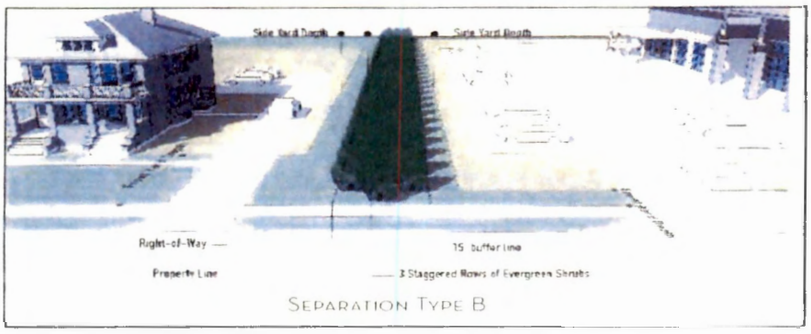
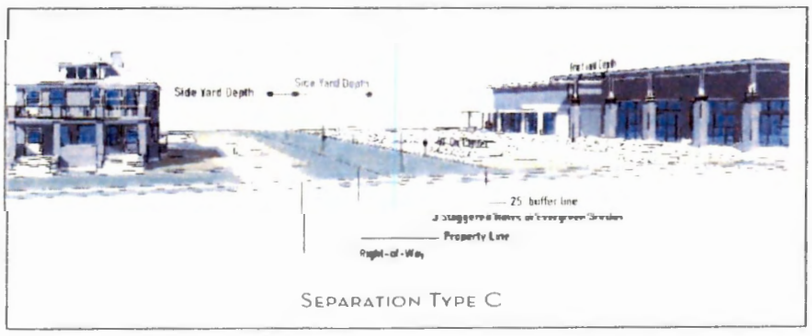


SEPARATION BUFFER TYPE A



SEPARATION TYPE B



SEPARATION TYPE C

(Ord. of 4-6-20(1), Exh. A)

Editor's note(s)—Ordinance adopted April 6, 2020(1), Exh. A, renumbered § 5.5 as § 5.6, as set out therein.

5.7 Application of separation buffers.

5.7.1 Separations buffers shall be applied to development and redevelopment where adjacent development differs in use and scale to the degree that such separation is desirable.

5.7.2 The developer shall select proposed buffer separations in consultation with the director and subject to the approval of the site plan review committee.

5.7.3 Separation buffers shall be subject to applicable standards in table 5.5, development standards, and be installed prior to site or building occupancy.

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5.7.4 In the case of redevelopment, where sufficient space is inadequate to accommodate required separations, buffer separations may be adjusted for width but shall achieve the same intended opacity.

(Ord. of 4-6-20(1), Exh. A)

Editor's note(s)—Set editor's note in § 5.5.

ARTICLE 6. STREET AND MOBILITY STANDARDS

6.1 Street types established.

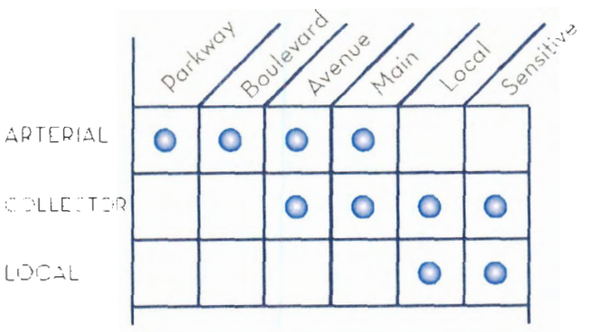
In accordance with the Plan Brandon Comprehensive Plan, the following street types are hereby established:

Table 6.1 Street Types
Parkway
Boulevard
Avenue
Main Street
Local Street
Sensitive Street

6.2 Functional classification.

The established street types set forth in table 6.1 are functionally classified according to the classifications set out in table 6.2, functional classification of street types.

Table 6.2 Functional Classification of Street Types



6.3 Application of street types.

Proposed new development and redevelopment designs shall appropriately incorporate established street types in development designs. New streets and streets proposed for improvement shall be established according to the zoning district in which they are located as set forth in table 6.3, street types by zoning district, projected function and anticipated traffic volumes.

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6.4 Street type design parameters.

Specific design elements for each street types are reflected in the following tables.

Table 6.3 Street Types by Zoning District

Street Type	Zoning District																
	Residential									Commercial			Employment			Special	
	RE 42	RE 32	RE 21	R-12	R-8	RM-8	RM-4	RH	MH	NC	CC	RC	I-1	I-2	ORC	VMU	PUD
Parkway	x	x														x	x
Boulevard												x	x	x	x		x
Avenue			x	x	x	x	x	x		x	x		x	x		x	x
Main										x						x	x
Local (SF)			x	x	x	x	x	x	x							x	x
Local (MF)						x	x	x	x							x	x
Sensitive	x	x															x

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Parkway



Parkway Design Parameters	
Design Elements	**Description**
Number of lanes	2—4
Parking	Off-Street
Sidewalks	No
Bicycle facilities	Shared use path (preferred) one or both sides
Drainage	Open (swale) or closed (curb + gutter); context dependent
Median	Yes, with left turn bays
Streetscape	Appropriate street trees in median and tree lawn/verge
Furnishings	Yes, benches
Lighting	Yes in urban contexts; optional in rural

Parkway Design Specifications		
Component	**Description**	**Dimensions**
A	Travel lane width	11'—12'
D	Median width	12'—16'
F	Verge	10'—30'
G	Shared use path	10' min.—12' preferred
	Target speed	45 MPH (rural); 35 MPH (urban)

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Boulevard



Boulevard Design Parameters	
Design Elements	**Description**
Number of lanes	4 Through; +2 on access lanes
Parking	Only on access lanes in multi-way configuration
Sidewalks	Yes
Bicycle facilities	Shared use path; sharrows in access lane/multi-way configuration
Drainage	Closed (curb + gutter)
Median	Yes, with left turn bays
Streetscape	Formal; street trees in median and tree lawn/verge; tree wells in walkway in multi-way configuration
Furnishings	Benches, trash receptacles, bike racks on access lanes in multi-way configuration
Lighting	Yes; vehicle scale on main lane; pedestrian scale on access lanes

Boulevard Design Specifications		
Component	**Description**	**Dimensions**
A	Travel lane width	11'—12' (main lane); 10'—11' access lane
B	Parking (access lane)	8'
D	Median/verge	16'—22' (center); 18'—22' (side)
E	Sidewalk	6'—10' (main lane); 16'—20' with tree wells
G	Shared used path	10' (min.)—12' (preferred)
	Target speed	35 mph (main lane); 15 mph (access lane)

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Avenue



E C A A D A C B E

Avenue Design Parameters	
Design Elements	**Description**
Number of lanes	2—4
Parking	Optional: parallel
Sidewalks	Yes
Bicycle facilities	Bike lane or protected lane
Drainage	Closed (curb + gutter)
Median	Optional in 2-lane; required in 4-lane; accommodate left turn bays or flush median for left turns
Streetscape	Formal; street trees in median and tree lawn/verge; Tree wells in hardscape walkway
Furnishings	Bike racks/street furniture; public art
Lighting	Yes; vehicle scale on 4-lane; pedestrian scale on 2-lane

Avenue Design Specifications		
Component	**Description**	**Dimensions**
A	Travel lane width	10'—11'
B	Parking (access lane)	8'

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D	Median/flush median	10'—11' (spot and flush)
E	Sidewalk	6' (min.) 8' (preferred); 16'—20' with tree wells (neighborhood commercial)
C	Bike lane	6' (min.)
C	Protected bike lane	One-way: 7' + 3' separator (preferred) 6' + 2' separator (constrained segment); Two-way: 12' + 4' separator (preferred) 10' + 2' separator (constrained segment)
	Target speed	35 MPH (4-lane); 25 MPH (2-lane)

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Main Street



Main Street Design Parameters	
Design Elements	**Description**
Number of lanes	2
Parking	Yes; parallel or angled (back-in angled preferred)
Sidewalks	Yes
Bicycle facilities	Sharrows; shared lane
Drainage	Closed (curb + gutter); permeable parking (optional)
Median	No
Streetscape	Formal; tree wells in hardscape walkway
Furnishings	Bike racks/street furniture; public art
Lighting	Pedestrian scale

Main Street Design Specifications		
Component	**Description**	**Dimensions**
A	Travel lane width	10'—13'
B	Parking	8' (parallel); 20' (angled)
E	Sidewalk	16' (min.); 20' (preferred); 4' tree wells
C	Bicycle facilities	Sharrows in travel lane
	Target speed	20 MPH

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Local Street Single-Family



E F A A F E

Local Street Design Parameters	
Design Elements	**Description**
Number of lanes	2 (max.)
Parking	Yes; parallel or yield (informal)
Sidewalks	Yes
Bicycle facilities	Routes/shared
Drainage	Closed (curb + gutter); rain gardens/bioswales (optional)
Median	No
Streetscape	Configuration dependent on context
Lighting	Pedestrian scale

Local Street Design Specifications		
Component	**Description**	**Dimensions**
A	Travel lane width	10' dedicated lanes (max.); 24'—27' two-way yield
B	Parking	7' parallel in bays; informal curbside in yield condition (24'—27' street width)
E	Sidewalk	5' (min.) both sides
F	Verge	5' (min.)
	Target speed	20 MPH (max.)

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Local Street Multi-Family



E F B A A B F E

Local Street Design Parameters	
Design Elements	**Description**
Number of lanes	2 (max.)
Parking	Yes; parallel or yield (informal)
Sidewalks	Yes
Bicycle facilities	Routes/shared
Drainage	Closed (curb + gutter); rain gardens/bioswales (optional)
Median	No
Streetscape	Configuration dependent on context
Lighting	Pedestrian scale

Local Street Design Specifications		
Component	**Description**	**Dimensions**
A	Travel lane width	10' dedicated lanes (max.); 24'—27' two-way yield
B	Parking	7' parallel in bays; informal curbside in yield condition (24'—27' street width)
E	Sidewalk	5' (min.) both sides
F	Verge	5' (min.)
	Target speed	20 MPH (max.)

Sensitive Street

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G H I A A I H

Sensitive Corridor Design Parameters	
Design Elements	**Description**
Number of lanes	2 (max.)
Parking	No
Sidewalks	No - shared use path
Bicycle facilities	Shared use path
Drainage	Open swale; rain gardens; bioswales
Median	No
Streetscape	Natural; informal
Shoulders	Reinforced turf
Lighting	Optional

Sensitive Design Specifications		
Component	**Description**	**Dimensions**
A	Travel lane width	10'—12' (max.)
I	Reinforced turf shoulder	8'
G	Shared use path	12' (min.)
H	Swale	10' (min.)
	Target speed	45 MPH (max.)

(Ord. of 4-6-20(1), Exh. A)

ARTICLE 7. PARKING

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7.1 General parking requirements.

Off-street automobile parking or storage space shall be provided on every lot unless otherwise stated herein. All parking shall meet all of the requirements of this section as well as the applicable standards set forth in section 4.4, use standards.

These standards, to be used as a guide to the director, are based on parking standards for general land use categories. The developer is ultimately responsible for ensuring that sufficient parking is provided.

(Ord. of 4-6-20(1), Exh. A)

7.2 Calculation of off-street parking requirements.

The number of parking spaces required shall be calculated so that fractional portions of parking spaces are considered a full space (e.g. 56.12 parking spaces shall be calculated as 57 total spaces).

Calculation for required off-street parking for any bar, lounge, nightclub, or restaurant shall include all outdoor seating areas.

When computing parking space requirements on the basis of the number of persons expected to be on the premises of a particular land use, the maximum number of occupants, practitioners, patrons or employees anticipated to be on the premises at any one time shall be used.

In the case of mixed, compatible subcategories of land use (e.g., as shopping centers containing a grocery store, a furniture store, a motion picture theatre, etc.), parking spaces required shall be equal to the sum of the requirements for each of the various uses computed separately.

7.3 Parking and storage of vehicles requiring licenses.

Vehicles or trailers of any kind or type which require licenses, but are without current license plates affixed to the vehicle or trailer, shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings, nor shall such vehicles be parked on public streets.

7.4 Change or expansion of an existing use.

Change in the use of an existing structure or site shall require compliance with the minimum parking requirements applicable to the new use. However, if the new use also requires additional buffer or parking lot landscaping, the director may permit a maximum 20 percent reduction in the required number of spaces to accommodate additional landscaping and buffering.

Any expansion of an existing building or use including addition of dwelling units, personnel, seats, chairs, and similar changes shall require review by the director to determine additional off-street parking necessary to accommodate the expansion area or change.

7.5 Parking for uses not listed.

Parking for uses not expressly provided for shall be determined by the director, who shall apply the unit of measurement for a use that the director deems to be most similar to the proposed use.

7.6 Location of parking.

Required off-street parking must be provided in one of the following locations:

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- On the same lot or parcel or within 300 feet of the principal use for which it is required;
- In a parking facility the title to which and/or easement for the use of which runs with and is appurtenant to such use;
- Off-site in an area approved by the city as shared parking; or
- Approved by the director when provided by parking garage.

7.7 Parking in the downtown district.

No off-street parking shall be required, except that adequate on-street and off-street parking and unloading spaces must be demonstrated by the applicant for places of assembly, daycare centers, schools, and residences.

7.8 Flexibility encouraged.

The director may accept a lower number of parking spaces than required by this ordinance (or a specific number of spaces for a use not listed) based upon a phased development plan or applicant-submitted parking data such as a shared parking analysis or appropriate standards from the Institute of Transportation Engineers (ITE) or other credible sources, provided the following requirements are met.

The director may authorize up to a 25-percent reduction in the total number of parking spaces required when parking requirements cause the potential demolition of a historic structure or damage of significant tree stands. The director may issue such waiver at the request of the applicant after determining that the reduction will not unreasonably increase parking congestion. The applicant shall not disturb the structure or trees for which the waiver is granted.

7.9 Shared parking.

Any shared parking analysis shall follow the guidelines provided in the most recent edition of the Urban Land Institute's "Shared Parking" publication. Any off-site parking to be used shall require the recording of a perpetual easement prior to occupancy, the form and substance of which must be approved by the director.

7.10 Maximum number of spaces allowed.

In no case shall the minimum number of parking spaces be exceeded by 50 percent.

(Ord. of 4-6-20(1), Exh. A)

7.11 Parking on unpaved surfaces.

No vehicle shall be parked or stored in any front or side yard in any residentially zoned district, except:

- When the vehicle is located in ~~RR~~ RE-43 or RE-32 zoned property that is not in a platted subdivision, and only if the vehicle is located outside of the minimum yard area; or
- If the vehicle is stored within a garage or carport or on an apron or driveway. Driveway and apron cannot cover more than 50 percent of the minimum lot width and a driveway must be paved. Gravel may be used only at locations which have existing gravel drives.

No vehicle shall be parked or stored in any rear yard in any residentially zoned district except:

- When the vehicle will not be visible from the street and/or neighboring property; or

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- When the vehicle is located in ~~RR~~ RE-43 or RE-32 zoned property that is not in a platted subdivision, and only if the vehicle is located outside of the minimum yard area; or
- If the vehicle is stored within a garage or carport or on an apron or driveway.

No vehicle owner, property owner, or tenant shall allow a vehicle to be parked or stored outside a building on any surface other than a paved driveway or a paved parking area in any commercially zoned area.

This section shall not apply to agricultural equipment parked on property used primarily for agricultural purposes.

(Ord. of 4-6-20(1), Exh. A)

ARTICLE 8. SIGNS

8.1 Purpose and intent.

The purpose this chapter is to carry out the vision of the Plan Brandon Comprehensive Plan by:

1. Create order in the establishment of certain signs so as to protect property values;
2. Reduce traffic hazards;
3. Prevent the accumulation of trash;
4. Encourage attractive community appearance;
5. And generally protect the health, safety, and public welfare.

These purposes shall be achieved by governing the location, size, and other characteristics of signs in each of the use districts established by this chapter. Further, it is the intention of the section to:

1. Provide for the orderly and attractive advertisement of business within the city;
2. Facilitate the appropriate display of signs as related to the land, building, or use to which they are appurtenant;
3. Avoid excessive competition and clutter among sign display; [and]
4. Coordinate signs in commercial areas now in existence, and in proposed commercial and industrial areas, in such a manner that the overall appearance is harmonious in color, form and proportion.

