
PROPOSED TEXT AMENDMENT TO THE CITY OF TUPELO DEVELOPMENT CODE (TA22-03)

TA22-03 Comprehensive Update to Chapter 5, Overlay Districts: APPROVAL recommended September 2022 by the City of Tupelo Department of Development Services to update Overlay Design District Guidelines.

All amendments and additions are noted in **bold**. Deletions are noted in *red*.

Chapter 2 Definitions and Construction Rules of Construction

1. Delete the following definitions:

MULTIPLE TENANT BUILDING: A single building that contains two or more distinct occupants internally separated by firewalls or demising walls.

PLACE OF ASSEMBLY AND/OR WORSHIP: A place used for regular religious or cultural activities, entertainment, or meetings. This includes churches, chapels, mosques, synagogues, and other places of worship. It also includes non-profit organizations such as civic and fraternal clubs and lodges. This use shall include accessory uses and structures such as administrative facilities, schools, day care centers, cooking and eating facilities, cemeteries, recreational facilities, or dwellings located on the same lot. Such uses are treated as principal uses and subject to the standards and limitations applicable to such uses. (REPLACED BY CHURCH AND EVENT CENTER and additionally covered by existing Social and Community Service Facility, Nightclub and/or Bar, and Club, Lodge, or Fraternal Organization)

2. Amend the following definitions:

APARTMENT: Dwelling unit in a multi-family development, **upper story residential unit, multi-tenant unit, or other dwelling in which one portion of the building or structure, which may or may not be rented or leased, is occupied for dwelling by a tenant while another portion of the building or structure is occupied by another tenant for other residential or non-residential use.**

DWELLING, MULTI-FAMILY, 9+ UNITS: A structure **containing nine or more individual dwelling units**, with the units often stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings. This definition shall include apartment developments, condominiums, **and other multi-unit dwellings**. It shall not include duplexes, semi-attached houses **with no more than two units**, townhouses, patio homes, or zero-lot-line houses. **Does not include congregate living, dependent living units, life care communities, nursing homes, upper story residential as part of a mixed use development**

HOTEL OR MOTEL: A building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including bed and breakfast establishments or a boarding/rooming house.

MULTI-OCCUPANT NON-RESIDENTIAL DEVELOPMENT: A building or group of buildings under unified ownership or management that contains more than one non-residential establishment or occupant. **Includes multiple tenant buildings that contain two or more distinct occupants internally separated by firewalls or demising walls.**

PUBLIC FACILITY - A building or area owned or used by any department or branch of the City of Tupelo, Lee County, the State of Mississippi, or the Federal Government. **Includes public safety stations, public parks, and other government facilities.**

3. Include the following definitions:

DRIVE-THROUGH – the uses of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to persons remaining in motorized vehicles that are in a lane dedicated by signs for that purpose

DWELLING, MULTI-FAMILY, 3-8 UNITS: A structure containing between three and eight individual dwelling units, with the units often stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings. This definition shall include apartment developments, condominiums, triplexes, quadplexes, and other multi-unit dwellings. It shall not include duplexes, semi-attached houses with no more than two units, townhouses, patio homes, or zero-lot-line houses. Does not include congregate living, dependent living units, life care communities, nursing homes, or upper story residential as part of a mixed use development.

EVENT CENTER – premises which are frequently rented out for public or private activities that are not repeated on a weekly basis, and which are not open to the public on a daily basis at times other than when an event is scheduled; includes cultural activities, entertainment, and/or meetings

MOTEL – a development where members of the travelling public are lodged for brief periods of time, normally not exceeding seven (7) days, in rentable units, and where access to each of the rentable units is individually available from grade, either at grade or via stairways.

