
PROPOSED TEXT AMENDMENT TO THE CITY OF TUPELO DEVELOPMENT CODE (TA23-01)

TA22-02 Comprehensive Development Code Update: APPROVAL recommended July 25, 2022 by the City of Tupelo Planning Committee and Department of Development Services to amend the Code to include multi-family developments that are allowed in a zone and are currently permitted as a "Use by Right" within the City of Tupelo to "Use by Flexibility" per the proposed amendments below:

CHAPTER 2 Definitions and Rules of Construction

All amendments and additions are noted in **bold**. Deletions are ~~stricken~~.

1. Amend the following definitions:

CONGREGATE LIVING: any structure, **other than those considered multi-family dwellings, or dwelling unit** occupied for residential use by a group of ~~six or more~~ **more than five (5)** adult residents or licensed by the Department of Child Protective Services as a congregate living unit and, therefore, considered a commercial development with all the requirements thereof. **Includes transient and non-transient residential and institutional dwellings and developments as defined and regulated by the International Building Code, as adopted. Includes Residential Living Personal Care Homes and Assisted Living Personal Care Homes; emergency shelters, regardless of occupancy; all residential units with more than five (5) non-transient adult occupants. Standards of use are regulated by Section 11.8 of this Code.** ~~and/or any structure occupied by a group for residential use where any care or group support services are provided by others, either paid for in whole, in part or in-kind by an agency, business, non-profit corporation, church or organization with rules and regulations as to governing the household, including the household itself serving on a voluntary basis; and/or any "Residential Group" as defined by the International Fire Code (IFC) of 2012 requiring life safety measures of the IFC. Congregate living can be identified as residency 'plus' those services or support defined above, and traditional examples of congregate living include, but are not limited to, transient or non transient boarding houses, alcohol and drug centers, assisted living facilities, convalescent facilities, group homes, halfway houses, residential board and custodial care facilities, sober living houses, and social rehabilitation facilities.~~

CONGREGATE LIVING 1: also known as Residential Living Personal Care Home/Facility - any residential facility operating 24 hours a day, seven (7) days a week that is required to be a "licensed facility" under the terms of the Mississippi Department of Health as a Residential Living Personal Care Home providing residential accommodations, personal service, and social care rendered by personnel of the licensed facility to residents unrelated to the licensee in performing one or more of the activities of daily living, including but not limited to bathing, walking, excretory functions, feeding, personal grooming, and dressing. Residential Living Personal Care Homes accept individuals who require personal care services because of impaired capacity for self-care elect or require protective living accommodation but do not have an illness, injury, or disability for which regular medical care and 24-hour nursing service is required, including individuals, who due to functional impairments, may require mental health services to compensate for activities of daily living. Additional standards of the International Building Code may apply according to occupancy. **Includes custodial and Condition 1 Residential uses as defined by the International Building Code; includes Group Homes.** ~~any structure or facility used for congregate living, where services are limited to the provision of shared meals and/or housekeeping, but no medical or personal care services or assistance with activities of daily living, as defined by the State of Mississippi Department of Health, are provided.~~

CONGREGATE LIVING 2: also known as Assisted Living Personal Care Home/Facility - any place or facility operate 24 hours a day, seven (7) days a week that is required to be a "licensed facility" under the terms of the

Mississippi Department of Health as an Assisted Living Personal Care Home and includes supplemental services to include, but not be limited to, the provision of medical services (i.e., medication procedures and medication administration), and emergency response services. Additional standards of the International Building Code may apply according to occupancy. Includes Ambulatory Care Facilities, Institutional uses, and Condition 2 Residential uses as defined by the International Building Code. any structure or facility used for congregate living where services may include medical or personal care services or assistance with activities of daily living as defined by the State of Mississippi Department of Health, or which are required to be licensed by the State of Mississippi for such services.

CONGREGATE LIVING 3: any use meeting the definition of either Congregate Living 1 OR Congregate Living 2 with an occupancy of more than sixteen (16) non-transient occupants OR more than ten (10) transient occupants. any structure or facility used for congregate living, where residents are placed on release from more restrictive custodial confinement or in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling is provided to assist residents transitioning back into society; or where residents are treated for substance abuse problems, or placed after such treatment for a period of supervision, rehabilitation, and counseling to assist with transitioning back into society.

DWELLING, DUPLEX: A residential unit that contains two housing units which share a no-through access common wall in a single structure on a single lot. Individual units may be located on separate floors or side-by-side. A duplex shall have open yards on all sides and not be attached to any other building.

2. Include the following definitions:

EMERGENCY SHELTER - any facility whose primary purpose is to provide a temporary shelter for the homeless in general or for specific populations of the homeless with defined length of stay and which does not require occupants to sign leases or occupancy agreements. All transient housing shelters, regardless of occupancy, are regulated by congregate living standards of use. Additional standards of use are regulated by Section 11.10 of this Code. Additional standards of the International Building Code may apply according to occupancy.

MULTIFAMILY DEVELOPMENT – parcel or multiple adjacent parcels of the same ownership or development on which are located more than one structure defined as a multifamily dwelling unit, duplex, condominium or townhouse, or where more than one off-site built single family residential unit, such as a modular home, mobile home, or manufactured housing, is located under the same ownership or development. Standards of use are regulated by Section 11.11 of this Code.