(Ord. of 4-6-20(1), Exh. A)

8.2 Sign types established.

In order to achieve the purposes of this section, the following sign types are hereby established:

8.2 Table of Sign Types		
Type and Definition	**Sign Category**	**Illustrative Examples**

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Temporary sign—These signs which are intended to display a temporary condition such as the sale of property, special community event or special sale event. These signs include banners, garage sale, sidewalk, and real estate signs.	On-premises—Freestanding or attached	
Neighborhood identification sign—A sign located at the entrance to the subdivision for the purpose of a permanent identification of the subdivision.	On-premises freestanding sign	
Construction sign (including future development)—Sign displaying the current or future construction information related to site.	On-premises freestanding sign	
Directional sign—Signs directing vehicles and pedestrians to specific site locations such as entrances and exits.	On-premises freestanding sign	
Ground sign (with or without reader board)—A sign suspended or supported by one or more uprights or braces anchored in the ground with no more than 30 inches clearance from the bottom of the sign to the ground below.	On-premises freestanding sign	
Wall sign—A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than six inches from such building or structure.	On-premises attached sign	
Pole sign—As sign that is mounted on a freestanding pole or other support so that the bottom edge of the face is six feet or more above grade.	On-premises freestanding sign	
Projecting sign—A sign that is wholly or partly dependent upon a building for support and which projects at an angle away from the building.	On-premises attached sign	

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Marquee sign—A permanent structure attached to the front of a building which incorporates a large message center. Typically illuminated and often ornate in design, a marquee sign projects over the entrance of the building and provides a canopy over at least a portion of the sidewalk or street.	On-premises attached sign	
Canopy/awning sign—Awnings and canopies are roof-like covers that project from the wall of a building or are freestanding for the purpose of shielding from the elements. Canopies may also be freestanding, such as a covering over a service station island. The words canopy and awning do not include marquee signs.	On-premises attached sign	
Outdoor advertising (billboard)—An off-premises sign which advertises goods, products, or services commonly referred to as a billboard and supported by one or more poles; such sign may be digital or consist of poster panels in the form of pasted paper or painted copy.	Off-premises freestanding sign	
Political sign—Signs pertaining to candidates for public office, measures or issues on primary, general or special election ballots.	On-premises—Freestanding or attached	

(Ord. of 4-6-20(1), Exh. A)

8.3 Permit required.

Unless otherwise exempt, it shall be unlawful for any person to erect, locate, or otherwise place any outdoor sign within the city limits without first obtaining a permit to do so as required by this section.

8.4 Certain signs and displays exempt from permit.

The following signs shall not require a permit for establishment:

1. Flags, badge, or insignia customarily displayed by any private property owner, government or governmental agency or by any charitable, civic, fraternal, patriotic, religious or similar organization.
2. Customary temporary lighting and displays as a part of holiday decorations.
3. Signs advertising the sale or lease of real estate provided such sign does not exceed a total area of three square feet.
4. Window signs in commercial and industrial districts, not exceeding 20 percent of the area of the window.
5. Directional or informational signs of a public or quasi-public nature not exceeding six square feet in area at the discretion of the director of community development.

(Ord. of 4-6-20(1), Exh. A)

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8.5 Prohibited signs.

Signs not included the sign types established in the City of Brandon are prohibited. Such signs may include:

1. Trailer and truck bed signs, temporary or portable, with or without wheels, except as otherwise provided herein.
2. Flashing, moving, animated, rotating and bench signs.
3. Any sign which is not made or produced by a professional sign company (except garage sale and yard sale signs).
4. Inflatable animated characters or similar balloon-type devices larger than 18 inches in diameter that require tethering, string lighting, and other similar attention getting devices.

8.5.1 Billboards are hereby declared prohibited signs within the City of Brandon, subject to the right to remain within the city as nonconforming billboards.

(Ord. of 4-6-20(1), Exh. A)

8.6 Permitted signs by district.

Permitted sign types shall be permitted by zoning district in accordance with table 8.6 sets out the permitted sign types by zoning district.

(Ord. of 4-6-20(1), Exh. A)

8.7 Sign sizes and site locations.

Sign area, height, number and site location shall be established according to table 8.7, sign dimensions and locations.

(Ord. of 4-6-20(1), Exh. A)

8.8 Additional conditions and design criteria.

8.8.1 **General requirements.** The following general requirements apply to signs in the City of Brandon:

- All signs requiring sign permits, except for political signs, shall be subject to site plan review.
- No sign shall be erected as to prevent free ingress or egress from any door, a window or fire escape, and no sign of any kind shall be attached to a standpipe, fire escape, stop sign, street sign or pole that supports any of the above.
- No sign shall be erected at the intersection of any streets in such a manner as to create a traffic hazard or unsafe condition.

8.8.2 **Ground mounted sign design.** All permanent ground mounted signs shall either utilize a double-pedestal base or a fully enclosed base as shown in illustrations 8.8.2(A) and 8.8.2(B). If the base is fully enclosed, the base will not be counted in the allowable square footage of the sign face. In either event, the area surrounding the base shall be appropriately landscaped.

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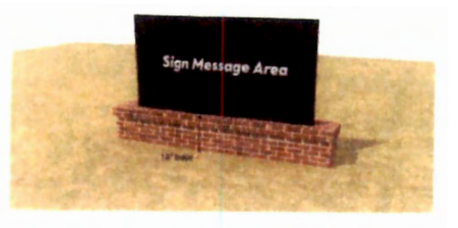



8.8.3 **Illumination.**

a. The illumination of any sign within 50 feet of and facing a residential zone lot line shall be diffused or indirect and designed to prevent direct rays of light from shining into adjoining residential districts, and in no event shall flashing or intermittent illumination be permitted where the sign faces directly into and/or is nearer than 300 feet to dwellings in a residential district.

b. Any illumination of directional signage shall be nonflashing, uncolored and confined to the face of the sign.

8.8.4 **Reader boards.**

a. Reader boards shall be integrated into the overall design of a sign.

b. Reader boards may not exceed 30 percent of total allowable sign footage.

8.8.5 **Political signs.**

a. Signs pertaining to candidates for public office, measures or issues on primary, general or special election ballots are permitted in all zoning districts subject to the following limitations:

- Signs shall not be placed in any portion of the public right-of-way located between a street or sidewalk and a property line fence (i.e. residential lot backs up to an arterial street) or on any public properties.
- Signs affixed to operable vehicles (i.e. truck bed sign, decaled vehicle) are permitted; however, they shall not be parked or utilized in a way which will violate the provisions of other municipal ordinances, or applicable state or federal laws.
- Signs shall be removed within ten days after the election to which it refers.

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- Signs shall require a permit. Each candidate and/or political committee, shall be required to obtain one permit for all of that candidate's signs per each election. The permit fee shall be a flat fee of $5.00 per candidate per election for an unlimited number of signs for that election. The cost of the sign permit is required to off-set the administrative expense incurred by the city in administering these provisions and responding to issues regarding the placement of signs in accordance with this ordinance.

Table 8.8.6 Table of Permitted Signs by District

Sign Type	Zoning District of Adjacent Parcel																
	Residential									Commercial			Employment			Special	
	RE 42	RE 32	RE 21	R-12	R-8	RM-8	RM-4	RH	MH	NC	CC	RC	I-1	I-2	ORC	VMU	PUD
Temporary Sign – Garage Sale	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P
Temporary Sign - Banner	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Temporary Sign – Sidewalk Sign board	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	P
Neighborhood Identification sign	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P
Construction Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Directional Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Ground sign w/o reader board	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Ground sign w/ reader board	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-
Wall sign	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Pole sign	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Projecting sign	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	P	P
Marquee sign	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	P
Canopy/awning sign	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	P	P
Political sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

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Table 8.8.7 Table of Sign Dimensions and Locations				
Sign Type	Permitted area/Max Size	Max Height	Number	Setback, Location and other Criteria
Temporary Sign – Garage Sale	6 square feet	See additional conditions and design criteria below		
Temporary Sign - Banner	32 square feet, 5' from the right-of-way, 5' maximum height	See additional conditions and design criteria below		
Temporary Sign – Sidewalk Sign board	7 square feet	See additional conditions and design criteria below		
Temporary Sign – Real estate	Occupied site – 9 square feet Vacant site – 32 square feet	8 feet	1 per site 1 per 300' frontage	
Neighborhood Identification sign	Per site plan review			
Construction Sign	32 square feet			Located on at street entrances
Directional Sign- Residential Districts	16 square feet church, schools, hospital, library, farm, park, clinic or similar uses			1' from a right-of-way
Directional Sign- Non-residential Districts	4 square feet mounted within three feet of the ground		2/street frontage	1' from a right-of-way
Ground sign Residential districts (no reader board)	32 square foot max church, schools, hospital, library, farm, park, clinic or similar uses	8'	1/major approach	10' from a right-of-way
Ground sign non-residential districts (includes reader board)	1'/lineal foot of building frontage VMU - 40 square feet max All others - 100 square feet	5' VMU, NC 10' RM-4 20'- CC, RC, ORC	1/street frontage	1' from a right-of-way
Wall sign	1'/lineal foot of building frontage, 80' max.	n/a	1/street frontage	Shall not project above a roof line. Area shall be computed on one street only for double frontage conditions.
Pole sign	Not permitted			
Projecting sign	6 square feet	n/a	1/street frontage	Minimum of 8 feet above the adjacent grade projecting no more than 18 inches from a wall surface
Marquee sign	30 square feet	n/a	1/street frontage	Shall not project above a roof line
Canopy/awning sign	½'/lineal foot of building frontage or ¼' when used in combination with a wall sign	n/a	1/street frontage	

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Billboard sign	300'	30'	1/2,640' feet of road frontage	Not permitted along or visible to Hwy 80/single pole/digital LED
Political sign	See section 8.8.5, political signs			

(Ord. of 4-6-20(1), Exh. A)

8.9 Conditions for temporary signs.

8.9.1 ***Temporary signs—Banners.***

For purposes of this section, a banner shall be considered one banner although both sides are used to display a message; the sign area limitations provided in this section shall be the sign area of any one side of the banner.

Commercial banner. A person may erect or display a temporary commercial banner that advertises or calls attention to special events, promotions, sales or other commercial information associated with the business located on the premises to which the banner is attached subject to the following limitations:

- Temporary signs for new businesses shall be allowed for a period of 30 days, at no cost, while a permanent sign is being made or installed.

A person shall not display more than one commercial banner with the following exceptions:

- A business located on a corner lot is permitted to display two commercial banners on opposite ends of the lot;
- A building with multi-businesses is permitted to display two temporary commercial banners at any time, regardless of the number of independently operated businesses located in the building.
- A commercial banner shall not be displayed for more than 30 consecutive days and no more than six times in any calendar year in all zones except VMU. A commercial banner in the VMU zone shall not be displayed for more than ten consecutive days and no more than eight times in any calendar year. The sign must be removed from display a minimum of 15 days before obtaining another permit.
- A commercial banner shall be attached to the building or, when possible, securely attached to temporary posts in the yard. Temporary posts must be removed when the sign is removed from display.
- One or both commercial banners allowed for a building may be attached to a freestanding sign that is otherwise allowed. Such banners shall be securely attached to the freestanding sign so that the face of the banner is parallel to the face of the freestanding sign.

8.9.2 **Temporary town-wide event banner.** A person may erect or display up to three temporary banners that advertise or promote a town-wide event (such as a parade or festival) for which the promoter or distributor of the banner provides every business located in the City of Brandon an equal opportunity to participate subject to the following limitations:

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- The display location(s) for town-wide event banner(s) shall be determined by the director of community development when the permit is issued;
- Town-wide event banner(s) shall not be displayed for more than 30 consecutive days;
- (No permit fee shall be required if the temporary banner(s) is for a nonprofit organization.

8.9.3 ***Temporary public service announcement banner.*** A person may erect or display up to three temporary banners that announce or promote the programs of government or nonprofit agencies or that serve the public interest subject to the following limitations:

The display location(s) for temporary public-service announcement banner(s) shall be determined by the director of community development when the permit is issued. No permit fee shall be required for temporary public service announcement banner(s)

8.9.4 **Temporary signs—Sidewalk.**

1. Sandwich boards shall have no moving parts or lights and shall be no larger than seven square feet total sign size.
2. One sandwich board sign may be placed per street frontage per business.
3. Signs may be placed on a sidewalk directly in front of the associated establishment. The sign shall be placed on that part of the sidewalk closest to the associated use.
4. Signs may not be anchored to the sidewalk, or attached or chained to poles, newspaper vending boxes, or other structures or appurtenances.
5. The sign must be constructed of materials that present a finished appearance. Roughcut plywood is not acceptable. The sign frame shall be painted or stained wood or anodized aluminum or metal. Plastic framed signs are prohibited. Stenciled or spray painted signs are prohibited. The sign lettering should be professionally painted or applied; a "yard sales" or "graffiti" appearance with hand painted or paint stenciled letters is prohibited, however, chalkboard signs shall be permitted.
6. Signs may not be illuminated.
7. The sign shall be removed at the end of the business day and will only be displayed during regular business hours.

8.9.5 **Temporary signs—Garage sale.**

1. Each residence and/or family household conducting a garage sale may have no more than four signs which may be on premises (located on the property where the sale is held) or off premises (a location other than the place where the sale is held).
2. Off-premises garage sale signs shall be ground-mounted. In no case shall any sign be permitted to be posted, attached, nailed, stapled, etc., to any utility pole, sign, post, street sign, medians, etc., or in front of any light pole or traffic signs is not permitted.
3. No signs shall be allowed on public rights-of-way.
4. No signs shall be allowed beyond the entrance to the subdivision in which the sale is located.
5. Signs shall not be posted earlier than one day prior to the sale.
6. All signs must be removed by the close of sale or by the end of daylight on the last day of the sale.

(Ord. of 4-6-20(1), Exh. A)

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8.10 Alternative compliance by comprehensive sign plan.

1. As an alternative to the above prescribed conditions, a comprehensive sign plan for a proposed or existing development may be approved by the mayor and board.
2. The purpose of a comprehensive sign plan is to provide for the establishment of signage criteria that are tailored to a specific development or location, and which may vary from specific ordinance provisions.
3. The intent is to provide for flexible sign criteria that promote superior design through architectural integration of the site, buildings and signs.
4. A comprehensive sign plan shall include the location, size, height, construction material, color, type of illumination and orientation of all proposed signs either permanent or temporary.
5. A comprehensive sign plan containing elements which exceed the permitted height, area and number of signs specified in this ordinance may be approved by the mayor and board only upon a finding that:
   - The development site contains unique or unusual physical conditions, such as topography, proportion, size or relation to a public street that would limit or restrict normal sign visibility; or
   - The proposed or existing development exhibits unique characteristics of land use, architectural style, site location, physical scale, historical interest or other distinguishing features that represent a clear variation from conventional development; or
   - The proposed signage incorporates special design features such as logos, emblems, murals or statuaries that are integrated with the building architecture.

   8.10.1 The construction and placement of individual signs contained in the approved comprehensive sign plan shall be subject to the issuance of sign permits in accordance with this ordinance and subject to submission of the comprehensive sign plan and the individual signs to the architectural review board for approval.

8.11 Maintenance of signs.

1. All signs and components thereof, including supports, braces, and anchors, shall be maintained in like-new condition.
2. If a sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall remove the sign and its supporting structure in its entirety within 90 days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
3. The immediate area around a freestanding sign shall be kept clear of all debris and maintained by the landowner, or by the sign owner as agent of the landowner, in an attractive manner so as not to create visual blight.
4. The director of community development may cause to be removed any sign on which the advertising message becomes illegible in whole or in part.

8.12 Nonconforming signs.

Intent: Signs which were legally in existence prior to the adoption of this ordinance which do not conform to the provisions of this ordinance are declared nonconforming signs. It is the intent of this section to recognize that

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the eventual elimination, as expeditiously and fairly as possible, of nonconforming signs is as much as subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this ordinance.

8.12.1 **Variance from nonconforming.** Signs which are legally in existence on the date of adoption of this ordinance which are within 20 percent of being in compliance with the setback, maximum height and maximum sign area allowances of this ordinance shall be deemed to be in compliance with this ordinance and not nonconforming. However, if any one requirement is greater than the allowances by more than 20 percent, the entire sign must be brought into compliance pursuant to the remainder of this section.

8.12.2 **General nonconforming sign provisions.**

1. Subject to the exceptions and amortization schedule hereinafter set forth, any nonconforming signs may be continued in operation and maintained after the effective date of the sign ordinance adopted on March 21, 2016. Provided that nonconforming signs shall not be:

   - Changed to or replaced with another non-conforming sign. Sign faces may be replaced as long as the replacement of the sign face will not increase the degree of non-conformity of the sign and the replacement of the sign face will not exceed 50 percent of the replacement cost of the entire sign (structure, cabinets, sign faces, etc.).
   - Structurally altered so as to extend their useful life.
   - Expanded.
   - Relocated.
   - Re-established after damage of more than 50 percent of the value at the time of such damage or destruction.
   - Modified in any way that would increase the degree of nonconformity of such sign.

