

**AN ORDINANCE TO SECTION 5.8 OF THE DEVELOPMENT CODE OF
THE CITY OF TUPELO, MISSISSIPPI BY CHANGING THE NAME AND
AMENDING CERTAIN SUB-SECTIONS CONCERNING THE WEST
JACKSON NEIGHBORHOOD REDEVELOPMENT OVERLAY
DISTRICT (TA-03.23)**

WHEREAS, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

WHEREAS, the ordinance governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

WHEREAS, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

WHEREAS, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; and,

WHEREAS, the Tupelo City Council conducted a public hearing, with notice published in the Northeast Mississippi Daily Journal, at its regularly scheduled meeting on October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

WHEREAS, the City Council finds and determines substantial evidence supports these code amendments, and that public need exists for same, all based on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings and comments before the Tupelo Planning Committee, a work session conducted by the City

Council, a public hearing before the City Council, discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting; and

WHEREAS, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI, as follows:

SECTION 1. The prefatory statements are hereby incorporated herein.

SECTION 2. Chapter 5, Subsection 5.8 of the Development Code of the City of Tupelo shall be amended to state the following:

5.8 Jackson West Neighborhood Redevelopment Overlay District

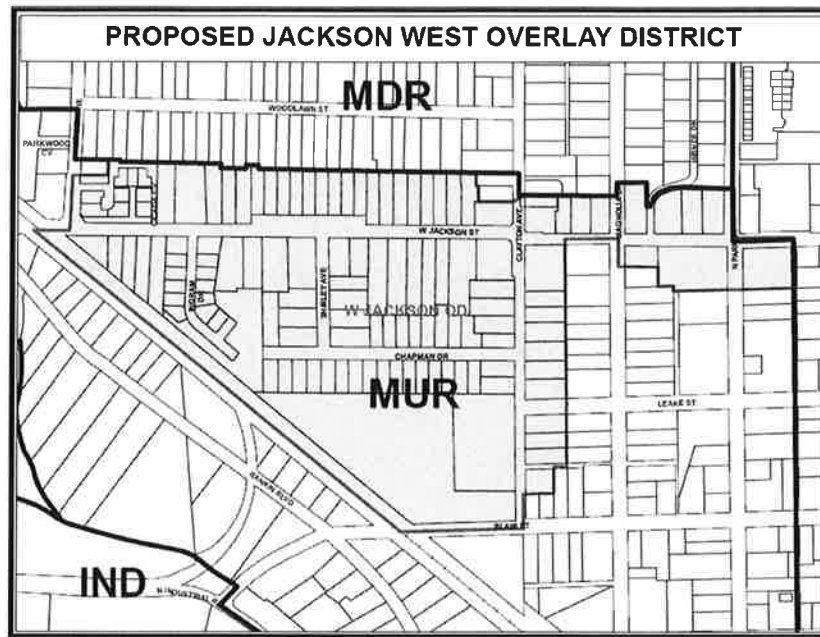
5.8.1. Purpose and Applicability

(1) Purpose

It is the purpose and intent of the Jackson **West** Neighborhood Redevelopment Overlay District to protect the value of property, to enhance the attractiveness of neighborhoods, to prevent development which would be incompatible with the established characteristics of the neighborhood, and to support improvement and investment in the neighborhood housing stock.

(2) Applicability

The requirements of this section shall apply to all property within the Jackson West Neighborhood Redevelopment Overlay District as shown in Figure 5.8.1.



5.8.2 Membership

- (1) A Design Review Committee shall be established consisting of five (5) members. Three (3) members shall be representatives of the Neighborhood Development Corporation (NDC), designated by vote of NDC. One (1) member shall be a resident of the Jackson West Neighborhood as designated by vote of the Jackson West Neighborhood Association. One (1) member shall be a resident of the Joyner Neighborhood as designated by vote of the Joyner Neighborhood Association. If any Neighborhood Association becomes inactive, this member shall be determined by selection by the mayor. All committee members are subject to Mayor and City Council approval.
- (2) The designated electing/appointing entities shall submit their committee recommendations to the Department of Development Services in September of each year and the City Council shall consider their confirmation at the first meeting in October.
- (3) Termination of Member
A committee member shall be removed from membership in the Design Review Committee in the case of:
 - a. Death, resignation or incapacity;
 - b. Failure to respond within one (1) week of receiving review plans for committee vote three (3) consecutive times;
 - c. In the case of findings of impropriety or criminal behavior, the Overlay Design Review Committee may request

- termination of a member by submitting written request to the Department of Development Services for subsequent review and decision by the Planning Committee;
- d. Termination of an Overlay a Design Review Committee member, as determined by this Code, in an Overlay District impacting the elected by a Neighborhood Association must be approved by the voting membership of the Neighborhood Association prior to Planning Committee consideration.

5.8.3 Review Procedures

- (1) No permit for new construction or external renovation shall be issued for any property within the Jackson **West** Neighborhood Redevelopment Overlay District without approval of the design review committee.
- (2) Applications for construction, exterior renovation, fences, accessory structures, or other exterior changes within the West Jackson Neighborhood Redevelopment Overlay District shall be accompanied by complete Permit package including scaled drawings of the proposed work, including a site plan, floor plan, full elevation drawings, and exterior materials list, as applicable.
- (3) The design review committee shall receive the Application for Construction or Permit with all permit documents either electronically or by hardcopy. The committee shall meet, in person or electronically, to consider and review the documents, returning the review comments to Development Services Department within 7 days of receiving documents. If additional document/s are requested the 7-day review period resets to the date the additional documents are received by the committee.
- (4) The Development Services Department shall provide a report to the design review committee relative to the application for review of the permit application.