NON-CONGREGATE SHELTER – also known as transient boarding houses; any facility or location where each individual or household, meeting specific eligibility criteria due to an emergency situation is provided lodging without a legal or formal occupancy agreement when congregate sheltering is unavailable or longer term temporary sheltering is required but which differs from congregate shelters in that some level of privacy is offered through the separation of living units such as hotels, motels, or dormitories. Standards of use are regulated by Section 11.10 and must meet multi-family development standards including compliance with all rental standards of Section 11.11 and Congregate Living Facilities standards in Section 11.8.

NON-TRANSIENT – tenant or person whose resides in the same building or quarters for thirty days or more.

TRANSIENT – tenant or person whose occupancy of a dwelling unit or sleeping unit is not more than 30 days

CHAPTER 4 Base Zoning Districts

Current Allowed Use, By Zone of items for amendment:

Allowed Uses By Zone (Table 4.3)													
Allowed Use	A/O	LDR	MDR	MUR	MUD	MUCC-1	MUCC-2	MUE-1	MUE-2	MUAC-1	MUAC-2	RC	I
Accessory Dwelling Unit	C	C	C	C		R	R	R	R	R	R		
Apartment Development				F*		C**	C***	R	R	R	R	F	
Congregate Living 1	C	C+	C+	R+		R+	R+	R+	R+	C			
Congregate Living 2	C+					R+	R+	R+	R+	C+	C+		C+
Congregate Living 3	F								F				F+
Detached Dwelling Unit	R	R	R	R		C				C			
Duplex/Semi-Attached Unit		F	F	C		C*	F*			R*			
Hotel or Motel				F*		R	R	C	C	R	R	R	
Place of Assembly and/or Worship	C	C	C	C*		R	R	R	R	R	R		
Townhouse			R	R		R*	R*	R*	R	R*			
Upper Story Residential				R*		R	R	R*	R	R	R		

*Apartment developments of 8 units or less may be permitted on a major collector or arterial street. Apartment developments of more than 8 units may only be located on an arterial street.

**Apartment developments are permitted by compatibility if they have eight or fewer units and if located on a major collector or arterial street; otherwise by flexibility.

***Permitted by compatibility if they have eight or fewer units and if located on a major collector or arterial street; otherwise by flexibility.

+ Congregate Living structures or facilities of any classification may not be located less than 2,500 feet from an existing use of the same classification, except in Mixed Use zoning districts where facilities may not be located less than 1,500 feet from an existing use of the same classification.

Please Note: "Apartment" is noted for allowed use by Compatibility and Flexibility with in particular sub-districts of the Mixed Use Downtown zone, per Table 5.3.4. These uses refer to upper story residential units and other apartment structures, NOT multifamily apartment developments.

1. Remove the following from Table 4.3 and Allowed Uses list accordingly in Chapter 4

*Use updates include modified and removed definitions from amendments to Chapter 4 as part of the Medical Cannabis Text Amendment and TA22-03 as well as TA22-02 (see attached definitions as passed)

Remove “Apartment” from uses, definitional only; Remove “Place of Assembly and/or Worship”; Remove “Congregate Living 1”; Remove “Congregate Living 2”; Remove “Congregate Living 3” (included in definitions of Residential Living Personal Care Home and Assisted Living Personal Care home as defined and licensed by the Mississippi Department of Health) as Allowed Uses In Chapter 4.

- Amend “Apartment Development” as an Allowed Use to “Dwelling, Multi-Family, 3-8 unit” and “Dwelling, Multi-Family, 9+ unit”; amend “Place of Worship and/or Assembly” as an Allowed Use to “Church” and “Event Center”; amend “Congregate Living 1” as an Allowed Use to “Residential Living Personal Care Home”; Amend “Congregate Living 2” as an Allowed Use to “Assisted Living Personal Care Home” in Allowed Uses by respective Base Zoning District and in Table 4.3 according to the following Allowed Uses designations:

Please note: R indicates Use by Right, C indicates Use by Compatibility, F indicates Use by Flexibility. Uses not indicated as R, C, or F in each zone are considered NOT an Allowed Use in the respective zone. See Chapter 5.3 for allowed uses in the Mixed Use Downtown zoning district. See Building Design Standards for additional compatibility standards by zone.

Allowed Use	Allowed Uses By Zone												
	A/O	LDR	MDR	MUR	MUD	MUCC-1	MUCC-2	MUE-1	MUE-2	MUAC-1	MUAC-2	RC	I
Accessory Dwelling Unit	R	R	R	R		R	R	R	R	R	R	R	
Congregate Living 1	R	R*	C*	R*		R*	R*	R*	R*			C	
Congregate Living 2	R*	C*				R*	R*	R*	R*			R	C*
Congregate Living 3	F*	F*				R	R	R*	R*			C	C*
Church	C	C	C	C*		R	R	R	R	R	R		
Dwelling, Multi-Family, 3-8 unit	C	C	C	R		C	C	R	R	C+	F+	C	C
Dwelling, Multi-Family, 9+ unit ¹	F	F	F	C		C+	F+	C	C	C+	F+	R	C
Dwelling, Duplex	C	C	R	R		R**	R**	R**	R**				
Event Center	C	C	C	C*		R	R	R	R	R	R		
Emergency Shelter	F*	F*											
Hotel				C*		R	R	R*	R*	C	C	R	
Motel	C*					C	C						
Non-Congregate Shelter	C*	C*						R*	R*				
Single Family Residential Unit	R	R	R	R**				R**	R**				
Townhouse			R	R		R	R	R	R				
Upper Story Residential	R	R	R	R		R	R	R	R	R	R		

¹ No Multi-Family Dwelling with 9 or more dwelling units may be located more than 1500 ft from another Multi-Family Dwelling with 9 or more dwelling units without an approved variance of distance permitted according to section 12.16 of this Code.