8.12.3 **Nonconforming billboards.** Outdoor advertising signs (billboards) which were legally in existence prior to the adoption of this ordinance are declared nonconforming billboards. It is the intent of this section to recognize that the eventual elimination, as expeditiously and fairly as possible, of nonconforming billboards is as much subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this ordinance. All outdoor advertising signs (billboards) heretofore lawfully constructed within the City of Brandon are hereby declared legal nonconforming billboards, and shall not be enlarged or expanded in any manner to increase their nonconformity.

8.12.4 **Continuation of nonconforming billboards.** Nonconforming billboards may continue provided that the nonconforming billboard shall not be:

- Changed to or replaced with another nonconforming sign except to periodically change the sign face.
- Structurally altered so as to extend their useful life.
- Expanded.
- Re-established after damage of more than 50 percent of the replacement cost of the sign.
- Modified in any way that would increase the degree of nonconformity of such sign.

8.12.5 If a nonconforming billboard remains blank for more than 180 consecutive days, that billboard shall be deemed abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, the owner of the property where the sign is located, or any other person having control over such a sign. For the purpose of this section, a sign is blank if:

- The advertising message it displays becomes illegal in whole or substantial part; or

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- The advertising copy is paid for by a party other than the sign owner or is promoting an interest other than the retail use for which it was permitted.

8.12.6 **Strengthening or restoring to a safe condition.** Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by the building inspector. Such signs may be improved only to the extent that such improvement does not exceed 50 percent of the replacement cost of the sign.

8.12.7 **Petition.** The owner of any existing billboard may voluntarily petition the mayor and board of aldermen to allow the relocation or modification of an existing billboard. Approval of any such petition may be conditioned on an overall net reduction in the number of billboards within the city by voluntary removal. The approval of the mayor and board of aldermen is discretionary. At a minimum, the petition shall set out the following:

- A description of any modification to an existing sign. The existing and proposed locations of a relocated sign.
- The location of any signs proposed to be removed from within the City of Brandon.
- An acknowledgement that the request is voluntary.
- The time required to remove any existing signs.
- Other such information as may be requested by the community development department.

8.12.8 Any sign approved as a result of petition shall be a permitted use under the City of Brandon Zoning Ordinance and shall be exempt from the declaration that billboards are prohibited signs within the City [of Brandon] and where permitted will not be considered a nonconforming use.

8.12.9 Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by the building inspector. Such signs may be improved only to the extent that such improvement does not exceed 50 percent of the current market value of the existing sign structure.

Table 8.12 Nonconforming Sign Amortization Table

Original Construction Cost	Amortization Period
Temporary signs, portable signs, sign conversions, and animated signs	45 days
Indeterminable cost to $250.00	6 months
$251.00—$750.00	1 year
$751.00—$2,750.00	2 years
$2,751.00—$5,000.00	3 years
$5,001.00 - $7,000.00	4 years
Greater than $7,000.00	5 years

8.12.10 **Termination of nonconforming signs/amortization schedule.**

1. Any nonconforming sign or sign structure which is partially destroyed by fire, accident, or natural cause beyond 50 percent of its current market value shall thereafter be removed or reconstructed in conformance to the provisions of this ordinance.
2. Any nonconforming sign or sign structure which is improved and altered to comply with the provisions of this ordinance shall thereafter be considered as conforming.

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3. All other nonconforming signs or aggregate sign conditions, other than billboards, shall be removed, changed, altered, or otherwise made to conform according to table 8.12.

4. The amortization shall begin as of the effective date of the sign ordinance adopted on March 21, 2016.

5. For the purposes of this section, existing signs and sign structures prohibited by this ordinance shall be treated as nonconforming.

6. The owner or operator of the sign must furnish acceptable proof of the sign's original cost in the form of:

   - Original value from sign permit, if available.
   - An original bill of sale, including installation costs, fees, etc.
   - Depreciation schedules from federal or state tax returns showing original cost.

7. Upon the determination of the City of Brandon that a sign remains nonconforming after termination of the allowable time periods provided for hereinabove, the city shall notify the sign owner and/or the owner of the land on which the nonconforming sign is located and such owner shall have 30 days after such written notice within which to remove said sign. At the end of the 30-day period, if the sign has not been removed or brought into compliance, the city shall issue a summons into city court.

8. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such a sign.

9. Any nonconforming on-premises sign shall be removed or brought into compliance with this ordinance immediately upon a change in the principal use or ownership of the site.

10. Signs, other than billboards, made nonconforming due to annexation into the City of Brandon after the effective date of this ordinance shall be removed or modified so as to conform according to the amortization schedules established herein; but the initiation date of the schedules shall be the effective date of annexation rather than the effective date of this ordinance.

11. In the event a sign becomes subject to this ordinance as a result of annexation the amortization period set out in table 8.12 shall apply from and after the effective date of such annexation.

8.12.11 In the event a sign becomes nonconforming as a result of any amendment to this ordinance the amortization period set out in above shall apply from and after the effective date of such amendment.

(Ord. of 4-6-20(1), Exh. A; Ord. of 4-4-22(1)§ 1)

ARTICLE 9. ADMINISTRATION AND ENFORCEMENT

9.1 Purpose of this article.

It is the purpose of this article to prescribe the legal devices and procedures for administering and enforcing this ordinance and to define the duties, powers, limitations and scope of jurisdiction for the various persons and other groups or bodies which are concerned with the administration and enforcement of this ordinance.

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9.2 Permits and certificates.

9.2.1 **Building permits required.** Buildings or other structures shall not be erected, moved, enlarged, demolished, or structurally altered without a permit, issued by the department of community development. A building permit shall not be issued except in conformity with the provisions of this ordinance, the International Building Code, and other applicable laws, unless said department of community development receives a written order from the mayor and board of aldermen in the form of an administrative review, conditional use or variance as provided by this ordinance.

An application for a building permit shall be filed with the department of com-munity development, on a form furnished by said official, along with the required fee. Applications for building permits for uses to be served by septic tanks shall be accompanied by a sewerage layout permit from the Rankin County Health Department and require concurrence by the department of public works. Every application for a building permit that does not require a site plan shall be accompanied by a plot diagram preferably on a sheet of eight-inch by 11-inch or 11-inch by 17-inch paper which shall indicate the following:

- The actual dimensions and shape of the lot to be built upon or change in its use, in whole or in part;
- The location and size on the lot of every existing building or structure, if any, and an indication of the height of existing buildings or structures;
- Existing and proposed streets and street names (if known);
- The location and size on the lot of the proposed buildings or structures, and an indication of the height of the proposed buildings or structures; and
- Such other information as the department of community development may require as necessary to satisfy the provisions of this ordinance, the International Building Code, and other codes and ordinances.
- All required information shall also be submitted electronically in .pdf format.
- The department of community development may also require a boundary line survey if necessary, prepared by a qualified surveyor.

9.2.2 **Relation to site plan review.** When the site plan review is required, the procedures described in section 9.9 shall be completed prior to the issuance of a building permit.

Certificates of use required. The certificate of use process is intended to protect the city's residents and consumers from the harmful effects of illegal business operations by establishing a zoning certificate of use requirement, which shall provide a review procedure to ensure that new business occupancies and uses, and changes of existng business occupancies and uses, comply with the city's zoning code, Code of Ordinances, building code requirements, and other applicable codes and regulations.

9.2.2.1 **Zoning certificate of use required.** No building, location, or structure used for the purpose of exercising the privilege of doing business within the city limits shall be used or occupied for any business, profession or occupation without first obtaining a certificate of use pursuant to this Code. Businesses, professions or occupations which are subject to the requirement for a privilege license pursuant to section 74-31 through 74-38 of the Code of Ordinances shall be subject to the certificate of use requirement. Home occupations, as defined in the zoning code, shall not be required to obtain a certificate of use. Multi-family residential, group homes, and special residential care facilities are also subject to the certificate of use requirement.
New commercial establishments proposing to construct interior renovations must file for zoning

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approval of the use prior to or concurrently with the submittal of the building permit. The certificate of use shall be issued along with the certificate of occupancy with no additional fee.

9.2.2.2 **Requirements.** A separate certificate of use shall be obtained for each place of business and each separate commercial entity, including those sharing space within the same establishment. It shall be the duty of every person owning, operating, or purchasing any business within the city limits to comply with the requirements prior to opening any business, profession, or occupation within any building, structure, or location within the city. Existing businesses with nonconforming uses shall be required to provide documented evidence of their established date of operation.

9.2.2.3 **Term of zoning certificate of use and transfer.**

a. Once issued, a certificate of use shall remain valid until there is a change of the use, business, business ownership, business name, or business location from that specified on the approved certificate of use, or in the case of a nonconforming use, an abandonment or change of the use, business, business ownership, business name, or business location from that specified on the approved certificate of use.

b. When there is a change of the use, business, business ownership, business name, or business location from that specified on the approved certificate of use, a new certificate of use application shall be required. In the case of a nonconforming use of property, when there is an abandonment of the non-conforming use or a change in the use, business, ownership, business name, or business location from that specified on the approved certificate of use, a new certificate of use application shall be required.

9.2.2.4 **Due date for payment of zoning certificate of use fee.** Payment of the certificate of use fee shall be required prior to issuance.

9.2.2.5 **Fees.** The director shall collect the certificate of use fee, which shall be as provided in the city's adopted fee schedule.

9.2.2.6 **Existing businesses; effective date.** All existing businesses, professions, and occupations requiring a certificate of use, which hold a valid privilege license as of the effective date of this ordinance, shall be considered to have an active certificate of use.

9.2.2.7 **Inspections.** Any person applying for or obtaining a certificate of use shall be subject to an inspection of the place of business to ensure compliance with all zoning regulations, life safety code requirements, and all applicable local and state regulations. For the purpose of enforcing the provisions, inspectors designated by the director or the building official, shall have the right of inspection, provided that said inspection shall be reasonable and scheduled at the reasonable convenience of the applicant or certificate holder and the inspector. Failure to permit inspection of the premises shall be grounds for denial of a certificate of use application or revocation of an existing certificate of use.

9.2.2.8 **Application procedures.**

a. Procedures for issuance. No zoning certificate of use shall be issued or granted to any person to engage in any business, profession, or occupation unless:

- An application is filed; a certificate of use application form, along with the established and required fee, documents, and plans, shall be submitted to the city by the applicant to the department; and
- There has been a site inspection of the applicant's business premises; and
- The department has reviewed and approved the zoning use classification; and

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- The city has verified compliance with all applicable laws and regulations and has collected all applicable fees due to the city.

b. Legality of use. In the event there is a question as to the legality of a use, the director, as appropriate, may require affidavits and such other information as he or she may deem appropriate or necessary to establish the legality of the use, before a certificate of use shall be issued.

- State license, certification, registration requirements. All businesses and professions regulated by the state must submit a copy of their current state license, certification, and/or registration, prior to the issuance of a certificate of use.

c. Grounds for denial. The director, as appropriate, shall have the authority to deny a certificate of use application on the following grounds:

- That the applicant has failed to disclose or has misrepresented a material fact or any information required by this chapter in the application; and/or
- That the applicant desiring to engage in the business, profession, or occupation, as described in the application, has selected a proposed site or type of business activity, which does not comply with the city's zoning code; and/or
- That the applicant has failed to obtain a certificate of occupancy as required by this Code; and/or
- That the certificate of occupancy for the proposed location has been denied, suspended or revoked for any reason; and/or
- The issuance of a certificate of use is based on the applicant's compliance with specific provisions of federal, state, county or city law or ordinance, with respect to the specific use, and the applicant has violated such specific provisions; and/or
- The applicant has violated any provision of the city Code or zoning code, and has failed or refused to cease or correct the violation within 30 consecutive days after notification thereof; and/or
- The premises have been condemned by the local health authority for failure to meet sanitation standards or the premises have been condemned by the local authority because the premises are unsafe or unfit for human occupancy; and/or
- The applicant is delinquent in the payment of the applicable certificate of use fee, or is delinquent on any code compliance lien, special assessment lien and/or any other debt, fee, or obligation due to the city; and/or
- The applicant has been denied a privilege license, or the applicant's privilege license has been revoked within the last 12 non-calendar months (365 days); and/or
- The applicant failed to permit the require inspection by the city.
- Any person whose application has been denied as provided herein shall have the right to appeal in writing the to the board of alderman.

9.2.2.9 **Revocation.** The director, in consultation with the police chief, fire chief, and building official is granted the authority and charged with the duty to revoke or suspend any certificate of use as follows:

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A certificate of use issued pursuant to this section may be revoked, suspended on any of the following grounds:

- The certificate holder has failed to disclose or has misrepresented a material fact or information required by this section in the application; or
- The certificate holder does not engage in the use described in the application or has changed the use without authorization through approval of a new certificate for the changed use, as required herein; or
- The certificate of occupancy for the business location has been denied, suspended or revoked for any reason; or
- The certificate holder has violated any provision and has failed or refused to cease or correct the violation after notification; or
- The premises have been condemned by the local health authority for failure to meet sanitation standards or the premises have been condemned by the local authority because the premises are unsafe or unfit for human occupancy.

9.2.2.10 **Revocation procedure.**

a. The director shall issue a written notice of intent to revoke and/or suspend the certificate of use, which shall set forth the grounds upon which the notice is issued, the corrections necessary for compliance, and the certificate holder's right to request an administrative hearing in front of the board of alderman, and that said appeal must be taken within 30 calendar days of the service of said notice.

b. The 30 calendar days shall be considered a warning period during which the noticed certificate holder may come into compliance as required herein. If compliance is achieved within said warning period, the director shall void the revocation proceeding and the certificate holder shall dismiss any pending appeal.

c. The notice shall be sent U.S. certified mail, return receipt requested, to the address provided in the application or the last known address of the applicant. Alternate service may be made by delivery of the notice of hearing to the place of business and/or posting such notice.

d. The request for an administrative appeal hearing before the board of alderman to appeal the revocation notice shall stay any revocation action, and the certificate of use shall remain in effect unless, within the sole discretion of the department, it is determined that the grounds for denial represent an immediate threat to the health, safety, and/or welfare of the public.

e. Scheduling and conduct of hearing.

- At any time prior to the expiration of 30 days following the service of the notice of intent to revoke and/or suspend the certificate of use, the certificate holder may request, in writing, an administrative appeal hearing on the basis that s/he wishes to appeal the pending revocation notice. The hearing shall be conducted by the board of alderman.
- Upon the expiration of 30 days following the service of the notice of intent to revoke and/or suspend the certificate of use, and no such appeal having been filed, or upon the affirmation of the administrative revocation decision pursuant to the hearing before the board of alderman, the certificate of use shall be revoked and a new

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certificate of use shall not be issued. Upon revocation, the certificate holder shall immediately cease doing business in any location listed therein.

9.2.2.11 **Additional violations.** It shall be unlawful for a property owner to allow by lease, license, grant or other written or oral agreement, the use of any real property for the operation of a business without a valid and current certificate of use. Violations of this section shall be subject to prosecution and enforcement pursuant to section 9.16 of the zoning code.

9.2.3 **Post permit issuance procedures.** All building permits shall be posted in a prominent location at the site during the construction or during the use conversion. If site plans, drawings and specifications are required by this ordinance or other codes or ordinances, the approved plans and drawings shall also be open to inspection by the department of community development.

If, following the completion of construction, and following the final inspection by the building official, the structure conforms with the provisions of this ordinance and has been lawfully constructed in accordance with the approved and permitted construction drawings, a certificate of occupancy shall be issued.

If the application for a building permit and the plans filed therewith describe construction which does not conform to the requirements of this ordinance, the International Building Code and other pertinent laws or ordinances, the department of community development shall not issue a permit. Failure to notify the applicant, as soon as reasonably practical, shall entitle the applicant to submit his request to the mayor and board of aldermen. Such refusal shall always be in writing and shall contain reasons therefor. If plans are required in accordance with this ordinance or other codes and ordinances, one copy of said plans shall be returned to the applicant after the department of community development has marked such copy as "disapproved" and attested to same on each copy. The original and one copy of the plans, similarly marked, shall be retained by the department.

- Any building permit issued in accordance with this ordinance and the International Building Code shall become invalid unless the work authorized by it shall have been commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one year after the time the work commenced; provided that, for cause, one or more extensions of time, for periods not exceeding 90 days, may be allowed in writing by the department of community development.

9.2.4 **Certificates of occupancy required.** All new structures or buildings, all major alterations of buildings or structures shall not be occupied or otherwise utilized until a certificate of occupancy has been issued by the department of community development. A certificate of occupancy shall be issued by the department of community development upon final inspection.

The department of community development shall maintain a record of all certificates of occupancy and a copy shall be furnished upon request to any person.

Failure to obtain a certificate of occupancy shall be a violation of this ordinance.