SOCIAL AND/OR COMMUNITY SERVICE FACILITY - a space that can be used for purposes to improve quality of life through the occurrence of community-based programs (including, but not limited to, health care, childcare, educational, cultural, and/or social services), provided such services are appropriate and helpful to low-income individuals, area residents, or the broader community

SINGLE FAMILY RESIDENTIAL UNIT -a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it is a single family residence if it has direct access to a street or thoroughfare and shares neither heating facilities, hot water equipment nor any other essential facility or service with any other dwelling unit.

Chapter 5, Overlay Districts

1. Amend Chapter 5, Overlay Districts as follows:

5.1. Purpose and Applicability.

5.1.1. Purpose.

The City of Tupelo has provided for the adoption of overlay districts to establish alternative land development requirements within specific areas of our community. Each overlay district is superimposed over the base zoning

district. It consists of a physical area with mapped boundaries and written text spelling out standards that are in addition to those of the base zoning district.

5.1.2. Designation of districts.

Districts may be adopted by the City Council under procedures for development code amendments, Section 12.7, based on recommendations of the Director of Development Services and Planning Committee **and adherence to the following standards for establishment:**

5.1.2.1 Establishment of an Overlay District

- (1) **A Neighborhood Association or, where no Neighborhood Association exists, other individual(s) may, on behalf of a neighborhood or other geographically designated area submit the following to the Planning Committee for initial approval with subsequent City Council approval for recognition as an Overlay District with all the benefits and privileges therein.**
 - a. **Petition for establishment of Overlay signed by 30% of current residents or property owners within the proposed overlay area**
 - b. **Geographical boundary map designating street boundaries for which the area internal to such boundaries will be subject to approval by a Design Review Committee and standards of approved design guidelines to be enforced by City of Tupelo Code Enforcement in addition to base zoning guidelines and standards**
 - c. **Design Review Guidelines and Standards for Development – must include, in detail, measureable and precise standards, in addition to base zoning standards, for determining approval or disapproval of all proposed development in the overlay subject to permitting by the City of Tupelo**
 - d. **Design Review Committee Bylaws**

5.1.3. Applicability.

The provisions of an Overlay District shall apply to the development of all land therein whether publicly or privately held.

5.1.4 Overlay Design Review Standards and Guidelines

5.1.4.1 Elections and Membership of Electors

- (1) **Must include a minimum of 5 voting members, maximum 11 voting members. Membership may include residents, property owners, or design professionals.**
- (2) **The appointment of Design Review Committee members may occur in one or more of the of the following ways, as established by Overlay District Bylaws**
 - a. **Election by impacted Neighborhood Association membership. Neighborhood Associations in communities with Overlay districts will provide a minimum of one elected member to the Overlay Design Committee impacting the neighborhood**
 - b. **Appointment by City Councilperson for Ward in which the Overlay resides**
 - c. **Mayoral appointment**
- (3) **Termination of Member**

A committee member will 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**

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- c. In the case of findings of impropriety or criminal behavior, the Overlay Committee may request termination of a member by the Department of Development Services for review by the Planning Committee
 - d. Termination of an Overlay Design Review Committee member, as determined by this Code, in an Overlay impacting the Neighborhood Association must be approved by the voting membership of the Neighborhood Association

(4) Overlay Design Review Committee Leadership Roles

Leadership Roles will be determined by internal committee vote as established in Overlay District Bylaws. Internal voting of Design Review Committee leadership roles must be conducted on an annual basis within the month of October and updated membership returned to the Department of Development Services. Election or appointment procedures for membership in the Design Review Committee will be determined by the Overlay District Bylaws as set forth by the parties requesting establishment of the District.

The following leadership roles must be filled by voting members of an Overlay District.