* Commercial, non-congregate shelter, and residential uses with 10 or more occupants permitted only on a major collector or arterial street or MDOT jurisdiction or US Hwy.

**Permitted by right if located on a local road, by Flexibility if standard is not met.

+ Upper Story Residential only

DRAFT

3. Amend allowed Density as codified in the Development Standards of each Base Zoning District according to the following:

Current Allowed Use, By Zone of items for amendment:

All amendments and additions are noted in **bold**. Deletions are ~~stricken~~.

4.6.5. Development Standards.

Agriculture/Open Space Protection District (AO)	
Minimum/Maximum Lot Size*	2 acres minimum/no maximum
Minimum/Maximum Width*	150 90 feet minimum/no maximum
Minimum/Maximum Front Setback	50 30 feet minimum/no maximum
Minimum/Maximum Side Setback	25 20 feet minimum/no maximum
Minimum/Maximum Rear Setback	50 feet minimum/no maximum
Maximum Height**	2 stories maximum
Minimum/ Maximum Density***	1 dwelling unit/2 acres or 1 principal dwelling and 1 upper story or accessory dwelling per parcel regardless of the resulting density

* Existing parcels of land are exempt from minimum and maximum lot size and width requirements. A property owner will not be required to subdivide an existing parcel to conform to any minimum requirements.

** Height limits do not apply to church spires, belfries, cupolas, or domes not used for human habitation, nor to chimneys, ventilators, skylights, parapet walls, cornices, solar energy systems, or necessary mechanical appurtenances usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning and do not exceed the limitations of the airport hazard zoning regulations.

*** Existing parcels of land are exempt from minimum density requirements.

4.7.4. Development Standards.

Low-Density Residential District (LDR)	
Minimum/Maximum Lot Size*	.33 acres -1 acre 2 acres
Minimum/Maximum Width*	90 70 feet minimum/no maximum
Minimum/Maximum Front Setback	20 - 50 feet
Minimum/Maximum Side Setback	10 feet/no maximum
Minimum/Maximum Rear Setback	10 feet/no maximum
Maximum Height**	2 stories
Minimum/Maximum Density***	1 dwelling unit/acre minimum or 1 principal dwelling and 1 upper story or accessory dwelling per parcel regardless of the resulting density - 3 6 dwelling units/acre maximum
Open Space Requirement	15%

* Existing parcels of land are exempt from minimum and maximum lot size and width requirements. A property owner will not be required to subdivide an existing parcel to conform to any minimum requirements.

** Height limits do not apply to church spires, belfries, cupolas, or domes not used for human habitation, nor to chimneys, ventilators, skylights, parapet walls, cornices, solar energy systems, or necessary mechanical appurtenances usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning and do not exceed the limitations of the airport hazard zoning regulations.

*** Existing parcels of land are exempt from minimum density requirements.

4.8.4. Development Standards.

Medium-Density Residential District (MDR)	
Minimum/Maximum Lot Size*	4,000 sq. ft. min. for traditional housing; 6,000 sq. ft. min/14,520 sq. ft. max for residential; 6,000 sq. ft. min/1 acre max for non-residential
Minimum/Maximum Width*	50 ft. min/90 ft. max for residential; 50 ft min for non-residential
Minimum/Maximum Front Setback**	10 ft. min/30 ft. max for residential; 10 ft. min/50 ft. max for non-residential
Minimum/Maximum Side Setback***	5 10 ft. minimum/40 ft. maximum
Minimum/Maximum Rear Setback	10 ft. minimum/no maximum
Maximum Height****	2 stories
Minimum/Maximum density	3- 7 9 dwelling units/acre
Open Space Amenity	10%

* Existing parcels of land are exempt from minimum and maximum lot size and width requirements. A property owner will not be required to subdivide an existing parcel to conform to any minimum requirements.

** Traditional housing developments must build to a maximum ten foot front setback.

*** Residential units such as townhouses may be attached with a zero foot setback. A ~~five~~ ten foot minimum setback shall be required on all other development.

**** Existing parcels of land are exempt from minimum density requirements.

4.9.4. Development Standards.

MIXED-USE RESIDENTIAL DISTRICT (MUR)	
Minimum/Maximum Lot Size*	3,000 sq. ft. min. for traditional housing zero lot line use; 5,000- 14,520 sq. ft. for other single family housing. 5,000 sq. ft. minimum/no maximum for multi-family housing or non-residential.
Minimum/Maximum Width*	30 - 90 feet for single family housing. 50 feet minimum/no maximum for multi-family housing or non-residential.
Minimum/Maximum Front Setback	10 - 30 feet
Minimum/Maximum Side Setback**	No minimum/50 feet maximum
Minimum/Maximum Rear Setback	10 feet minimum/no maximum
Minimum/Maximum Height***	3 stories
Minimum/Maximum Density****	Less than 30% for non-residential. Minimum 3 dwellings/acre, maximum 13 25 dwelling units per acre for residential.
Open Space Amenity	5%
Maximum Floor Area Ratio (non-residential)	0.5

* Existing parcels of land are exempt from minimum and maximum lot size and width requirements. A property owner will not be required to subdivide an existing parcel to conform to any minimum requirements.