(Ord. of 12-4-17, § 1; Ord. of 4-6-20(1), Exh. A)

9.3 Transitional and Vested Rights Provisions.

The purpose of this section is to establish a clear framework for administering and interpreting vested and legacy development approvals following adoption of this ordinance. It affirms that all lawfully approved developments under prior regulations shall retain their vested rights while defining the procedures for transitioning those approvals to current zoning classifications and

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Comprehensive Plan objectives. This section further clarifies the treatment of ~~legacy~~former districts with the intent of ensuring continuity of master-plan entitlements, administrative transparency, and compliance with applicable law.

a. **General Continuity.** All lawful uses, structures, and developments existing or approved prior to the effective date of this ordinance may continue in accordance with their original approvals, subject to the provisions of this ordinance and applicable law.

b. ~~**Legacy and**~~ **Former Districts.**

1. **Traditional Neighborhood Development (TND)**. Any property approved as a Traditional Neighborhood Development (TND) prior to adoption of this ordinance shall retain all vested rights associated with its approved master plan and project narrative. ~~Such properties shall continue to be administered as TND legacy districts. No new rezonings to the TND district shall be accepted or approved after the effective date of this ordinance.~~Where no master plan approval has been granted for an existing TND-zoned property, the property shall be rezoned to the most comparable base district consistent with the Comprehensive Plan, as determined by the Mayor and Board of Aldermen after public notice and hearing. Properties subject to review or reconsideration under Section 9.3(d) shall comply with the outcome of that process, which may include reclassification, modification, or recognition as a legal but nonconforming use or structure as prescribed in, and in accordance with, Section 3.9 of this ordinance.

2. **Planned Unit Development.** All properties previously approved under any variation of a Planned Unit Development (PUD) district shall continue under their recorded master plans and project narratives ~~as Planned Unit Development Legacy (PUD-L) districts.~~ Modifications to approved PUD~~-L~~ master plans shall comply with Section 3.8.3 and this section. Properties subject to review or reconsideration under Section 9.3(d) shall comply with the outcome of that process, which may include reclassification, modification, or recognition as a legal, but nonconforming use or structure as prescribed in, and in accordance with, Section 3.9 of this ordinance.

3. **Other Former Special or Planned Districts.** If any additional special or planned zoning districts established under prior ordinances are repealed or replaced by this ordinance, properties within such districts shall retain vested development rights only to the extent established by an approved master plan, project narrative, or recorded development agreement. Properties subject to review or reconsideration under Section 9.3(d) shall comply with the outcome of that process, which may include reclassification, modification, or recognition as a nonconforming use or structure as prescribed in, and in accordance with, Section 3.9 of this ordinance.

c. **Transition of Uses Reclassified by this Ordinance.** Upon adoption of this ordinance, any use lawfully established under prior zoning regulations shall be reviewed and classified as follows~~:~~. Once identified as a legal nonconforming use, all subsequent regulations of that use shall be governed by Section 3.9 of this ordinance.

1. **Formerly Permitted → Now Conditional:** Any use that was previously permitted by right but is now listed as a conditional use in the applicable district shall be deemed a legal nonconforming use in accordance with Section 3.9. Such use may continue without interruption. However, if such use ceases for a continuous period of twelve (12) months or more, any subsequent re-establishment shall require approval of a Conditional Use Permit under Section 9.9.

2. **Formerly Conditional → Now Permitted:** Any use that was previously approved as a

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conditional use but is now permitted by right in the applicable district shall henceforth be treated as a permitted use, and the prior conditional-use approval shall be considered satisfied and of no further effect.

3. **Formerly Conditional → Now Prohibited**: Any use that was previously approved as a conditional use but is now prohibited in the applicable district shall be considered a legal nonconforming use and shall be governed by Section 3.9

4. **Conditional-use Non-activation:** Conditional-use approvals granted under prior ordinances that have not been activated within the time limits established in Section 9.9.9 shall automatically expire unless extended by action of the Mayor and Board of Aldermen.

d. **City Review and Reconsideration.** The Mayor and Board of Aldermen, on their own motion by majority vote, upon recommendation from the Community Development Director, Planning Commission, or adjacent property owners, may initiate review of any previously approved master plan, development agreement, or special district if it is determined that the approval has become inconsistent with the Comprehensive Plan, materially obsolete, or detrimental to public health, safety, or welfare. Following public notice and hearing, the Board may take appropriate action including amendment, reclassification, or revocation of the prior approval, consistent with the vested rights provisions of this ordinance and applicable law.

e. **Administrative Interpretation During Transition, Conflicts.** Where a direct conflict exists between an approved master plan, project narrative, or development agreement for a legacy or vested district and the provisions of this ordinance or the City's Development Ordinance, the recorded master plan shall control to the extent of that conflict. However, where such documents are silent, ambiguous, or incompatible with mandatory public safety, infrastructure, or procedural standards adopted by the City, the Community Development Director may refer the matter to the Board of Aldermen for interpretation. The Board may, after public hearing, determine the applicable standard to apply, consistent with the intent of this ordinance, the Comprehensive Plan, and the protection of vested rights.

9.4 Former District References.

This section establishes the record-keeping and administrative procedures for maintaining historical zoning information related to repealed or superseded districts, as follows:

a. Records and Administration. Historical reference materials for repealed or superseded zoning districts shall be maintained in the Office of Community Development. Such records shall be preserved for reference in administering vested or legacy approvals in accordance with Section 9.3 of this ordinance.

b. Interpretation and Use of Historical Records. The historical materials shall not be construed as active zoning regulations but may be consulted, in accordance with Section 9.5, to interpret prior approvals, master plans, or development agreements adopted under former ordinances, subject to the Board of Aldermen final interpretation if appealed or by action.

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9.~~3~~ 5 Department of community development powers and duties.

The Department of Community Development of the City of Brandon shall administer and enforce this zoning ordinance in accordance with the provisions herein including the following specifically enumerated duties:

a. Maintain the official zoning map in good and useful condition and properly recording on the map all of the amendments to the ordinance that change the boundaries of the zoning ordinance.

b. Provide application forms and other forms relating to this ordinance.

c. Provide information to the public on matters relating to zoning.

d. Receive and act on all applications for building permits and certificates of occupancy.

e. Receive and act on all applications, plans or petitions requiring site plan review.

f. Verify construction (or use conversion) performed under zoning-related permits to determine if the work (or use conversion) meets the requirements before issuing a certification of occupancy.

g. Oversee the preparation and maintenance of a map or other recording process indicating nonconforming uses, structures and developed (or vacant) lots.

h. Clear with other local, county, state, or federal agencies where such clearance is necessary in connection with zoning matters.

i. Appear before the planning commission, site plan review committee and the mayor and board of aldermen to furnish information helpful to those bodies in carrying out their assigned functions.

j. Make periodic checks for violations of this ordinance and notifying in writing the person responsible for violations of the ordinance, indicating the nature of the violation and ordering the action necessary to correct it. Such notification shall be by registered or certified mail or shall be delivered personally by the city.

k. Initiate court action to prevent or halt violations of this ordinance.

l. Advertise or cause to be advertised and public hearing as required by this ordinance. Keep records pertaining to zoning matters.

m. Provide administrative interpretation of this ordinance.

9.5.1 **Administrative interpretation.** ~~In the event there is a question as to the general intent or specific meaning of any provision of the comprehensive plan, zoning ordinance text, or of the boundaries or district designations or other matters relating to the official zoning map, the department of community development shall have the power to make such administrative decisions and interpretation provided that administrative interpretation shall in no manner be construed to include, or used in any way which would permit, the granting of a conditional use, dimensional variance, or zoning amendment the provisions for which use are given elsewhere in this ordinance.~~ When the meaning, purpose, or application of this ordinance (including, but not limited to, the text of the ordinance, the Comprehensive Plan, zoning district boundaries, or district designations) is unclear, the Zoning Administrator shall have the authority to issue administrative interpretations or other related determinations, subject to review by the Community Development Director. An interpretation shall not create, enlarge, diminish, or modify any standard, nor grant a variance, conditional use, or amendment. Each interpretation shall state the pertinent facts, cite the sections interpreted, and explain the rationale. Interpretations apply prospectively and may be relied upon for similar fact patterns unless

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superseded by ordinance amendment.

9.5.2 **Appeals.** Administrative interpretations issued under Section 9.5.1, or other determinations expressly subject to appeal under this ordinance, may be appealed in accordance with Section 9.14. The filing of an appeal shall not suspend or stay the effect or enforcement of the interpretation or decision unless specifically ordered by the Mayor and Board of Aldermen or a court of competent jurisdiction.

~~• An administrative interpretation of this ordinance may be appealed.~~

~~• Appeals from an administrative interpretation shall be made as provided this ordinance.~~

~~9.4 Brandon Planning Commission duties and conduct~~.

~~The Brandon Planning Commission is hereby created under the laws of the State of Mississippi and appointed in accordance with this ordinance shall duly function to carry out the purposes of this ordinance.~~

~~The commission shall adopt such rules, not inconsistent with municipal ordinance or state law as necessary for the conduct of its affairs in keeping with the provisions of this ordinance. Notwithstanding other duties of the commission and any other rules which that body may adopt, the following shall apply:~~

~~a. The planning commission shall meet on the fourth Monday of each month at 6:00 p.m., in the regular board meeting room at Brandon City Hall, 1000 Municipal Drive. Special meetings of the planning commission may occur at any other time called by the written notice of the chairman of the commission or the director of community development or his or her designee. Such special meetings shall occur at the regular meeting location of the planning commission unless otherwise designated in the notice but in no such event shall such special called meetings occur outside of Brandon City Hall. Notice of any special meeting shall be given to the members of the planning commission who have not signed it and who can be found, and the director of community development or his or her designee, if not signed by the director or his or her designee, who can be found, at least three hours before the time fixed for the meeting. The notice shall state the time of the meeting, the location of the meeting, shall distinctly specify the subject matters of business to be acted upon and shall be signed by the person calling the meeting. No business other than set forth in the special meeting notice shall occur at the special called meeting. Any recess meeting, adjourned meeting, interim meeting or called special meeting of the planning commission shall be posted within one hour of the meeting in a prominent place in Brandon City Hall available for inspection and examination by the general public. A copy of the notice shall be made a part of the minutes of the planning commission. The regular monthly meeting shall not be required in the event that there is not business to be conducted. Notice of cancellation of a regular monthly meeting for such reason shall be provided to the members of the commission by the director of community development or his or her designee within a reasonable time for the time for the regular meeting and shall be entered on the minutes of the planning commission at the next regular monthly meeting.~~

~~b. The planning commission shall elect its own chairman, vice-chairman, and secretary from among the members.~~

~~c. No member of the planning commission shall participate in the hearing of the singular item nor vote on any matter before the commission in which he has a personal financial interest.~~

~~d. All matters relating to and in keeping with the provisions and interest of this ordinance shall be reviewed by the planning commission in meetings open to the public. The commission shall make a written statement of its findings in each instance which shall be a recommendation to the mayor and board of aldermen to grant, deny, or modify, in whole or in part, any request, application, proposed~~

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~~amendment to the zoning ordinance, or any other matters as may be referred to the commission by the mayor and board of aldermen.~~

~~e. The planning commission shall keep minutes of its proceedings showing the members present, or if absent or failing to vote, indicating such fact; and shall keep records of its examination and other official actions, all of which shall be a public record and copies thereof shall be filed with the city clerk as soon as reasonably practical following each meeting of the commission. The city clerk shall be responsible for forwarding copies of such minutes to the department of community development and mayor and board of aldermen.~~

~~f. All items to be discussed by the planning commission shall be placed on an agenda.~~

~~g. In accordance with MCA 1972, § 25-41-5, all meetings of the planning commission shall be open to the public at all times unless an executive session is declared as provided in MCA 1972, § 25-41-7. Voting by the planning commission on all matters coming before that body shall be held in public except for voting during executive sessions as provided above.~~

~~h. All members are required to regularly attend the meetings of the planning commission. Any member who misses three consecutive meetings or five or more meetings in any calendar year shall be removed from the planning commission, provided the absences are not beyond the reasonable control of the planning commission member for reasons of illness or injury. The planning commission minutes shall reflect the attendance of the members and others present. Any vacancy shall be filled as provided herein.~~

~~i. Action by the planning commission shall occur by a majority vote of the members present at any regular session or duly called meeting wherein the matter is presented for consideration and action.~~

~~j. Each member of the planning commission shall be paid a per diem of $50.00 for each day or portion thereof spent in the performance of his duties; however, no member of the planning commission shall be paid more than $120.00 in the aggregate per month.~~

9.6 Brandon Planning Commission duties and conduct.

9.~~7~~6.1 Establishment. The Brandon Planning Commission (also referred to throughout this ordinance as the "*Planning Commission*") is hereby created under the laws of the State of Mississippi and shall be appointed in accordance with Section 9.7.2 of this ordinance shall duly function to carry out the purposes of this ordinance. The *Planning Commission* shall adopt such rules, not inconsistent with municipal ordinance or state law, as necessary for the conduct of its affairs in keeping with the provisions of this ordinance. Notwithstanding other duties of the *Planning Commission* and any other rules which that body may adopt, the following shall apply:

a. **Regular meetings.** The Planning Commission shall hold two (2) regular meetings each month, scheduled for the second (2nd) Monday and the fourth (4th) Monday of every month at 6:00 p.m., in the regular board meeting room at Brandon City Hall, 1000 Municipal Drive, Brandon, Mississippi 39042, or, when necessary, in another room within City Hall. When an alternate room is used, clear signage shall be posted in a conspicuous location within City Hall to direct attendees to the meeting location.

The meeting scheduled for the second (2nd) Monday of each month may be cancelled by the Community Development Director if no items of business are on the agenda. The meeting scheduled for the fourth (4th) Monday of each month shall be held as the principal business meeting of the Planning Commission, subject only to cancellation in accordance with the Attendance Standards in

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Section 9.6.2 of this Ordinance or in cases of emergency, inclement weather, or official closure.

A quorum shall consist of four (4) members of the seven-member Planning Commission. No official action or recommendation may be taken without a quorum present.

b. **Special Meetings.** Special meetings of the Planning Commission may occur at any other time called by the written notice of the chairman of the Planning Commission, the Community Development Director, or the Mayor. Such special meetings shall occur at the regular meeting location of the Planning Commission, unless otherwise designated in the notice, but in no such event shall such special called meetings occur outside of Brandon City Hall. Notice of any special meeting shall be provided in writing, which may include electronic mail, to all members of the Planning Commission, and to the Community Development Director if not the issuing party, at least three (3) hours before the scheduled meeting time. The notice shall state the time of the meeting, the location of the meeting, shall distinctly specify the subject matters of business to be acted upon and shall be signed by the person calling the meeting. No business other than set forth in the special meeting notice shall occur at the special called meeting. Any recess meeting, adjourned meeting, interim meeting, or call special meeting of the Planning Commission shall be posted within one (1) hour of the meeting in a prominent place in Brandon City Hall available for inspection and examination by the general public. A copy of the notice shall be made a part of the minutes of the Planning Commission.

c. **Election, Planning Commission.** The Planning Commission shall elect its own chairman, vice-chairman, and secretary from among the members.

d. **Conflict of Interest.** No member of the Planning Commission shall participate in the hearing of the singular item nor vote on any matter before the Planning Commission in which he or she has a personal financial interest.

e. **Responsibility and role.**

i. The Planning Commission shall review and provide a recommendation to the Mayor and Board of Aldermen on the following matters in meetings open to the public:

1. Applications for amendments to the Zoning Ordinance text or Official Zoning Map.

2. Applications for conditional-use permits and dimensional variances.

3. Proposed amendments to the Comprehensive Plan and Future Land Use Plans/Maps

4. Any other matters as may be referred to the Planning Commission by the Community Development Director or the Mayor and Board of Aldermen.

ii. The Planning Commission's recommendation, respectively, shall include findings of fact as to how the proposal:

1. Conforms to the Comprehensive Plan;

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2. Is consistent with the purpose and intent of this ordinance and applicable district standards;

3. Addresses any significant public-infrastructure, traffic, pedestrian connectivity, stormwater, or design-compatibility issues;

iii. The Planning Commission shall act in an advisory capacity only; the final decision on any application shall rest with the Mayor and Board of Aldermen unless this Ordinance explicitly provides otherwise.

f. **Minutes and Records.** Minutes of each meeting of the Planning Commission shall be prepared by staff of the Department of Community Development and shall show the members present and absent, and any members failing to vote, together with all motions, actions, and votes taken. Draft minutes shall be provided to the Planning Commission for review and formal approval at its next regular meeting. Upon approval, the official minutes and all records of the Planning Commission's examinations and actions shall constitute public records. The Department of Community Development shall file approved copies with the City Clerk as soon as reasonably practical following each meeting, and the City Clerk shall forward copies to the Mayor and Board of Aldermen for information.

g. **Agenda Preparation.** All items to be discussed by the Planning Commission shall be placed on an agenda.

h. **Public Meeting requirements.** In accordance with MCA 1972, § 25-41-5, all meetings of the Planning Commission shall be open to the public at all times unless an executive session is declared as provided in MCA 1972, § 25-41-7. Voting by the Planning Commission on all matters coming before that body shall be held in public except for voting during executive sessions as provided above.

i. **Voting Procedures.** Action by the Planning Commission shall occur by a majority vote of the members present at any regular session or duly called meeting wherein the matter is presented for consideration and action.

j. **Compensation.** Each member of the Planning Commission may be paid a monthly stipend for their service in an amount determined by the City of Brandon, not to exceed one hundred twenty dollars ($120.00) per month, as authorized by MCA § 17-1-11. Payment shall be made from municipal funds and shall constitute full compensation for attendance and participation in any and all official meetings or activities of the Planning Commission held during that month. Any change to this amount shall require an amendment to this Ordinance adopted by the Mayor and Board of Aldermen.