5.8.4 Appeals

Decisions of the design review committee may be appealed to the Planning Committee.

5.8.5 Design standards

- (1) The design review committee shall be guided by the standards for traditional housing construction (Section 6.4.3) as modified below, by the standards for infill construction (Section 6.10), by the compatibility checklist procedure (Section 12.4.5), and by reference to existing architectural features of the immediate vicinity and of the overlay district generally.
- (2) Traditional housing standards modifications

- (a) Size limitations. Minimum square foot requirements for each residence shall be at a minimum 1,000 sq. ft. heated and cooled living area.
- (b) Main entrance. This standard is not modified.
- (c) Porches. A porch shall be provided for each dwelling unit of at least 7' 6" in depth and 12 feet in length. Variances may be approved if the overall square footage exceeds 90sf. Porch columns shall be a minimum of six inches wide, shall be square or rectangular in section, and may not be wrought iron or other material that is not solidly opaque. Other standards for porches are not modified.
- (d) Covered balconies. This standard is not modified. Alternative roof materials may be considered.
- (e) Garages and Carports:
 - a. Front, side or rear of house is permitted.
 - b. If visible from the street, carport columns must be of similar size and material to porch columns. Other standards for garages are not modified.
 - c. If front facing, cannot be more than 30% of the front-facing linear dimension.
 - d. Roofs shall be the same material of the principal structure.
- (f) Roofs
 - a. Slope: Principal structures must have a roof that is sloped, with at least 4 units of vertical rise to 12 units of horizontal run, and not exceeding 12 units of vertical rise to 12 units of vertical run.
 - b. Architectural features: The roof of a principal structure shall include at least one (1) of the following architectural details:
 - i. A gable end, or gabled end of a roof projection, facing the street; or
 - ii. An offset section either set back from the front façade or with a lower roof line than the main section of the structure.
 - iii. Roof eaves must project from the building wall on at least the front and side elevations, and such projections may not exceed 12 inches.
 - iv. No hip roof on front or sides.
 - c. Materials: roofs shall be asphalt shingle. NO metal roofs are permitted for the principal structure.
 - d. Decorative metal covers may be permitted as awnings, over porches or decks. These must be submitted for approval by Design Review Committee.
 - e. Other standards for roofs are not modified.
- (g) Foundation:
 - a. Height: Finished floor height, or ground level of the first floor, shall be elevated a minimum of fourteen (14) inches and a maximum of

eighteen (18) inches above finished grade, or pad height, to allow for a minimum of two steps front entry onto the first floor. Finished floor height requirements do not apply to elevations at the structures side or rear.

- b. Fill to achieve pad height should not be utilized without drainage review and should not exceed more than 12" above center line or the point of storm water discharge from the lot.
- c. Finish material must be brick, stone or other finished surface material.
- d. Other standards for foundation are not modified.

(h) Exterior finish materials:

- a. Allowable materials are stone, brick, plaster, EIFS, cedar shakes, wood siding such as Hardie board 6" or less ship lap or equivalent,
- b. Other standards for Exterior Finish Materials are not modified.

(i) Windows and entryways: At least twenty-five (25) percent of the area of a street-facing façade must include windows or main entryways. Each window must be square or vertical and muntins must be in a vertical proportion. A horizontal window opening may be created by grouping two or more vertical windows. Other standards for windows and entryways are not modified.

- a. Garage, Storage Building, Pool House, or Accessory Structure of any type: Must have the same roofing and outside wall materials as those used in the principal structure.
- b. Fences: All fences and/or screen walls are to be made of wood, masonry, stucco or ornamental metal material or landscape material. No chain link fences visible from the street or adjacent properties shall be permitted.
 - i. Fences located in the front yard shall be no more than 36" high and must be able to see thru 50% of the height.
 - ii. Location:
 - 1. No fences shall be erected nearer to a street than ten feet (10'). Variances may be considered.

(3) All properties and the dwellings constructed thereon shall be used for single-family residential purposes.

(4) No lot can be subdivided and sold in part except as located on the plat of said subdivision previously filed in the Office of Lee County Chancery Clerk. Any combination of platted lots must be approved by the Designed Review Committee.

(5) The design review committee may prepare and propose additional written standards for adoption through amendment of this section.

5.8.6 Use Regulations:

- (1) Congregate Living Facility 1 and Congregate Living Facility 2 are allowed by Compatibility only in the Jackson West Neighborhood Redevelopment Overlay

District and are disallowed on any property with deed restrictions preventing rental occupancy.

SECTION 3. This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

SECTION 4. All ordinances, resolutions or orders in conflict herewith are repealed, effective thirty (30) days after passage of this amendment.

SECTION 5. This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Davis, seconded by Council Member Beard, and after discussion, no council member having called for a reading, was brought to a vote as follows:

| | |
|-----------------------------|-----|
| Council Member Chad Mims | AYE |
| Council Member Lynn Bryan | AYE |
| Council Member Travis Beard | AYE |
| Council Member Nettie Davis | AYE |
| Council Member Buddy Palmer | AYE |
| Council Member Janet Gaston | AYE |
| Council Member Rosie Jones | AYE |

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY: _____

LYNN BRYAN, President

ATTEST:

Missy Shelton
MISSY SHELTON, Clerk of the Council

APPROVED:

Todd Jordan
TODD JORDAN, Mayor

10-5-2022
DATE