** Residential units such as townhouses may be attached with a zero foot setback. A ~~five~~ tenfoot minimum side setback shall be required on all other development.

*** Height limits do not apply to church spires, belfries, cupolas, or domes not used for human habitation, nor to chimneys, ventilators, skylights, parapet walls, cornices, solar energy systems, or necessary mechanical appurtenances usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning and do not exceed the limitations of the airport hazard zoning regulations.

**** Existing parcels of land are exempt from minimum density requirements.

CHAPTER 8

8.2.7. Off-Street Parking Standards.

1. Amend “Off-Street Parking Standards”. All amendments and additions are noted in **bold**. Deletions noted in red.

Use Category	Minimum Parking Spaces Required (excepting IBC handicapped space requirement)	Maximum Parking Spaces Required Permitted without Approved Variance
Residential		
Detached Dwelling		2
Accessory Dwelling Unit	No minimum	1
Dwelling, Multi-Family, 3-8 Unit	No minimum	1.5 per one-bedroom unit; 2 per two-bedroom unit; 2.5 per three-bedroom unit
Dwelling, Multi-Family, 9+ Unit	No minimum	1.5 per one-bedroom unit; 2 per two-bedroom unit; 2.5 per three-bedroom unit
Manufactured Home Subdivision	No minimum	2 per home
Duplex/Semi-Attached Unit	No minimum	2 per unit
Zero-Lot-Line/Patio Home	No minimum	2
Single Family Dwelling Unit	No minimum	2
Townhouse	No minimum	2
Upper-Story Residential Unit	No minimum	1.5 per one-bedroom unit; 2 per two-bedroom unit; 2.5 per three-bedroom unit
Apartment Development		1.5 per one-bedroom unit; 2 per two-bedroom unit; 2.5 per three-bedroom unit
Non-Residential		
Adult Entertainment Establishment	1 per 400 SF	1 per 100 SF
Aircraft Sales and/or Service	As approved by Airport Authority 1 per 300 SF	
Airport	As approved by the Airport Authority	
Animal Shelter	No minimum	1 per 400 SF
Asphalt and/or Concrete Plant	No minimum	1 per employee
Congregate Living 2	No minimum	0.4 per bed 2 per 10 residential occupants

Bed and Breakfast	No minimum	1 per room plus 2 for owner's residence
Broadcasting Facility, Radio and/or Television	No minimum	1 per employee
Campground/RV Park	1 per campsite	2 per campsite
Car Wash Facility	No minimum	1 per 300 800 SF
Cemetery	No minimum	1 per 5000 SF
Church	1 per 10 occupants as determined by approved Fire Department Occupancy of primary structure	1 per 5 occupants as determined by approved Fire Department Occupancy of primary structure
Conference Center	No minimum	1 per 200 400 SF
Contractor Shop	No minimum	1 per 1,000 1500 SF
Convenience Store with Fuel Sales	1 per 1000 SF Parking at fuel islands shall be included as parking space	1 per 200 300 SF. Parking at fuel islands shall be included as parking space
Correctional Facility	1 per 20 prisoners	1 per 10 prisoners
Crematory	No minimum	1 per 1000 SF
Day Care Center	2 plus Drop-off lane with space for 1 vehicle per 8 children	1 per .35 per person approved capacity plus drop-off lane with space for 1 vehicle per 8 children
Day Care Home, Large or Small	Drop-off lane for 2 cars	3 per home plus a drop-off lane for at least 2 cars
Drinking Establishment	No minimum	1 per 50 SF of floor area for public use or 1 per 2.5 persons in approved occupancy, whichever is greater
Educational Facility, College or University	As approved by the City of Tupelo	
Educational Facility, K-12		
a. K-8	1 per classroom	2.25 per classroom
b. 9-12	1 per classroom	1.2 per classroom plus 1 per 5 students
Educational Facility, Vocational Training	1 per classroom	2 per classroom plus 1 for every 3 students at maximum enrollment
Emergency Shelter	4	1 per 500 SF floor area
Small Engine Repair	1 per repair stall	1 per 300 800 SF
Large Engine Repair	1 per repair stall	1 per employee plus 1 per 500 800 sq. ft.
Event Center	1 per 10 occupants as determined by approved Fire Department Occupancy of primary structure	1 per 5 occupants as determined by approved Fire Department Occupancy of primary structure
Farm	No minimum	N/A 1
Financial Establishment	No minimum	1 per 300 800 SF
Firing Range	No minimum	1 per 2 slots
Forestry	No minimum	N/A 1