9.6.2 **Attendance Standards.** All members are required to regularly attend the meetings of the Planning Commission. Any member who misses two (2) consecutive regular monthly meetings or a total of five (5) or more meetings of any type, whether regular or special, within a calendar year may be removed from serving on the Planning Commission by the Board of Aldermen in accordance with Section 9.7.2(b) of this Ordinance, provided the absences are not beyond the reasonable control of the member for reasons such as illness or injury. The Planning Commission minutes shall reflect the attendance of the members and others present. Any vacancy shall be filled as provided herein.

9.6.3 **Conduct Standards.** Members of the Planning Commission are expected to conduct themselves in a manner that upholds the integrity and public trust of the City of Brandon. Conduct constituting neglect

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of duty, misconduct, or behavior unbecoming a member of the Planning Commission may constitute cause for removal from office by the Board of Aldermen, in accordance with Section 9.7.2(b) of this Ordinance.

~~**9.5**~~**9.7 ~~Mayor and board of aldermen.~~**

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

~~The duties of the mayor and board of aldermen shall include, but not necessarily be limited to:~~

- ~~Administrative review under which the mayor and board of aldermen hears and decides appeals from actions of the department of community development.~~
- ~~Acting upon requests for conditional use permits, variances and zoning amendments (i.e., amendments to the zoning ordinance text or the official zoning map).~~
- ~~Taking action upon applications for building permits and site plan review permits which the department of community development did not act upon during the time limit.~~
- ~~Holding all public hearings on matters related to and keeping with the provisions of this ordinance.~~

~~Appointment of the planning commission:~~

- ~~The planning commission shall consist of five members who shall be residents of the city and shall be appointed by the mayor and confirmed by majority vote of the board of aldermen.~~
- ~~A member shall serve at the will of the mayor and board of aldermen and may be removed by a majority vote of the members of the board of aldermen at any time.~~
- ~~Members may be reappointed for successive terms any number of times.~~
- ~~Vacancies caused by removal or other cause shall be filled as provided herein, except that in the event vacancies occur wherein the planning commission has less than three members to attend a meeting of the planning commission, the mayor is authorized to make interim appointments to fill such vacancies. Such interim appointments shall be in writing and shall be entered in the minutes of the planning commission and the board of aldermen. Interim appointments shall be presented for confirmation at the next regular meeting of the board of aldermen. If an interim appointee is not confirmed at said meeting, the interim appointment shall be terminated at that time. Notice of such action shall be entered in the minutes of the planning commission.~~

(Ord. of 4-6-20(1), Exh. A)

9.7 Mayor and Board of Aldermen.

9.7.1 Authority. The Mayor and Board of Aldermen of the City of Brandon shall have the final authority to approve, deny, modify or otherwise change applications for amendments (to the text or official zoning map), appeals, variances, conditional uses and any other provisions of this Ordinance. The duties of the Mayor and Board of Alderman shall include, but not necessarily be limited to:

a) **Administrative Review.** The Mayor and Board of Aldermen shall hear and decide appeals from actions of the Department of Community Development.

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b) **Land-Use Requests.** The Mayor and Board of Aldermen shall act upon requests for conditional use, variances, and zoning amendments (including, but not limited to, text or map amendments).

c) **Permit Applications.** Taking action upon applications for building permits and site plan review permits which the Department of Community Development did not act upon within a reasonable time, as deemed by the Mayor and Board of Aldermen.

9.7.2 **Appointment, Removals, and Vacancies.** Appointments, removals, and vacancies of the *Planning Commission* shall be governed as follows:

a) **Appointments.** The *Planning Commission* shall consist of seven (7) members (one (1) representing each ward and one (1) at-large) who shall be residents of the City of Brandon. Each Alderman of Wards 1 through 6 shall nominate an individual resident of their ward to serve on the *Planning Commission* and the Alderman At-large shall nominate an individual resident to serve on the *Planning Commission*. Members of the *Planning Commission* shall be appointed to serve by majority vote of the Mayor and Board of Aldermen.

b) **Removal of Members.** A member shall serve at the will of the Mayor and Board of Aldermen and may be removed by a majority vote of the Mayor and Board of Alderman at any time.

c) **Terms Established.** Members of the *Planning Commission* shall serve terms concurrent with the election cycle of the Board of Aldermen, corresponding to the office of the elected official making the nomination. Each term shall expire upon the qualification of the newly elected governing body following each municipal election, unless the member is reappointed. Upon expiration, each nominating official shall have the opportunity to nominate a new appointee or to reappoint the incumbent. Members shall continue to serve until their successors are duly appointed to maintain continuity of service. Vacancies shall be filled only for the remainder of the unexpired term. Ward or at-large designations shall remain attached to each seat for the duration of that term, and members may be reappointed for successive terms without limitation.

~~a)~~d) **Vacancies and Interim Appointments.** Vacancies caused by removal, resignation, or other cause shall be filled as provided herein. In the event vacancies result in fewer than four (4) qualified members being available to attend a meeting, the Mayor is authorized to make interim appointments to ensure a quorum. A nominee for any vacancy shall be presented to the Board of Aldermen following such vacancy. The interim appointee shall serve until the Board of Aldermen confirms an appointment to fill the vacancy for the remainder of the then-current calendar year. All interim appointments shall be made in writing and entered into the minutes of both the *Planning Commission* and the Board of Aldermen. Ward or At-large designations shall remain attached to each seat.

~~9.6~~9.8 Dimensional variances.

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

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9.~~6~~8.1 **Requirements for granting variances.** Any person desiring a dimensional variance from the terms of this ordinance shall submit a written application (on a form furnished by the zoning administrator) demonstrating compliance with all of the following; a variance shall not be granted unless the applicant demonstrates:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district.
- That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
- That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same zoning district.

9.~~6~~8.2 **Existence of nonconforming uses not grounds for variance.**

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

9.~~6~~8.3 **When a site plan shall be required.** If the zoning administrator feels that more information is needed than is included on the plot diagram submitted with an application for a building permit, then a site plan shall be submitted with an application for a dimensional variance.

9.~~6~~8.4 **Public hearing required.** A public hearing shall be held in accordance with section 9.~~10~~12 of this ordinance for all proposed dimensional variances.

9.~~6~~8.5 **Required findings.**

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

9.~~6~~8.6 **Conditions and safeguards may be prescribed with dimensional variances.**

- In granting any dimensional variance, the board of aldermen may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under section ~~9.13~~9.16.
- If such conditions and safeguards are imposed by the board of aldermen in granting a variance, the applicant shall be required to sign an agreement whereby he/she accepts those conditions and safeguards (which shall be specified in the agreement). This instrument shall be in a form recordable in public land records.

9.~~6~~8.7 **Granting of a "use variance" prohibited.** Under no circumstances shall the board of aldermen issue a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

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9.~~6~~8.8 **Administrative variance.** At the discretion of the director, an administrative variance may be granted to the dimensional terms of this ordinance under the following conditions:

- The request for an administrative adjustment is submitted in writing by the property owner setting out the reasons for the request.
- The requested variance constitutes no more than a ten-percent deviation from a dimensional requirement of this ordinance.
- After review, the director makes written findings demonstrating that the granting of such administrative variance is consistent with the intent of the comprehensive plan, the request is not contrary to the public interest, and the request does not create negative impacts on any surrounding property or development condition.

(Ord. of 4-6-20(1), Exh. A)

9.~~9~~7 Conditional uses.

9.~~7~~9.1 The M~~m~~ayor and ~~board~~Board of Aldermen, after recommendation by the planning commission, shall decide whether or not proposed conditional uses authorized under this ordinance should be granted. Conditional uses are those specifically designated as "C" in Table 4.3 (Use Table). Conditional-use approval criteria are provided in Section 9.9.2; where specific criteria are not listed for a use type, the general standards of this section shall apply.

9.~~7~~9.2 **Requirements for granting a conditional use or conditional use permit.** Any person desiring a conditional use shall submit a written application indicating the section in the ordinance under which the conditional use is sought and stating the grounds on which it is requested. The mayor and board of aldermen shall not grant a conditional use unless satisfactory provision and arrangement has been made concerning all of the following:

a. Ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

b. Off-street parking and loading areas.

c. Refuse and service areas.

d. Utilities, with reference to locations, availability, and compatibility.

e. Screening and buffering with reference to type, dimensions, and character.

f. Required yards and other open space.

g. General compatibility with adjacent properties and other property in the district.

h. Any other provisions deemed applicable by the mayor and board of aldermen.

9.~~7~~9.3 **Site plan required.** All conditional use applications are required to submit a site plan in accordance with section 9.~~9~~11.

9.~~7~~9.4 **Public hearing required.** A public hearing shall be held for all proposed conditional uses in accordance with section 9.~~10~~12.

(Ord. of 4-6-20(1), Exh. A)

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~~9.8~~9.10 Zoning amendments.

9.~~8~~10.1 Although amendments to the Brandon Zoning Ordinance are ordinarily proposed only by the mayor and board of aldermen on their own motion, such amendments to the text or official zoning map (i.e., a rezoning) may be initiated by any person or his duly authorized representative filing an application for same with the department of community development.

9.~~8~~10.2 If the proposed amendment is an application for rezoning, said application shall include a legal description of the property involved, the exact nature of the proposed change, the grounds upon which rezoning is requested, and such other information as may be required to determine the merits of the application. If determined by the department of community development in coordination with other city officials (i.e., the public works director, fire chief, city clerk, etc.) that a detailed site plan is necessary for review of the requested rezoning, a site plan shall be submitted in accordance with section 9.~~9~~11.

9.~~8~~10.3 In all cases involving an amendment to this ordinance, notice of public hearing shall be given as required by this ordinance, and the public hearing shall be held in accordance with the procedures specified. Following action by the mayor and board of aldermen approving a request for rezoning, a notice of such rezoning shall be published in accordance with the procedures specified.

9.~~8~~10.4 No amendment shall be made by the mayor and board of aldermen to the ordinance text or the official zoning map unless the proposed amendment complies with one or more of the following criteria:

- The amendment will correct a manifest error in the ordinance.
- The amendment to the official zoning map is necessary because of changing conditions within the city, new development patterns or annexation.
- The amendment will more suitably promote and protect the public health, safety and welfare than the existing district boundaries which said amendment would replace.

9.~~8~~10.5 **Approval limitations.**

a. Any land which has been rezoned (including PUD ~~overlay~~ designations) but on which development has not begun within two years may be brought back before the planning commission and mayor and board of aldermen for reconsideration.

b. The board may revoke such rezoning based on failure to follow through with the plan as submitted with the rezoning request.

(Ord. of 4-6-20(1), Exh. A)

~~9.9~~9.11 Site plan and building plan review.

Site plan review shall be required for all development and construction under the following procedures:

9.~~9~~11.1 **Sketch plat.** Prior to filing an application for approval of a site plan and/or building plan, the applicant shall meet and consult informally with the director of community development and the public works director or their designees. This meeting will give the applicant an opportunity to secure guidance as to what will be required before incurring the expense of making a detailed site plan.

9.~~9~~11.2 **Site plan review committee established.** The site plan review committee is hereby established and shall consist of the director of community development, director of public works, fire chief, city engineer and a representative of the mayor and board of aldermen. Any member of the site plan

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review committee may appoint a designee. The site plan review committee will consult with other city officials as necessary.

a. Design professional. The mayor and board of aldermen shall appoint a qualified design professional for the purpose of advising the site plan review committee. The mayor and board of aldermen shall establish the compensation allowable to the architectural advisor.

9.911.3 **Approval of plans; waiver.**

a. When required, no structure, building or other improvement, or other major landscape features surrounding such building, structure or improvement, located on any land within the city shall be erected, reconstructed, altered or restored until the plans for such erection, reconstruction, alteration or restoration shall have been approved by the site plan review committee and ratified by the mayor and board of aldermen.

b. The provisions of this division shall not apply to the regular maintenance of such building, structure or improvement as opposed to the reconstruction, alteration or restoration. For the purposes of this section, the repainting of a structure or building which results in the complete change of color of the structure or building, or a substantial portion thereof, shall be deemed an alteration and not regular maintenance.

c. The site plan review committee, after hearing the evidence in any case properly before it involves reconstruction or alteration only, may waive the requirements of this division upon a written finding that the application involves reconstruction or alteration only and will not materially affect the exterior appearance of the structure involved.

9.911.4 **Application for approval.**

a. Application for site plan approval for the construction, reconstruction, alteration or restoration of any building or where any exterior alterations, remodeling or repairs, including, but not limited to, painting and color of exterior surfaces shall be submitted to the department of community development, and shall be accompanied by:

- An architectural rendering (perspective and/or elevation) and plans of all buildings and structures, showing the style of architecture, and such rendering shall be prepared in accordance with the requirements of the city's building code. All colors, materials and finishes shall be shown by notation or by use of accepted architectural symbols.
- The proposed site plan which complies with all other ordinance provisions of the city for site plans, including a landscaping plan.
- A vicinity map and renderings or photographs of all development on immediately adjacent properties; and
- The applicant may submit such additional material in writing, and graphically, as appropriate. For the purposes of this division, no site plan shall be required where no change is proposed in any external dimension or the location of any existing structure.

b. Upon filing of an application the director of community development or their designee, after determining that the requirements have been satisfied, shall, within a reasonable time after such determination, forward the application to the site plan review committee.

c. The site plan review committee shall evaluate the application with respect to compliance with all applicable standards, requirements and other applicable municipal ordinances and state and federal laws. The site plan review committee shall render a decision recommending approval, modification or denial of the application to the mayor and board of aldermen.

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9.911.5 **Decisions.**

a. In all final decisions rendered pursuant to this article, the site plan review committee shall briefly state its findings in writing, and, in the case of disapproval, it may make recommendations to the applicant with respect to the design, texture, material, color, line, mass, dimension or lighting of the building involved. In case of disapproval, accompanied by such recommendations thereon, the applicant may again be heard before the site plan review committee if, within 90 days, the applicant can comply with all such recommendations.

b. Approval by the site plan review committee of any application shall not be final until ratified by the mayor and board of alderman. The department of community development shall cause the written decision of the site plan review committee to be placed upon the agenda for the next regular meeting following the issuance of the written decision.

9.911.6 **Appeals; hearing.** Whenever the site plan review committee shall, in a decision, approve, disapprove or waive jurisdiction over any application filed pursuant to this division, the applicant, or any other person with justifiable cause, shall be entitled to appeal such decision and be heard before the mayor and board of aldermen provided that there is filed with the city clerk, on or before seven days after the decision of the site plan review committee, by the appellant, a notice in writing of such appeal.

9.911.7 **Appeals to circuit court.** Parties aggrieved by the final decision of the mayor and board of aldermen, shall have the right to appeal to the circuit court of the county in the same manner and form as is required for any other appeal of actions of the board of aldermen.

9.911.8 **Deviations from approved plans prohibited.**

a. Any person who once having obtained the approval required by this section deviates substantially from the approved plan shall be guilty of a misdemeanor.

b. The building official, upon his determination of substantial deviation, shall issue a stop work notice on the building permit. Work shall not be permitted to continue, unless it is continued under substantial compliance with the terms of the approval.

9.911.9 **Approval limitations.**

a. Once a variance, conditional use, or site plan and architectural approval has been granted which involves the construction, alteration, installation or modification of any structure in any district, the building permit, commercial or residential, must be obtained within 180 days from the date of approval or will otherwise be required to be brought back before the mayor and board of aldermen for reconsideration.

b. Following permit issuance, work must begin with 180 days of the permit issuance.

c. If the work authorized by such permit is suspended or abandoned for a period of one year after the time the work commenced, the permit and the associated variance, conditional use or site plan and architectural approval shall become invalid based on failure to follow through with the plan submitted with the request. Work shall be considered suspended/abandoned if no inspections have been requested.

(Ord. of 4-6-20(1), Exh. A)

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~~9.10~~9.12 Public hearing notices and procedures.

In accordance with the provisions previously established in this ordinance, public hearings shall be conducted by the mayor and board of aldermen following recommendation[s] by the planning commission on the following matters:

a. All variances.

b. Conditional uses.

c. All amendments to the text of the zoning ordinance or amendments to the official zoning map (i.e., rezoning).

9.~~10~~12.1 Public hearing notice in a newspaper required. Whenever a public hearing is required by this ordinance, notice of such hearing shall be given by publishing a notice to all interested persons one time at least 15 days prior to the date fixed for said hearing, such notice to be published in an official paper or newspaper of general circulation in the City of Brandon, specifying the date, time and place for said hearing. Such notices shall be published in accordance with the following format or a format determined by the mayor and board of aldermen:

a. For variances.

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (DATE), AT (TIME), AT THE CITY HALL, BRANDON, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A VARIANCE SHALL BE GRANTED TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE CITY OF BRANDON, MISSISSIPPI:

(INSERT PROPERTY DESCRIPTION HERE)

(NAME OF CITY CLERK)

b. For conditional uses.

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (DATE), AT (TIME), AT THE CITY HALL, BRANDON, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A CONDITIONAL USE SHALL BE GRANTED FOR (REQUEST) TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY IN THE CITY OF BRANDON, MISSISSIPPI:

(INSERT PROPERTY DESCRIPTION HERE)

(NAME OF CITY CLERK)

c. For an amendment to the text of the zoning ordinance:

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (DATE), AT (TIME), AT THE CITY HALL, BRANDON, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT THE FOLLOWING AMENDMENTS SHALL BE MADE TO THE ZONING ORDINANCE OF THE CITY OF BRANDON, MISSISSIPPI:

(INSERT PROPOSED AMENDMENTS TO THE ZONING ORDINANCE HERE)

(NAME OF CITY CLERK)

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9.~~10~~12.2 **Changes.** In accordance with MCA 1972, § 17-1-15, the governing authorities of the city are authorized to provide for the manner in which the comprehensive plan, zoning ordinance (including the official zoning map) subdivision regulations and capital improvements program shall be determined, established and enforced, and from time to time, amended, supplemented or changed. However, no such plan, ordinance (including zoning boundaries), regulations or program shall become effective until after a public hearing, in relation thereto, at which parties in interest, and citizens, shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in an official paper, or a paper of general circulation, in the city.

9.~~10~~12.3 **Posting of property.** Any request for rezone, conditional use, or dimensional variance which is initiated by a property owner, or the property owner's designee, shall post notice on the subject property. The notice to be posted on the property involved shall consist of a sign with letters legible from the nearest street, using at least one sign for every 400 feet of frontage on a publicly dedicated street upon which the property abuts. The following format or a format determined by the mayor and board of aldermen shall be used for these signs:

PUBLIC NOTICE
ZONING ACTION

A PUBLIC HEARING WILL BE HELD CONCERNING THIS PROPERTY. FOR INFORMATION CONTACT THE CITY OF BRANDON.

9.~~10~~12.4 **Notice to adjacent property owners.** Any request for rezone, conditional use, or dimensional variance which is initiated by a property owner, or the property owner's designee, shall provide notice of said request to the adjacent property owners. Notice of zoning changes shall be mailed postage paid certified receipt requested to all owners of property adjacent to the property described in the application within 15 days prior to the public hearing. The notice shall be in the same form as that required to be published. The address used for said mailing shall be the same as shown on the Rankin County tax records.

9.~~10~~12.5 **Protest.** In accordance with MCA 1972, § 17-1-17, in case of a protest against a change, signed by the owners of 20 percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending 160 feet therefrom or of those directly opposite thereto, extending 160 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fifths of the members of the board of aldermen of the city who are not required by law or ethical considerations to recuse themselves.

(Ord. of 4-6-20(1), Exh. A; Ord. of 8-16-21(1))

~~9.11~~9.13 Fees.

9.~~11~~13.1 **Schedule of fees.** The mayor and board of aldermen shall establish a schedule of fees for the issuance of building permits, change of use permits, sign permits, the processing of all site plans required and the processing of applications for variances, conditional uses and zoning amendments. Said schedule of fees shall be maintained in the office of the city clerk, who shall be responsible for their collection.

9.~~11~~13.2 **Payment required.** No action or processing shall be taken on any application until all applicable fees, charges and expenses have been paid in full.

9.~~11~~13.3 **Fees not refundable.** No fees or other monies paid in conjunction with zoning related matters shall be refunded.

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~~9.12~~9.14 Appeals.

9.~~12~~14.1 Appeals to the mayor and board of aldermen. Any person aggrieved by a decision by the department of community development or other authorized officer or by a statement of findings issued by the planning commission, or site plan review committee may appeal the decision or statement of findings to the mayor and board of aldermen. The procedure shall be as follows for all appeals:

a. Appeals may be submitted directly to the mayor and board of aldermen.

b. Appeals shall contain a copy of the original application for a permit or certificate which is being appealed, a statement of the reason for appeal, and other data as may be requested by the mayor and board of aldermen.

9.~~13~~15 Reserved.

Editor's note(s)—Ordinance adopted April 6, 2020(1), Exh. A, repealed § 9.~~13~~15, which pertained to alternative compliance.

9.~~14~~16 Ordinance enforcement.

9.~~14~~16.1 **Penalties for violation of this ordinance.**

a. Any person or corporation who shall violate any of the provisions of the city's zoning ordinance or fails to comply herewith with any of the requirements of the city's zoning ordinance or the provisions thereof, or who shall engage in any conduct or build or alter any building in violation of the provisions of the city's zoning ordinance and/or any detailed statement or plan submitted and approved pursuant to the provisions of the city's zoning ordinance shall be deemed guilty of a misdemeanor and shall be fined not more than $1,000.00 or sentenced 90 days in jail or both.

b. Each day such violation shall be found to exist shall constitute a separate offense for which the court may assess, for each such separate violation, the maximum fine and/or sentence or both as provided herein.

c. The owner or owners of any corporation, limited liability company, partnership or other entity, of any building or premises or part thereof where anything in violation of the city's zoning ordinance shall be placed or shall exist, and any architect, builder, contractor, individual person or corporation, limited liability company, partnership or other entity acting in connection therewith or who may have assisted in the commission of any such violation shall be deemed guilty of a separate offense and upon conviction shall be fined and/or sentenced as herein provided.

9.~~14~~16.2 **Legal action or proceedings instituted by the department of community development.** In case any building or structure is created, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the department of community development, in addition to other remedies, may institute any appropriate action or proceedings in the name of the City of Brandon, Mississippi, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct or use in or about said premises.

9.~~14~~16.3 **Penalty assessed by the department of community development for violations of this ordinance.**

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a. In case any building or structure is created, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, or any of the ordinances of the city pertaining to building and construction, including but not limited to any of the construction codes adopted by the city, the department of community development, in addition to any other remedies, may assess a penalty of $500.00 for each such violation and may withhold the processing of any application, the issuance of any permit or certificate of occupancy, and may refrain from performing inspections or other action with respect to the same unless and until said penalty is paid in full.

b. Any person aggrieved by the assessment herein, may appeal the same, after first paying the same in full, to the governing authorities within ten days of payment of the same, by providing a written objection to the department of community development describing in detail the reasons why the penalty should not have been assessed. Thereafter, the governing authorities at the next regular board meeting following the receipt of such objection, shall either affirm or reverse the assessment, and shall state the reasons for such action in the minutes thereof.

ARTICLE 10. DEFINITIONS AND INTERPRETATION

10.1 Rules for words and phrases.

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

10.2 Definitions.

For the purpose of this ordinance certain words, phrases and terms used herein shall be interpreted as stated in this article 10. Any word, phrase or term not defined herein shall be defined by the zoning administrator, the interpretation based on its common and ordinary usage.

- **Accessory building or use.** Any detached building or use which is subordinate or incidental to the main building or dominant use of the lot or premises, including but not limited to swimming pools and satellite dishes but excluding driveways, sidewalks and fences.
- **Alley.** A public right-of-way which affords only secondary means of access to abutting property.
- **Anchor.** See "Ground anchor."
- **Bail bonding.** It is defined as pledging United States currency, United States postal money orders, cashier's checks, a surety bond or other property as bail for a person in connection with a judicial proceeding, and receiving or being promised therefore money or other things of value.
- **Basement.** A story wholly or partially underground. For the purpose of height regulation, a basement shall be counted as a story when more than one-half of its height is above the average grade level, or when it is used for commercial purposes.
- **Block face.** One side of a street between two consecutive street intersections, or between a street intersection and a cul-de-sac or dead-end.

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- **Buffer area.** An area which acts as a buffer or separation area between two or more uses or structures not compatible due to design, function, use or operation.

- **Build-to-Rent (BTR) Development**. A unified residential development of detached or attached single-family dwellings that are designed, constructed, and operated for long-term rental occupancy, held in common ownership and under single on-site or centralized professional management.

- **Building.** Any enclosed structure built for the housing shelter, or enclosure of persons, animals, or chattel. The term building shall be construed as if followed by the words or part thereof.
- **Buildable area, maximum.** That portion of a lot remaining after required yards have been provided.
- **Building height.** The vertical distance from the ground to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof.
- **Building permit.** A permit issued by the zoning administrator as required by this ordinance.
- **Building, portable.** Any building that is portable in nature, without any wheels, and built on a chassis or frame designed and constructed to be used without a permanent foundation. Depending upon the location of the portable building, such structures may be subject to anchorage or tie down requirements. Building permits are required prior to the placement of such buildings on any lot.
- **Building, structural alteration of.** Any rearrangement in the supporting members, walls, beams, columns, or girders of a building.
- **Canopy.** A rooflike structure which is not enclosed on all sides and may or may not project from a building (see also Marquee).
- **Certificate of occupancy.** The certificate issued by the zoning administrator prior to occupancy of any new building.
- **Change of use.** An alteration or change from a previous use of land, buildings, or structures to another use of land, buildings, or structures.

- **Community Development Director.** The head of the Community Development Department, responsible for administration, interpretation, and discretionary decisions assigned herein, acting under the general supervision of the Mayor and subject to the policy direction and authority of the Board of Aldermen in accordance with state law.

- **Conditional use.** A land use which may generally be appropriate in a particular zoning district, but which, with certain restrictions or conditions, would in the judgement of the mayor and board of aldermen promote the public health, safety, morale, or general welfare of the city and would not adversely affect adjacent properties.
- **Conforming use.** Any lawful use of a building or lot which complies with the provisions of this zoning ordinance.
- **Coverage.** That part of a lot covered by buildings.
- **Display surface.** The entire background area upon which copy can be placed.
- **Display surface area.** The sum of the gross display surface. The area of each display surface shall be computed by calculating the area of the circle, square, triangle, rectangle, or combination of such common geometric forms necessary to enclose such surface. However, such area shall not include any

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structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. Only one side of a double-faced sign shall be included in calculating the sum of display surface area.

- **Density.** The intensity of land use and also the maximum intensity of use of a minimum lot or land area physically possible observing all yard, height, and lot or land area coverage provisions of this zoning ordinance, exclusive of any publicly dedicated rights-of-way.
- **District.** Any area of the City of Brandon for which regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are established by this ordinance.
- **Dwelling, modular.** A factory fabricated transportable building unit designed and constructed in compliance with local and state codes and area of placement and to be incorporated at a building site into a permanent structure when placed on a permanent foundation as a dwelling when connected to indicated utilities.
- **Dwelling, multiple-family.** Any residential building or portion thereof which is occupied by three or more families living independently of each other. The term multiple-family dwelling shall be understood to include apartment houses or complexes, townhouses, and all other dwellings of similar character.
- **Dwelling, single-family.** A site-built residential building designed for occupancy by one family. For the purposes of this ordinance, single-family dwelling does not refer to mobile, manufactured, modular, panelized or pre-cut homes.
- **Dwelling, townhouse.** A single-family dwelling forming one of a group or series of two or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility.
- **Dwelling, two-family (duplex).** A detached residential building designed to be occupied by two families living independently of each other.
- **Dwelling unit.** One or more rooms including a kitchen designed as a unit for occupancy by one family for the purpose of cooking, living and sleeping.
- **Dwelling, zero lot line.** A detached single-family dwelling unit which is constructed against one side lot line and/or the rear lot line.
- **Easement.** A strip of land granted by the property owner to the public, a corporation or persons for a specific purpose, or otherwise acquired for such purpose.
- **Elevations.** A scale drawing of the sides, front, and rear of a proposed or existing structure.
- **Employee (staff).** Any person who is on the premises of a business or industrial establishment for productive use on a part-time or fulltime basis. For the purposes of this ordinance the maximum number of employees on the premises of an establishment at one time shall constitute the number of employees.
- **Family.** One person living alone, or two or more persons living together as a single, housekeeping unit, whether related to each other legally or not, as distinguished from a group occupying a boardinghouse, lodging house, hotel, motel, dormitory or similar dwelling for group use. A family shall be deemed to include domestic servants employed by said family when these servants are on-premises residents.
- **Floor area.** The sum of the gross area of all floors of a building exclusive of all porches, balconies or garages. Such floor area shall not include floors used for parking in the same structure.

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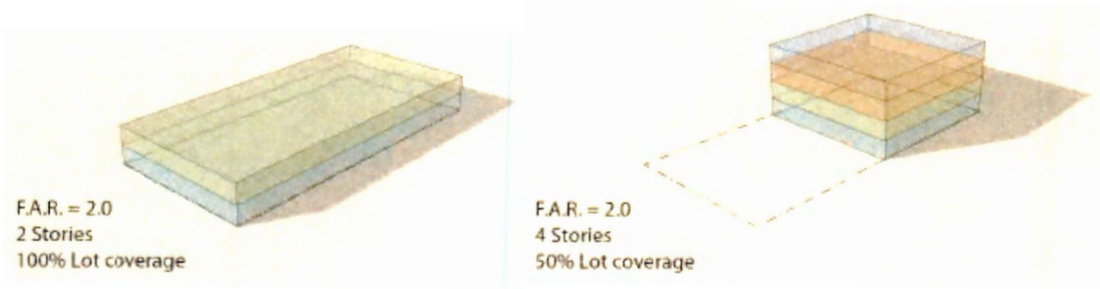
- **Floor area ratio.** The ratio of the total building floor area in square feet to the total land area in square feet, based upon a 1:0 ratio, constituting a one-story building or structure occupying 100 percent of the underlying land.

FLOOR AREA RATIO



- **Frontage.** Property on one side of a street measured along the line of the street, or in the case of a corner lot, the property on each street measured along the lines of both streets.
- **Garage (private).** The term "garage" shall mean a private garage, which is an accessory building (i.e., detached from the main building) or portion of a main building used primarily for the storage of privately-owned automobiles.
- **Governing body (or governing authorities).** The Mayor and Board of Aldermen of Brandon, Mississippi.
- **Grade or grade level.** The finished elevation of land after completion of site preparations for construction.
- **Gross leasable area.** Gross leasable area (GLA) is the amount of floor space available to be rented in a commercial property. Specifically, gross leasable area is the total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors.
- **Ground anchor.** Any device to which tie-downs are attached for the purpose of securing a mobile home or portable building to the ground.
- ~~Homes~~ Homeowner **association.** A nonprofit organization (corporate or otherwise) operating under recorded land agreements through which each property owner is subject to a charge for a proportionate share of expenses for maintaining common open space, other activities and facilities.
- **Lot.** A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and open spaces as required herein. Such lot shall have frontage on or approved access to an improved public street and may consist of:
- **Lot area.** The total area of a lot included within the front, side and rear lot lines.
- **Lot, corner.** A lot abutting upon two or more streets at their intersections.
- **Lot depth.** The average horizontal distance between the front and rear lot line.
- **Lot, double frontage.** A lot, other than a corner lot, which runs through a block from street to street (i.e., has frontage on more than one street); double frontage lots are also called through lots.
- **Lot frontage.** The front of a lot shall be construed to be that dimension of a lot abutting on a street or approved private drive. For the purpose of determining yard requirements on corner lots or double frontage lots, all sides of such lots abutting on public streets shall be considered lot frontage, and yards shall be provided as indicated in this ordinance.