Funeral Home	1 per 10 occupants as determined by approved Fire Department Occupancy of primary structure	1 per 4 seats in chapel 1 per 5 occupants as determined by approved Fire Department Occupancy of primary structure
Golf Course and/or Country Club (minimum parking for additional uses including restaurant, event center, etc. in addition to single use parking minimum)	No minimum	4 per green and 1 per 3 seats in restaurant if applicable 2 per green
Golf Driving Range	No minimum	1 per 3 slots
Government Facility	As approved by the City of Tupelo	
a. Library	No minimum	1 per 300 800 SF
b. City, county, state, or federal government office	No minimum	1 per 300 1000 SF floor area plus 1 per 3 employees
c. Post Office	No minimum	1 per 200 1000 SF
Congregate Living 1 or 3		1 per sleeping room plus 1 per 300 SF common area
Home Business	No minimum	2 for residence plus 1 for business
Home Occupation	See principal use parking requirement N/A	
Hotel or Motel	No minimum	1 per sleeping room plus 1 per 100 500 SF of restaurant, conference, or lounge area
Motel	No minimum	1 per sleeping room plus 2
Manufacturing, Heavy or Light	No minimum	1.5 per 1000 3000 SF
Medical Facility, Hospital	1 per bed	1 per 2 beds
Museum	No minimum	1 per 500 1000 SF
Non-Congregate Shelter	No minimum	1 per 5 units
Office	No minimum	1 per 400 800 SF
a. Medical Office	No minimum	1 per 300 500 SF
b. Rehabilitation Center	No minimum	1 per 300 800 SF
Open Air Market	No minimum	1 per 200 SF display area
Park and/or Open Space	No minimum	As approved by the Parks and Recreation Department
Passenger Terminal	No minimum	1 per 300 500 SF
Place of Assembly and/or Worship		1 per 2.5 seats
Printing and/or Publishing Facility	No minimum	1 per 500 1000 SF
Public Safety Station	No minimum	1 per 500 SF
Public Utility Facility	No minimum	1 per 500 800 SF
Railroad Station and/or Yard	No minimum	1 per 500 SF employee
Recreation Facility		
a. Theaters and Similar Fixed-Seating Establishments	No minimum	1 per 4 seats
b. Bowling Alleys	No minimum	4 per alley/lane
c. Swimming Pool	No minimum	1 per 75 SF of pool area
d. Race Track	No minimum	1 per 3 seats

e. Tennis or Racquetball Court	No minimum	3 per court
f. All Other recreation	No minimum	1 per 250 500 SF
Recycling and/or Salvage Facility	No minimum	1 per 500 1000 SF
Recycling Drop-Off Facility	No minimum	A drop-off lane for at least 2 cars
Research and Development Facility	No minimum	1 per 500 SF employee
Resource Extraction	No minimum	1 per employee
Restaurant	1 per 250 SF floor area	1 per 50 SF
Minimum		1 per 250 SF floor area
Maximum		1 per 50 SF
Retail Sales and/or Service	No minimum	Minimum 1 per 400 SF Maximum 1 per 100 SF Warehouse area 1 per 1000 SF
a. Plant Nursery or Greenhouse	No minimum	1 per 500 SF
b. Barber or Beauty Shop	No minimum	2 per employee booth
c. Furniture, Appliance, Music and Hardware Stores	No minimum	1 per 400 SF
d. Laundry or dry-cleaning establishments	No minimum	1 per 300 500 SF and stacking space for 3 vehicles per drive-in window
e. Lumber Yard or Building Materials	No minimum	1 per 400 800 SF
e. Medical Supplies	No minimum	1 per 300 1000 SF
Self-Serve Storage Facility	No minimum	1 per 300 SF office area employee
Social and/or Community Service Facility	No minimum	1 per 500 SF floor area
Telecommunications Facility, Other	No minimum	1 per 500 SF
Telecommunications Tower	No minimum	N/A 1
Trade Market Facility	No minimum	1 per 1,000 SF
Trucking Company	No minimum	1 per 1,000 SF
Utility	No minimum	1 per 1,000 SF enclosed floor area
Vehicle Sales and/or Rental	No minimum	1 per 300 SF employee plus 3
Vehicle Service	1 per service bay	2 plus 3 2 per service bay
Veterinarian Clinic	No minimum	1 per 300 SF employee plus 1 per 400 1000 SF of proposed outdoor kennel
Warehouse and/or Distribution and/or Freight Facility	No minimum	1 per 1,000 SF
Waste-Related Service Facility	No minimum	N/A 1 per employee
Wholesale Facility	No minimum	1 per 1,000 SF
Woodworking or Cabinet-Making Facility	No minimum	1 per 500 800 SF

CHAPTER 11

11.8 Congregate Living Facilities

Meaning and Applicability

This section applies to any congregate living structure, **other than those considered multi-family dwellings, or dwelling unit meeting the definitions of this Code** occupied for residential use by a group of ~~six or more~~ **more than five (5)** adult residents and, therefore, considered a commercial development with all the requirements thereof. **Includes transient and non-transient residential and institutional dwellings and developments as defined and regulated by the International Building Code, as adopted. Includes Residential Living Personal Care Homes and Assisted Living Personal Care Homes; emergency shelters, regardless of occupancy; all residential units with more than five (5) non-transient adult occupants. All residential units with more than five (5) adult occupants, regardless of relation, are subject to the standards of this section. Temporary emergency shelters with more than five (5) adult occupants are subject to the standards of this section.**

Congregate living does not include residential uses with an occupancy of five (5) or fewer unrelated adults not requiring a license by the Mississippi Department of Health, Assisted or Residential Personal Care Homes not exceeding an occupancy of five (5) persons, or owner-occupied lodging houses with five (5) or fewer guest rooms and ten (10) or fewer total occupants provided that the structure meets all standards of the International Residential Code and applicable commercial use standards of this Code. Units meeting this description are regulated by Residential Rental Standards set forth in this Code by Section 11.12.