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- **Lot, interior.** A lot other than a corner lot.
- **Lot line, front.** In the case of an interior lot, the property boundary line separating said lot from the street. In the case of a corner lot or double frontage lot, the line separating said lot from the street on which the building will face, as determined from the application for a building permit.
- **Lot line, rear.** The property boundary line opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.
- **Lot lines.** The lines bounding a lot as such parcel of land is defined herein.
- **Lot of record.** A lot which is a part of a subdivision, the map of which is recorded in the office of the chancery clerk of Rankin County, Mississippi, or a lot described by metes and bounds, the description of which has been recorded in said office.
- **Lot width.** The distance from side of lot to side of lot measured at the front minimum building setback line. Buildable width shall be the width of lot left to be built upon after the required yards are provided.
- **Manufactured home.** These are homes built entirely in a factory under a Federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. Manufactured homes may be single or multi-section and are transported to a site and installed.
- **Manufactured home space (or lot).** A plot of ground within a mobile home designed for and designated as (on an approved site plan) the location of one mobile home, and which has water, sewer and electricity at the space.
- **Manufactured home stand or pad.** The paved runners or paved parking area in each mobile home space upon which the mobile home is placed, together with the paved patio and paved off-street vehicular parking area.
- **Marquee.** A rooflike structure projecting from a building and often bearing a signboard (see also "Canopy").
- **Massage.** The rubbing or kneading of body parts, usually with the hands, in order to stimulate circulation and make muscles or joints supple and/or to relieve tension. Massage shall not include any touching or other stimulation of male or female genitals or female breasts. Massage does not preclude necessary medical treatments performed on any part of the human body if earned out by, or under the direction of, medical practitioners including physicians, chiropractors, and associated medical professionals licensed by the State of Mississippi.
- **Manufactured home space (or lot).** A plot of ground within a mobile home designed for and designated as (on an approved site plan) the location of one mobile home, and which has water, sewer and electricity at the space.
- **Manufactured home stand or pad.** The paved runners or paved parking area in each mobile home space upon which the mobile home is placed, together with the paved patio and paved off-street vehicular parking area.
- **Modular homes.** These factory-built homes are built to the state, local or regional code where the home will be located. Modules are transported to the site and installed.

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- **Nonconformities.** Any land, lot, building, structure or parts thereof existing prior to the enactment of this ordinance [June 3, 1986], which subsequent to the enactment of this ordinance or amendment thereto, does not conform with the use regulations and/or dimensional regulations of the district in which it is situated, and/or does not comply with any other requirements herein.
- **Open space or common open space.** A parcel or parcels of land not occupied by dwellings or residential structures, accessory structures and yards, which may consist of jogging trails, tennis courts, a golf course, swimming pool, associated recreational buildings and the like, and which is permanently maintained in a suitable state for the shared enjoyment by the owners and/or occupants of individual dwelling units or residential structures within a particular development.
- **Panelized homes.** These are factory-built homes in which panels—a whole wall with windows, doors, wiring and outside siding—are transported to the site and assembled. The homes must meet state or local building codes where they are sited.
- **Parking space.** For the purposes of this ordinance, the term parking space shall refer only to parking places not located on a public street. Each parking space shall be sufficient in size to store one full-size automobile.
- **Paved driveway/paved parking area.** A hard-surfaced area designed and constructed specifically for use by motorized vehicles as a path for the vehicle to be driven across or as a location at which a vehicle could be parked or stored. Such driveways and parking areas shall include only that surface area that is continuously connected to a public or private street via a paved surface wide enough for use by a standard passenger car.
- **Planned unit development (PUD).** An area of a minimum contiguous size, as specified by this ordinance, to be planned and developed as a single entity containing one or more residential clusters and in which land not used for residential structures or yards but required by the basic zoning of the site shall be reserved collectively in contiguous units accessible to all building sites in the development as open space for the purpose of providing recreational facilities and pedestrian circulation.
- **Planning commission.** The duly appointed planning commission of the City of Brandon, Mississippi.
- **Portable building.** See "Building, portable."
- **Pre-cut homes.** This is the name for factory-built housing in which building materials are ~~factorycut~~factory cut to design specifications, transported to the site and assembled. Pre-cut homes include kit, log and dome homes. These homes must meet local, state or regional building codes.
- **Principal building.** A structure or, where the context so indicates, a group of structures, in which the principal use of a lot or parcel is conducted. This includes any buildings that are attached to the principal structure by a covered structure.
- **Property line.** The legal boundary line separating buildings or tracts in different ownership.
- **Regular meeting of planning commission.** Regular meetings shall be held at City Hall on the second (2nd) and fourth (4th) Monday of each month at 6:00 p.m., unless that day falls on a recognized state holiday, or the City is otherwise officially closed, in which case the meeting shall be held on the next business day on which the City is open, at the same time and location, unless otherwise rescheduled in accordance with this Ordinance and applicable law. ~~Meetings shall be held on the first Monday [after the first official board meeting of each month], unless that day falls on a recognized state holiday in which case the meeting will be held on the second Monday of the month~~.
- **Sanitation ordinance.** Chapter 66 of the Brandon City Code.

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- **Schools.** The term school as used in this ordinance shall include public, private, and parochial institutions of learning and shall include trade or industrial schools (i.e., those schools offering training to students in skills required for the practice of trades and industry).
- **Screening.** Landscape and/or architectural barriers which block vision.
- **Short term rental.** Any dwelling or portion there of that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than 30 consecutive days, and meals are not provided.
- **Side street.** A street bordering the side of a lot and intersecting the street on which a structure on the lot faces, as determined by the zoning administrator; in the case of buildings (as opposed to other types of structures), the street which the building faces shall be determined by the principal entrance to the building.
- **Sign.** Any device used for visual communication, including any announcement, declaration, demonstration, display, ribbon, banner, illustration, figures, design, symbol, trademark or insignia, which is used to attract the attention of persons not on the premises, or to advertise, promote the interest, or attract to any business, industry, individual, group, enterprise, subject, public performance, article, machine, or merchandise whatsoever when same is placed in the view of the general public. This shall include every sign and billboard, poster panel, illuminated sign or sign painted on exterior surface of a building or other structure.
- **Sign, advertising.** Any sign, including but not limited to billboards, which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere other than upon the premises where such sign is located, or which it is affixed.
- **Sign, animated.** Any any sign with motion or action, having visible moveable parts, requiring electrical energy, but not including wind actuated elements such as banners or flags. This definition does not include public service signs such as time and temperature, or revolving signs.
- **Sign, business.** Any sign the name of which directs attention to a lawful use of the premises on which it is located, including signs indicating the business transacted, services rendered, goods sold or produced on the premises, the name of the person occupying the premises.
- **Sign, copy.** All words, letters, numbers, figures, characters, artwork, symbol or insignia that are used in the display surface area.
- **Sign, copy, changeable.** All words, letters, numbers, figures, characters, artwork, symbol, or insignia that are used in the display surface that are removable.
- **Sign, flashing.** Any sign which has any flashing device intermittent illumination, revolving or rotating lighting device, or constant lighting device which is made to vary in brilliance by mechanical or other means. This definition does not include public service signs such as time and temperature.
- **Sign, ground.** Any sign which is supported by one or more uprights, poles, braces, or other structure anchored in or on the ground.
- **Sign, incidental.** Advertisement of another service provided at location, other than primary business.
- **Sign, permanent.** Any sign except a temporary sign.
- **Sign, projecting.** Any sign, other than a wall sign, which projects from and is supported by a wall of a building or other structure.

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- **Sign, reader board.** That portion of a sign that has changeable words, letters, numbers, figures, characters, artwork, symbol or insignias.
- **Sign, revolving.** A sign which revolves 360 degrees, but does not exceed eight RPM.
- **Sign, temporary.** A banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard or other like materials with or without frames, intended to be displayed for a limited period of time only.
- **Sign, temporary trailer.** Temporary sign structures for use with or without changeable copy illuminated or unilluminated, mounted on a boat-type trailer with or without wheels, not permanently attached to the grounds.
- **Sign, wall.** Any sign attached flat and parallel to the exterior of wall or screening surface of a building or other structure and confined within limits thereof and which projects from that surface less than 12 inches at all points.
- **Sign, window.** Any sign displayed on the inside or outside of a window and visible from a public street, walkway, parking lot or any other public way.
- **Site plan review committee.** The committee created by the board of aldermen to review site plans as required by this ordinance.
- **Special exception.** See "Conditional use."
- **Start of construction.** This is the first placement construction of a structure (other than a ~~mobile~~ manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure ~~(other than a mobile home)~~ without a basement or poured footings, the start of construction means the affixing of the ~~mobile~~ manufactured home to its permanent site. For ~~mobile~~ manufactured homes within ~~mobile~~ manufactured home parks or ~~mobile~~ manufactured home subdivisions, start of construction is the date on which the construction of facilities for servicing the site on which the ~~mobile~~ manufactured home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.
- **Story.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. For the purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average grade elevation, or when the basement is used for commercial activities (see "Basement").
- **Street.** A right-of-way other than an alley dedicated or otherwise legally established for public use which usually affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive or other appropriate name.
- **Street line.** The right-of-way line of a street.
- **Structure.** Anything constructed or erected, the use of which requires a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, and billboards, but shall not include transient trailers (travel trailers) as defined herein. The term structure shall be construed as if followed by the words or part thereof.

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- **Structural alteration of a building.** See "Building, structural alteration of."
- **Subdivision.** The division or redivision of land into two or more lots, tracts, sites, or parcels for the purpose of transfer of ownership, or for development, whether immediate or in the future, by means of an appropriately recorded legal instrument.
- **Tiedown.** Any device designed for the purpose of securing a mobile home or portable building to ground anchors.
- **Townhouse.** A single-family dwelling forming one of a group or series of two or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement or cellar to roof, and having roofs which may extend from one of the dwelling units to another.
- **Transient trailer (travel trailer).** A portable or mobile living unit used for temporary human occupancy away from the place or residence of the occupants. For the purposes of this ordinance, such transient trailer shall be considered a vehicle and not a structure. The term transient trailer or travel trailer shall include pickup truck campers, motor homes, and camping trailers.
- **Undeveloped lot.** A vacant lot or parcel of land.
- **Use.** The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term permitted use shall not be deemed to include any nonconforming use. See section 4, uses and use standards, for a list of defined uses.
- **Variance.** A variance is a relaxation of the dimensional regulations~~terms~~ of this zoning ordinance where such variance will not be contrary to the public interest and where a literal enforcement of the ordinance would result in unnecessary and undue hardship.
- **Yard (or minimum yard or setback).** The required open space between any main building or portion thereof and the adjoining lot lines, which shall remain unoccupied and unobstructed by any portion of a structure, except as otherwise specifically provided herein. (However, fences and walls may be permitted in such required yards subject to the height restrictions and other regulations of this ordinance.)
- **Yard, front.** The required unoccupied and unobstructed space on the same lot with a main building, extending the full width of the lot, and situated between the front property line and the nearest exterior limits (e.g. vertical portion) of the main building.
- **Yard, rear.** The required unoccupied space on the same lot with a main building, situated between the rear property line and the nearest exterior limits (e.g. vertical portion) of the main building, and extending the full width of the lot.
- **Yard, side.** The required unoccupied and unobstructed space on the same lot with a main building, situated between the side property line and the nearest exterior limits (e.g. vertical portion) of the main building.
- **Zero lot line duplex.** Multiple dwellings to accommodate not more than two families, constructed on two adjoining lots with a common wall provided along the middle lot line in order that either occupant may acquire and hold title to one of the dwellings.
- **Zoning administrator.** ~~The official (or officials) charged by the mayor and board of aldermen with the administration and enforcement of this zoning ordinance, or his duly authorized representative~~. The Community Development Director, or the Director's duly authorized designee, unless another or additional official or officials are formally designated by ordinance or resolution of the Mayor and

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Board of Aldermen to administer and enforce this zoning ordinance. The Zoning Administrator exercises administrative interpretation authority as designated herein.

- **Zoning district.** See "District."

(Ord. of 4-6-20(1), Exh. A)

ARTICLE 11. APPENDIX

11.1 Development review step-by-step process.

1. **Project initiation sheet.** Submit development review project initiation sheet - staff will assign a project number, a project coordinator, and schedule conceptual/pre-application meeting.
2. **Conceptual/pre-application meeting.** Present conceptual plan for proposed development. The city will provide verbal comments and guidelines related to project and answer questions related to the development proposal and review processes.
3. **City will provide a written summary of comments and outline the next steps including:**
   - Required reviews and approvals.
   - Required public improvements.
   - Fees.
   - Issues to resolve before formal site plan review.
   - Project charter (if desired) - outlining key milestones for project approval.
4. **Review fees due/project initiation sheet update.** Review fees and formal site plan/architectural review submittals are due. Site plan review fee: refer to adopted schedule of fees.

SUBMITTAL MINIMUMS: Formal site plan/architectural review:

   a. Three full set printed plans.
   b. PDF digital submittal full size.
   c. PDF digital submittal 11 by 17 size.
   d. DWG file for emergency vehicle testing.

5. **Formal site plan review/architectural review.** Staff will arrange formal site plan review and architectural review sessions for all city staff necessary for review. Staff will provide written comments to project contact.
6. **Planning Commission review (when applicable).** When required by this ordinance or when a development application is referred by the Community Development Director, the Mayor, or the Board of Aldermen, the proposal shall be reviewed by the Planning Commission. Staff will make presentation at the next regular meeting of the Planning Commission. Representatives are welcome to make a short presentation at this meeting. The Planning Commission meets at City Hall on the second and fourth Monday of each month at 6:00 p.m.
7. **Board approval.** Following any required notices and procedures, Sstaff will make presentation at the next regular meeting of the board of alderman. Representatives are welcome to make a short presentation at this meeting. The board meets at city hall on the first and third Monday of each month at 6:00 p.m.

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~~7~~8. **Construction plan review.** Construction plan review can occur simultaneously with formal site plan approval. Three full sets of construction documents plus a code analysis must be submitted along with application for a building permit. See construction document guide for specific requirements.

~~8~~9. **Building permit issuance.**

(Ord. of 4-6-20(1), Exh. A)

11.2 Formal site plan review requirements.

Site plan set includes the following sheets: Sheets can be combined when appropriate. Plans should be clearly legible, use a variety of line types and line weights.

1. Cover sheet.
2. Survey.
3. Site plan.
4. Parking plan.
5. Utility and grading plans.
6. Landscape plan w/schedule.
7. Architectural building elevations.
8. Lighting plan.
9. Details.

SUBMITTAL MINIMUMS: Formal site plan/architectural review:

a. One full set printed plans.

b. PDF digital submittal full size.

c. PDF digital submittal 11 by 17 size.

d. DWG file for emergency vehicle testing.

11.3 General format requirements applicable to all sheets.

1. **Standard size:** All submittals are accepted electronically in PDF format. Paper drawings should be at standard size, preferably 24 by 36, or 36 by 48 if necessary.
2. **Scale:** 1 inch = 20 feet, 30 feet, 40 feet, 50 feet, 60 feet and 100 feet may be used. Architectural building elevations may be shown in an architectural scale. Please label each plan with scale.
3. **Title block:** Include name of development, type, section township range, address or location of project.
4. **Page numbers:** Include page numbers like S-1, L-1, A-1 in a standardized format.
5. **Property line:** Property boundaries must be clearly shown on all sheets.
6. North arrow: north arrow must be clearly shown on all sheets.
7. Orientation: Orient plan so that north is at the top or left-hand side of sheet.
8. Revisions: If plans are revised, please notate revision on plan.

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11.4 Information to be shown on site plan sheets.

11.4.1 **Sheet 1—Cover sheet information.**

1. Development name.
2. Vicinity map a 1 inch = 1,000 feet or 2,000 feet showing one-half mile radius.
3. Zoning district.
4. Tabular data.
    a. Site information.
        i. Lot area (sq. ft. or ac).
        ii. Buildable area (sq. ft. or ac).
        iii. Percent coverage by structure.
        iv. Percent coverage by parking.
        v. Percent coverage by landscape.
        vi. Percent coverage of impervious surface.
    b. Building information.
        i. Gross floor area of proposed structures.
        ii. Number of units (if applicable).
        iii. Building height.
        iv. Number of stories.
    c. Parking information.
        i. Total number of parking spaces.
        ii. Number of standard parking spaces.
        iii. Number of handicap parking spaces.
        iv. Number of compact parking spaces.
        v. Loading space.

11.4.2 **Sheet 2—Survey plan sheet information.**

1. Site boundaries.
2. Benchmarks used.
3. Dash or shade all existing improvements, lot lines, and lot numbers.

11.4.3 **Sheet 3—Site plan sheet information.**

1. Identify the land use and zone district information for adjacent land.
2. Show building footprints of all existing and proposed buildings and structures. Show all projecting and recessed building elements. Show all points of ingress and egress.
3. Show and dimension required setback and/or building to lines.

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4. Dimension distance between structures.
5. Identify primary and side streets.
6. Locate and dimension vehicular access to site (curb cuts).
7. Show site distance triangles.
8. Show general parking arrangements
9. Locate and provide width for pedestrian sidewalks. Label all surfaces so that materials can be determined.
10. Locate and provide detailed design for proposed fences, retaining walls, and trash enclosures.
11. Show location of all freestanding light fixtures.
12. Show location of existing and proposed signs.
13. Locate all planned site amenities (seating, bicycle facilities, trash receptacles etc.)
14. Show and dimension all landscaped areas and islands.
15. Show detention and retention facilities.
16. Show major drainage affecting the site and any 100-year floodplain on or adjacent to the site.
17. Locate all existing and proposed easements.
18. Locate all existing and proposed fire hydrants.

11.4.4 **Sheet 4—*Parking plan sheet information.***

1. Parking structure layout with dimensions for parking stalls and driveways.
2. Accessible spaces with sign location and accessible routes to elevators and building entrance.
3. Loading areas with dimensions.
4. Bicycle enclosure/structures.
5. Traffic control signs.
6. Internal walkways though parking lot.

11.4.5 **Sheet 5—Utilities and grading sheet information.**

1. Existing and proposed structures, streets, and alleys.
2. Existing and proposed utilities and service lines, including water, sanitary sewer, storm sewer, gas, electricity, telephone, and cable television.
3. Existing and proposed fire hydrants (indicate distance to nearest fire hydrant) and FDC.
4. All relevant dimensions related to the location of existing and proposed utilities, service lines, and easements.
5. Existing and proposed drainage channels and facilities, and area subject to a 100-year flood.
6. Existing and proposed contour lines of the subject area shown in intervals not to exceed two feet. Provide finished floor elevations for ground floor of existing and proposed building.
7. Site elevations at each corner of lot, driveway and buildings.
8. Finish floor elevation (FFE) of buildings.

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9. Site drainage patterns.

11.4.6 **Sheet 6—Landscape plan sheet information.**

1. Show and label zone lot boundary lines as heavy solid black line. Provide dimensions.
2. Show building footprints of all existing structures to remain and all proposed buildings and structures.
3. Illustrate parking lot layout.
4. Locate and dimension pedestrian sidewalk walkways.
5. Show landscape elements including fences, walls, and berms, and all site amenities/structures such as seating, shelters, bicycle racks, trash receptacles/enclosures, and gazebos.
6. Illustrate planted areas identifying name, size and quantity of material to be used.
7. Provide planting details, including typical methods of planting, minimum required mulch materials and depths, underlayments, etc.
8. Show location of all existing and proposed signs. Signs and the locations of signs shown on the landscape plan are not approved by the site plan review process.
9. Provide a landscape legend showing quantity, botanical name, common name, size, and notes.

11.4.7 **Sheet 7—Architectural elevations.**

1. Show actual roofline and the top of the parapet (for flat roofs). Provide the parapet height.
2. Show height of the rooftop mechanical equipment and how this mechanical equipment will be screened.
3. Identify clear glazing and provide dimensions for all windows.
4. Show all projecting elements such as cantilevered floor area, balconies, bay windows, etc.
5. Identify all building material and provide samples.

11.4.8 **Sheet 8—Lighting plan sheet information.**

1. Show location of all freestanding and wall mounted exterior lighting.
2. Provide information about type (light source).
3. Show summary of photometric study including min, max, and average number of footcandles.
4. Show details of all light fixtures, including pole heights as measured from the ground.

11.4.9 **Sheet 9—Plan details (optional, all details may be shown on other sheets).**

1. Show trash enclosure design details (elevations).
2. Provide other details as required—Common issues and comments for architectural review:
   - Missing information—Please carefully follow the guidelines for needed information. If you believe something does not apply to you call and ask.
   - Missing drawings—Please carefully follow the sheet requirements. You are welcome to combine sheets when appropriate.
   - Ill-proportioned architectural design.
   - No identification of building materials.

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- Detail information for window and door systems.

11.5 Resources and ordinances to refer to:

1. Zoning map.
2. Code of Ordinances.
   - Chapter 34 land disturbance and erosion control, illicit discharge and connection and trees on public property.
   - Chapter 42 flood damage prevention, and stormwater detention/retention.
   - Chapter 82 utilities.
   - Appendix A zoning regulations.
   - Appendix B development ordinance.

   Building plans shall comply with the currently adopted building codes.

11.6 Common issues and comments for site plan review.

- Missing information—Please carefully follow the guidelines for needed information. If you believe something does not apply to you call and ask.
- Missing drawings—Please carefully follow the sheet requirements. You are welcome to combine sheets when appropriate.
- Lack of landscaping.
- Missing landscape legend.
- No identification of building materials.
- No identification of existing utilities, sewer, and water facilities.
- No stormwater control.
- Missing details - typical pavements, dumpster enclosures, etc.
- Circulation issues.
- Sight triangle issues.

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From: Gray Ouzts
To: Joey Barnette
Subject: Land Use to Zoning Comparison
Date: Tuesday, March 31, 2026 10:10:55 AM
Attachments: Outlook-Descriptio

CAUTION: This email originated from outside of the company. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Joey,

I am drafting this email in response to concerns of consistency of recommended zoning map amendments to the adopted Comprehensive Plan. Specifically, how R-12 could be a possibility in both low and medium density land use classifications. For clarity, this is a result of discrepancies when using rounded versus actual numbers when discussing lots versus dwellings per acre. We use rounded figures when dealing with units per acre because you would not build a partial home. Lots per acre can use the actual calculation without rounding. The proper application and understanding of a district that fits within two land use categories is that the minimum lot size may be acceptable in areas where the medium density classification stands while larger than minimum lots would be expected in the low density classifications.

In the time since adoption of the City's Comprehensive Plan including Land Use Plan and consideration of these proposed zoning map amendments, additional studies have been prepared in regard to transportation and storm water. Given these concerns, it is advisable that the City's zoning takes a less dense tone to ensure congestion and unmitigated storm water are not compounded by dense development. However, the proposed text of the City's Zoning Ordinance allows for the use of Planned Unit Developments (PUD) to provide developers with greater flexibility in densities based on an overall development plan.

Thanks,

Gray M. Ouzts, AICP
Principal Planner

Central Mississippi Planning and Development District
1020 Centre Pointe Blvd
Pearl, MS 39208
601-321-2197 (direct)
601-981-1511
601-981-1515 (fax)

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AFFIDAVIT

PROOF OF PUBLICATION

RANKIN COUNTY NEWS • P.O. BOX 107 • BRANDON, MS 39043

STATE OF MISSISSIPPI
COUNTY OF RANKIN

THIS 18TH DAY OF MARCH, 2026, personally came Marcus Bowers, publisher of the Rankin County News, weekly newspaper printed and published in the City of Brandon, In the County of Rankin and State aforesaid, before me the undersigned officer in and for said County and State, who being duly sworn, deposes and says that said newspaper has been published for more than 12 months prior to the first publication of the attached notice and is qualified under Chapter 13-3-31, Laws of Mississippi, 1936, and laws supplementary and amendatory thereto, and that a certain

NOTICE OF PUBLIC HEARING

PROPOSED COMPREHENSIVE ADOPTION OF

ZONING ORDINANCE AND OFFICIAL ZONING MAP

a copy of which is hereto attached, was published in said newspaper One (1) week, as follows, to-wit:

Vol 178 No. 37 on the 18th day of March, 2026

NOTICE OF PUBLIC HEARING
CITY OF BRANDON
RANKIN COUNTY, MISSISSIPPI
PROPOSED COMPREHENSIVE ADOPTION OF ZONING ORDINANCE AND OFFICIAL ZONING MAP

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF BRANDON, MISSISSIPPI, WILL HOLD A PUBLIC HEARING ON THE 6TH DAY OF APRIL, 2026, AT 6 O'CLOCK P.M. IN THE REGULAR BOARD MEETING ROOM AT BRANDON CITY HALL, LOCATED AT 1000 MUNICIPAL DRIVE, BRANDON, MISSISSIPPI.

THE PURPOSE OF THIS PUBLIC HEARING IS TO CONSIDER THE ADOPTION OF A COMPREHENSIVE ZONING ORDINANCE AND OFFICIAL ZONING MAP FOR THE CITY OF BRANDON, MISSISSIPPI. THE PROPOSED ACTION INCLUDES THE COMPREHENSIVE ADOPTION AND REENACTMENT OF ZONING REGULATIONS GOVERNING LAND USE, ZONING DISTRICTS, DEVELOPMENT STANDARDS, ADMINISTRATION AND ENFORCEMENT PROVISIONS, AND RELATED ZONING REGULATIONS APPLICABLE WITHIN THE CORPORATE LIMITS OF THE CITY OF BRANDON.

THE PROPOSED ZONING ORDINANCE AND OFFICIAL ZONING MAP ARE INTENDED TO REPLACE AND SUPERSEDE THE EXISTING ZONING ORDINANCE AND OFFICIAL ZONING MAP CURRENTLY IN EFFECT FOR THE CITY OF BRANDON, MISSISSIPPI, TOGETHER WITH ANY AMENDMENTS THERETO.

THE PROPOSED ZONING ORDINANCE TEXT AND OFFICIAL ZONING MAP ARE ON FILE AND AVAILABLE FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS AT THE OFFICE OF COMMUNITY DEVELOPMENT, BRANDON CITY HALL, 1000 MUNICIPAL DRIVE, BRANDON, MISSISSIPPI.

ALL INTERESTED PERSONS ARE INVITED TO APPEAR AND BE HEARD REGARDING THE PROPOSED COMPREHENSIVE ZONING ORDINANCE AND OFFICIAL ZONING MAP.

FOR ADDITIONAL INFORMATION PERTAINING TO THIS MATTER, PLEASE CONTACT THE OFFICE OF COMMUNITY DEVELOPMENT AT (601) 824-4580.

MARY ANN HESS
CITY CLERK
CITY OF BRANDON, MISSISSIPPI
March 18, 2026
#352

Marcus Bowers
MARCUS BOWERS, Publisher

Sworn to and subscribed before me by the aforementioned Marcus Bowers this 18th day of March, 2026

Frances Conger, Notary Public
FRANCES CONGER
My Commission Expires: January 25, 2030

PRINTER'S FEE: (12 cents per word for first insertion and 10 cents per word for each subsequent insertion)

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STATE OF MISSISSIPPI
FRANCES CONGER
NOTARY PUBLIC
Rankin County
Commission Expires
January 25, 2030
COMMISSION NUMBER 28593

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Application # 26-018
Subject Property: City of Brandon, Mississippi

BRANDON

STAFF REPORT CASE # 26-018

Project Type:	Comprehensive Zoning Ordinance and Official Zoning Map Adoption
Planning Commission:	March 23, 2026
Mayor & Board of Aldermen:	April 6, 2026
Ward:	All Wards

EXECUTIVE SUMMARY:

Public notice of the April 6, 2026 public hearing was published on March 18, 2026, and all prerequisites for the public hearing have been satisfied. This matter was presented to the Planning Commission on March 23, 2026, and the Planning Commission voted 6-0 to recommend Mayor and Board approval as presented. Staff prepared this report, which summarizes the proposed comprehensive zoning ordinance text and Official Zoning Map, the supporting background materials, and the comments received, and staff requests that this report be appended to the minutes of the public hearing. In general terms, the proposal would repeal and replace the City's current Appendix A zoning regulations with a unified comprehensive zoning ordinance, adopt an updated Official Zoning Map, incorporate prior valid amendments into a single document, and provide a current and internally consistent zoning code for administration and enforcement. During the drafting and public-discussion process, staff met with members of the public and development community regarding the proposal. One notable objection was raised by Mr. Edwin Sallis, who contends that certain proposed map changes are inconsistent with the Comprehensive Plan. Staff and CMPDD reviewed that concern and continue to find the proposed map generally consistent with the adopted Comprehensive Plan for the reasons stated in this report.

DESCRIPTION OF THE PROPOSAL

The proposal is a comprehensive zoning ordinance and Official Zoning Map adoption for the City of Brandon. The draft is intended to reorganize, clarify, and modernize the City's zoning regulations; revise district names, use classifications, and development standards; update administrative procedures; incorporate prior amendments into a single document; and adopt an updated Official Zoning Map reflecting current zoning designations within the City. The redline draft is provided for review and comparison only. The clean draft ordinance is the controlling document for adoption. This item does not re-adopt the Comprehensive Plan or Future Land Use Map. Those planning documents remain the policy

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basis against which the proposed zoning text and map are evaluated.

PLANNING COMMISSION REVIEW

The Planning Commission considered the proposed comprehensive zoning ordinance and Official Zoning Map on March 23, 2026, and voted 6-0 to recommend approval to the Mayor and Board of Aldermen.

PUBLIC COMMENT SUMMARY

Staff has met with members of the public and development community during the drafting process and in connection with public work sessions and agenda discussions. At the time of this report, One notable objection was raised by Mr. Edwin Sallis, who asserted that certain proposed zoning map classifications are inconsistent with the adopted Comprehensive Plan. Staff reviewed that concern with CMPDD and does not agree with that conclusion for the reasons set out below.

STAFF ANALYSIS

This proposal is best treated as a comprehensive adoption, not as a single-issue text amendment. Mississippi law authorizes a municipality to adopt, amend, and enforce a zoning ordinance and official zoning map after Planning Commission recommendation and a public hearing. Mississippi law also allows municipalities to revise and codify ordinances, which supports the City's effort to move forward with one unified text rather than continuing to administer zoning through multiple disconnected amendments.

From a legal-defensibility standpoint, the comprehensive-adoption approach is the cleaner route. The current Case No. 26-018 draft already states that the proposal is intended to repeal and replace the existing zoning regulations in their entirety, adopt an updated Official Zoning Map, consolidate prior amendments, and correct inconsistencies, formatting issues, and cross-references. That approach is also consistent with Brandon's 2016 comprehensive zoning adoption precedent, which used a full repeal-and-replace ordinance form rather than piecemeal text revisions. Mississippi case law also shows why that matters: piecemeal or project-specific textual changes adopted soon after a comprehensive zoning overhaul can be attacked as illegal rezoning or spot zoning, whereas a citywide comprehensive adoption tied to the comprehensive plan is far more defensible.

The proposed ordinance should be adopted from the clean draft only. The redline draft is useful for comparison, but the March 2026 staff materials already state that the clean draft is the controlling document for adoption and that the redline is reference only. That distinction is important and should remain explicit in both the staff report and the adopting ordinance.

The proposed map and text are generally consistent with the adopted Comprehensive Plan. The draft zoning conversion table specifically cross-references the proposed zoning districts to the Comprehensive Plan land-use categories.

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Application # 26-018
Subject Property: City of Brandon, Mississippi

One question that was brought to staff attention was "How can a R-12 zoning district fall into a Medium – Density Residential Land Use Classification?" This is explained in CMPDD's March 31, 2026 written opinion. It explains that this overlap is not inconsistent with the Comprehensive Plan because it results from rounded unit-per-acre discussions versus actual lot-size calculations, and because the same district can function differently depending on the actual lot pattern within the applicable land-use context. CMPDD further advised that, in light of subsequent transportation and stormwater studies, a somewhat less-dense zoning tone is appropriate, while still preserving flexibility through the PUD provisions of the proposed ordinance.

The proposed ordinance also carries forward provisions relating to Planning Commission structure and Build-to-Rent development that were separately approved by the Mayor and Board of Aldermen on March 16, 2026. Those provisions should be treated in this comprehensive ordinance as a matter of codification continuity, not as though they are being newly offered as stand-alone amendments for the first time.

As to procedure, the current notice rule remains the existing fifteen-day newspaper hearing notice in Section 17-1-15. The 2026 bill that would have required thirty-day and fifteen-day newspaper plus social-media notice died in conference on March 30, 2026, so that proposed change is not in effect. If the City publishes the substance of the ordinance instead of the full text, Mississippi law allows publication by explanatory statement so long as the full text is posted at City Hall, the main public library or courthouse, and one additional public place, and furnished on request.

STAFF RECOMMENDATION

Staff recommends approval of the proposed Comprehensive Zoning Ordinance and Official Zoning Map of the City of Brandon, Mississippi, as set forth in the clean draft ordinance and the accompanying Official Zoning Map. The redline draft should remain part of the record for reference only and should not be adopted as the controlling legal text. The Future Land Use Map and other background planning materials may remain part of the legislative record but are not adoption exhibits for this item. Provisions relating to Planning Commission structure and Build-to-Rent development that were separately adopted on March 16, 2026, should be carried forward in the comprehensive ordinance for codification continuity.

Report Prepared By: Joey Barnette, Community Development Director

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6.4 Street type design parameters.

Specific design elements for each street types are reflected in the following tables.

Table 6.3 Street Types by Zoning District

Street Type	Zoning District																
	Residential									Commercial			Employment			Special	
	RE 42	RE 32	RE 21	R-12	R-8	RM-8	RM-4	RH	MH	NC	CC	RC	I-1	I-2	ORC	VMU	PUD
Parkway	x	x	x													x	x
Boulevard												x	x	x	x		x
Avenue			x	x	x	x	x	x		x	x		x	x		x	x
Main										x						x	x
Local (SF)			x	x	x	x	x	x	x							x	x
Local (MF)						x	x	x	x							x	x
Sensitive	x	x															x

Public Hearing
Submitted by Ted Sanderson

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