Applications

- (1) A commercial construction application and all requirements therein must be met. Facilities with 5 or fewer residents may be defined according to type of dwelling unit (detached, duplex, etc.) for residential use when providing evidence of compliance with the International Residential Code standards.
- (2) A residential rental license, registration, and inspection are required of all congregate living facilities, in accordance with the Rental Ordinance of the City of Tupelo and Section 11.11 of this Code. For Congregate Living facilities, a state license or privilege tax license may serve as an alternative to the requirement for a formal lease or other legal occupancy agreement. Congregate living facilities, except non-congregate shelters may register as a single unit. Non-Congregate Shelters must register each unit and comply with all multi-family development standards.
- (3) Residential or Assisted Personal Care Home/Facilities for five (5) or fewer persons receiving care that are within a single family dwelling are permitted to comply with the International Residential Code and be permitted for residential use provided an automatic sprinkler system is installed in accordance with said Code. Lack of compliance to the International Residential Code shall classify such a facility a commercial development with the requirements thereof. (See Section 308.2 and 310.4 of the International Building Code)

Standards

- (1) All congregate living facilities must comply with provisions of the International Building Code 2018 including, housing, building, electrical, and fire codes; the Fair Housing Act of 1968; the Americans With Disabilities Act; the Age Discrimination Act of 1975; Section 504 of the Rehabilitation Act. All facilities must be properly zoned and licensed.
- (2) Congregate living 1 and Congregate Living 2 facilities locating more than two vehicles on premises at any given time in a residential zone or adjacent to residential use must provide additional parking behind the back point of the structure on a designated parking pad that may not be gravel or other natural surface.

Restrictions

- (1) Separation Requirement. Congregate Living Facilities in Mixed Use zoning districts may not be located within ~~1,500~~ **800** feet of any other Congregate Living Facility. ~~Congregate Living Facilities in other zoning districts may not be located within 2,500 feet of any other Congregate Living Facility.~~

-
- (2) Residential uses with an occupancy of more than five (5) adults and fewer than sixteen (16) adults which do not require a license and are not regulated by any other Federal or State entity are permitted for use only as Congregate Living 3 is allowed in the location's designated zoning district, and must meet the standards of this section.

Variances

- (1) Variance on the distance requirement to no less than 500 ft may be recommended by the Planning Committee with final approving authority by City Council for congregate living not classified as Congregate Living 1, Congregate Living 2, or Congregate Living 3, but otherwise regulated by the standards of this section, and whose use does not require a license and is not regulated by any other Federal or State entity whose occupancy does not exceed ten (10) adults and whose location is within 1500 ft of an arterial or collector road.

11.10 Temporary Shelters

Meaning and Applicability

All emergency shelters and non-congregate shelters, also known as transient boarding houses, with five (5) or more adult occupants providing temporary lodging without a legal or formal occupancy agreement such as a lease or other rental or subsidy agreement with an individual or household is subject to the standards and requirements of this section.

Applications

- (1) All shelters are required to maintain and present evidence of operating policies, procedures, and standards of care including, but not limited to:
- a. Intake procedures and eligibility requirements
 - b. Defined length of stay requirements
 - c. Case management policy
 - d. Mississippi Department of Health Food Permit, where applicable
 - e. Facility operations and management procedures including security and life safety plan
 - f. Proof of insurance
 - g. Mississippi Department of Health license as a Residential or Assisted Living Personal Care Home, where applicable
- (2) Use as a shelter will be approved only where facilities also meet all Congregate Living Standards according to Section 11.8 of this Code including compliance with residential rental standards according to Section 11.12.
- (1) All shelters must comply with provisions of the International Building Code 2018 including, housing, building, electrical, and fire codes; the Fair Housing Act of 1968; the Americans With Disabilities Act; the Age Discrimination Act of 1975; Section 504 of the Rehabilitation Act. All facilities must be properly zoned and licensed.
- (2) Non-congregate shelters and transient congregate living with more than five (5) occupants are also required to comply with standards for congregate living use, as defined by Section 11.8.
- (3) Non-Congregate Shelters must be constructed according to the standards of multi-family development in such a way so the principal use may be converted to multi-family units without major renovations to the structure.

-
- (4) Shelters must clearly display the occupancy rate of each structure, as permitted by the City of Tupelo Fire Marshall
 - (5) The City of Tupelo encourages all temporary shelters to participate with the Homeless Management Information System (HMIS) and Mississippi United to End Homelessness (MUTEH) who is contracted with the City of Tupelo to provide case management services and resource assistance to individuals and families experiencing homelessness.

Restrictions

- (1) Shelters must maintain that no lying down or sleeping on a public sidewalk, outdoors, or residing within a vehicle on public property, on private property owned by the shelter, or within 500 ft of the permitted shelter between the hours of 7pm and 7am in any location not permitted by the City for camping.
- (2) Shelters must adhere to all requirements of Section 11.6, Property Maintenance, of the City of Tupelo Development Code

11.11 Multi-Family Development Standards

Meaning and Applicability

Multi-family Development applies to any parcel, or adjacent parcels of the same ownership, where are located more than one structure with classified use as a multi-family dwelling unit, duplex, condominium or townhouse where more than three attached units are located, or where more than one off-site built single family residential unit, such as a modular home, mobile home, or manufactured housing, is located under the same ownership or development. Type of unit, density of units, and floor area ratio permissible is determined according to permitted use within the Base Zoning District where the structure is located and compliance with standards of a Major Site Plan. This Section applies to all new construction and renovations of more than 25 percent of the square footage OR tax assessed value of any existing structure(s) for use as a multifamily development.

Applications

- (1) A commercial construction application and all requirements therein must be met.
- (2) A residential rental license, registration, and inspection are required of all units within a Multi-Family Development, in accordance with the Rental Ordinance of the City of Tupelo and Section 11.11 of this Code.
- (3) All Multifamily Developments, other than upper story residential only, require a Major Site Plan and/or Development Plan requiring review by the City of Tupelo Site Plan Review Committee, Planning Committee, and Tupelo City Council, subject to the standards of Section 12.9 and 12.11 of this Code.

Standards

- (1) 30% open space is required on all multi-family developments
- (2) Commercial construction, including buffering, landscaping, and off-street parking, standards apply to all developments covered by this Section except where otherwise modified by this Section.
- (3) When located on a local road, a minimum of two (2) dwelling units must be oriented toward the adjacent street unless the front setback meets or exceeds 50 ft or where a 30 wide or greater buffer is located along the street frontage.
- (4) Two (2) off-street parking stalls are required for each unit, including garage and other parking facilities. One (1) guest parking stall is required for every four (4) dwelling units.

-
- (5) Parking must be located behind the back point of the structure on a designated parking pad that may not be gravel or other natural surface OR where any structure has more than four stories or a development contains more than 100 residential units, tuck under, cantilever, parking garage or other parking facility approved by the Department of Development Services designed to reduce the footprint of the development must be used to meet minimum parking requirements.
 - (6) Multi-family developments must include an internal sidewalk connecting all dwelling units and other structures and pedestrian connection to sidewalks or other pedestrian pathways connecting to adjacent commercial developments or commercial corridors.
 - (7) A cluster mailbox and access location must be provided on site
 - (8) Blue Light Emergency Tower/Phone/Box or other provision for immediate emergency access must be provided in the vehicular use area or other common location for all multifamily developments with more than thirty (30) dwelling units or where six (6) or more individual structures are located
 - (9) Electrical transformers or switching gear, air handlers and similar mechanical equipment must be screened according to Section 9.6.1 of this Code.
 - (10) Project boundary buffers are required for all multifamily developments with nine (9) or more units, including in MUD or MUR Zoning Districts where adjacent to single family residential use, according to Section 9.9.1 of this Code.
 - (11) All multifamily developments must comply with § 804(f)(5)(C) of the Fair Housing Act of 1988 and the implementing regulations codified at 24 C.F.R. 100.205. Applicants shall consult the Fair Housing Accessibility Guidelines.
 - (12) All multifamily developments must comply with Building Standards according to Section 6.4 of this Code and street design standards according to Section 6.8.8.3 of this Code.
 - (13) Multifamily signage is regulated by Section 10.5.7 of this Code

Restrictions

- (1) Multi-family developments with 9 or more dwelling units on a parcel or adjacent parcels of the same ownership may not locate within 1500 ft of another multi-family unit or development, except in the RC, MUR, or I Zoning Districts, where 9 or more dwelling units are located on a parcel or on adjacent parcels of the same ownership or development unless a shared street and pedestrian access sidewalk or walking path connecting adjacent developments is approved as part of a Major Site plan including existing and proposed developments.

Variances

- (1) Variances for density as determined by the Base Zoning District may be approved according to the Section 12.16 of this Code. Reduction in the percentage of required open space to permit variances for density is permitted. It is the responsibility of the applicant to provide that the following findings are met in order for the Planning Committee or City Council to provide approval for variances related to density or open space reduction:
 - a. Provisions in additional landscaping, walkability, aesthetic improvements, common space amenities, or other quality of life measures have been made to the site plan to encourage use and access to outdoor space and surrounding commercial or recreational uses.
 - b. Where variances for density or open space are requested, no variances for parking location may be permitted. Off-street parking requirements may be reduced with shared parking agreements or demonstrated access to public transportation.
- (2) Where limited by characteristics of the lot or lot location, a variance for required parking behind the back point of the structure may be considered as part of the Major Site Plan review. Variances to allow parking to be located to the side or front of the structure must meet the following additional requirements:

-
- a. Open space must be provided between the parking area and any front facing entry to the structure with 15% in designated landscaping beds without the use of ground cover materials.
 - b. Pedestrian access must be provided from the designated parking area to all entry points of the structure.
 - c. No variance for the reduction in required open space will be permitted where variance of parking location is approved.

(3) Variances in off street parking requirements of this Section to accommodate special conditions of the lot or existing development where the standards of this section apply due to substantial improvement of an existing structure. Exceptions to requirements for parking garage facilities may be approved as a variance by the Planning Committee as part of Major Site Plan approval.

11.12 Residential Rental Standards

Meaning and Applicability

This Section applies to all residential units within the City of Tupelo being rented or leased for occupancy to an individual(s) other than the owner and including residential units with an occupancy of five (5) or fewer unrelated adults. Residential rental units are subject to Miss. Code Ann. Section 89-8-through 89-8-29, Article XII of the City of Tupelo Code of Ordinances, the City of Tupelo Development Code, and the International Building Code and International Residential Code as approved. All short-term rentals, as defined by the City of Tupelo Development Code, must be registered as a residential rental and adhere to all standards of this Section.

Applications

- (1) All property owners renting or leasing a unit for residential occupancy must complete a Rental Registration and License Application annually. Registrations and Licenses will not be provided where units carry open violations or unpaid penalty fees.
- (2) All property owners renting or leasing a unit for occupancy must maintain a Privilege License with the City of Tupelo which may be obtained after a Rental Registration and License is received.
- (3) All units being leased or rented must have an approved and active Certificate of Occupancy and Rental Inspection conducted by the City of Tupelo Department of Development Services prior to occupancy. Rental inspections are required for all new Certificates of Occupancy, prior to occupation by a new tenant, or every two (2) years where no change in tenant occurs.
- (4) All units must provide the square footage of the unit, monthly rental cost per unit, maximum number of allowed occupants, type of rental (residential or short-term), unit type, and Lead Disclosure Statement if the unit was built prior to 1978.
- (5) A legal and binding lease agreement or copy of unsigned lease is required on all rental units prior to receiving a Certificate of Occupancy. Units occupied without a submitted lease agreement to the Department of Development Services will be in violation of this Code. A signed lease agreement matching the original submission must be presented upon request to the Department of Development Services.
- (6) Short-Term rentals also require property owner Rental Registration and License, Privilege License, Certificate of Occupancy and Inspection on each rented unit, and carry a Home Business Certificate of Occupancy on each unit. Short-Term rental units do not require a new inspection with each tenant with a length of stay no more than thirty (30) days. Rented units with occupancy for more than thirty (30) days are required to register as a residential rental unit.
- (7) A Registered Agent is required if the property owner of a rented unit is a business, if the owner does not reside within 60 miles of the unit, or if the owner is unable to be contacted on a 24-hour bases. Registered

Agents must reside in Lee County or an adjacent County. Registered Agents must obtain a City of Tupelo Privilege License.

- (8) Changes in utilities and/or meters is not permitted without an active Certificate of Occupancy from the Department of Development Services. A temporary meter may not remain active for more than five (5) days after a tenant takes occupancy unless utilities are provided by the Owner and included in rental payment per the lease agreement.
- (9) Rental of property to any person, regardless of relation to the applicant, is required to meet the standards of this Section excepting where five (5) or fewer related persons occupy a single dwelling unit where homestead occupancy is established by the property owner.

Standards

- (1) All residential rental units in the City of Tupelo must abide by all relevant sections of this Code and the City of Tupelo Code of Ordinances, including Chapter 7 of the Code of Ordinances – Building and Building Regulations and Chapter 11 of the City of Tupelo Development Code – Property Maintenance, and Article XII of the City of Tupelo Code of Ordinances – Rental Housing Code.
- (2) Maintenance and compliance with rental requirements is the responsibility of the owner, agent or manager including interior, exterior, premises, maintenance of provided equipment and utility, and tenant behavior. Notices of violation will be provided to the property owner and, where applicable, registered agent of the owner on file with the Department of Development Services.
- (3) Every owner, agent, manager or tenant of a rental housing unit is required, upon reasonable notice, to provide access to any part of a rental housing unit for the purpose of inspection. Where a complaint of violation is received, access must be given without notice by the owner, agent, manager, or tenant. Where a tenant refuses to provide access, an owner is permitted to evict said tenant in order to allow access to the Code Enforcement officer or designated representative of the governing authority.
- (4) Where an accessory dwelling unit and principal single family residential dwelling unit are located on the same parcel, either may be rented only where either dwelling unit is occupied by the property owner.
- (5) The Department of Development Services will not permit a unit for residential occupancy where a restriction is identified on an ownership deed limiting use of a property for residential rental use.

Violations

- (1) All residential rental units in the City of Tupelo are subject to code enforcement violations and violations of the City Code of Ordinances and are subject to fines and penalty fees, hold on utilities or utility transfer, revoking of rental license, revocation of all permits issued to the violator, inspection without notice, abatement, criminal or civil violation, injunction before Municipal Court, property liens, and emergency enforcement of violations posing a danger to public health, safety, or welfare, according to the standards for violations outlined in said Codes.
- (2) Rental Registration expired for 90 or more days will result in revocation of Certificate of Occupancy. All required fees plus \$500 penalty fee is required to re-establish a Certificate of Occupancy for any unit.
- (3) Units rented without and approved Certificate of Occupancy will result in a \$350 penalty plus \$25 per unit. All penalties and fees must be paid to re-establish a Certificate of Occupancy.
- (4) Scheduled on-site inspections may be rescheduled once with 24 hour notice without incurring a penalty fee. A penalty fee for rescheduling more than once, required re-inspection of a unit, or failure of owner or registered agent to be present at the time of inspection. Penalty fees are cumulative at the following rate, 1st event - \$50, 2nd event - \$100, 3rd event - \$200, 4th event - \$400. Upon a fourth (4th) re-scheduled inspection, re-inspection, or failure to appear, a citation will be filed and Certificate of Occupancy revoked for each unit. Revocation of a Certificate of Occupancy for this violation carries an additional \$500 penalty required prior to reestablishing a Certificate of Occupancy.

(5) It is the responsibility of the owner or agent to provide suitable equivalent housing for any tenant located in a structure that is cited for a violation of standards or regulations applicable to rental properties which the inspector determines area risk to health and safety until the violations are mitigated and an approved inspection is issued.

DRAFT