- a. Chairperson – responsible for communication with the Department of Development Services and, when necessary, communication with the applicant and is responsible for the Committee’s adherence to established bylaws and Overlay Design Review Committee procedures as determined by this Code
- b. Vice Chairperson – serves in lieu of and in collaboration with the Chairperson when necessary
- c. Secretary – Documents committee review processes related to each permit application for Design Committee Review

5.1.4.2 Review Procedures

(1) Design Review Standards and Guidelines

- a. Each approved Overlay Design District must have established and publically available design standards and guidelines establishing clear and measureable review processes for land development standards in addition to those of the base zoning district which are approved according to Section 12.7 of this Code
- b. Overlay district design standards must be approved by the voting membership of any existing Neighborhood Association impacted by the overlay and Planning Committee
- c. Procedures for voting to approve or disapprove permit applications whether by digital, in person, or other means should be conducted according to procedures established within the Design Review Guidelines established in this Chapter.
- d. Upon receipt of application for permit in the designated Overlay boundary, the Department of Development Services will submit the application and Overlay Permit to the Design Review Committee membership within one (1) week for review and decision of approval or disapproval.
- e. Response from the Design Review Committee will be submitted via Overlay Permit completion by the committee and be returned to the City Planner by the committee Chairperson via Overlay Permit application completion
- f. Overlay Design Review Guidelines must provide for the performance and procedures of the Design Review Committee including election procedures and methods governing amendments to the Design Review Standards and Guidelines

5.1.4. 5.1.5 Standards conflict.

In case of conflicts between the standards of an Overlay District and standards of the underlying base district, other requirements of the Development Code or other rules, regulations, covenants and agreements applicable, the standard of the Overlay District shall prevail.

5.1.5. 5.1.6 Relationship to subdivision regulations.

The character of proposed development within an Overlay District may require that standards for lot size, shape and frontage be subject to modification from standards established in adopted subdivision regulations. An application for a final development plan for a site within an Overlay District shall be deemed to be an application for preliminary subdivision approval, with no separate filing required.

5.2. Use Regulations.

5.2.1. Primary use.

Within an Overlay District, no buildings, structure, land or premises shall be used and no buildings or structure shall be hereafter erected, constructed, reconstructed or moved, unless the use shall be one or more of the uses permitted listed within each Overlay District. Uses are permitted by right or with conditions. There are two types of conditional uses. A "compatible use," indicated on the table by the symbol C, may be approved by the Development Services Director in accordance with the terms of this Code. A "flexible use," indicated by the symbol F, may be approved by the Planning Committee in accordance with the terms of this Code.

5.2.2. Accessory use.

Accessory uses pursuant to Chapter 7 are permitted in an Overlay District subject to compliance with all other applicable standards of the Development Code.

5.3 Mixed Use Downtown Overlay District

5.3.3 Sub-districts

The Mixed Use Downtown Overlay District includes the following Sub-districts:

- (1) Judicial Sub-district;
- (2) City Center Retail Sub-district;
- (3) Financial Sub-district;
- (4) Coliseum Sub-district;
- (5) **Downtown Gateway West** Sub-district;
- (6) **Gateway East Sub-district**
- (7) Fairground Redevelopment Sub-district; and,
- (8) Major Development Sub-district.

* Location of each Sub-district is delineated in Figure 5.3.3, **MUD Overlay and Sub-district Map**.

Figure 5.3.3 MUD Overlay and Sub-district Map (see attachment to TA22-03)

5.3.4. Use regulations.

- (1) *Primary Use:* Within the Mixed Use Downtown Overlay District, no buildings, structure, land or premises shall be used and no buildings or structure shall be hereafter erected, constructed, reconstructed or moved, except for one or more of the uses in Table 5.3.4.
- (2) *Use Types:* Three types of uses are provided for in Chapters 4 and 12 of the Development Code: Uses by right may be approved by Development Services staff. Compatible uses as identified in Table 5.3.4. may be approved by the Director of Development Services Department or designee in accordance with the terms of Chapter 12, Section 12. Flexible uses as identified on Table 5.3.4 may be approved by the City Council after recommendation by the Planning Committee in accordance with the terms of Chapter 12, Section 12.
- (3) *Accessory Use:* Accessory uses pursuant to Chapter 7 are permitted in the Mixed Use Downtown Overlay District subject to compliance with the Height and Area Regulations and the Design Standards of the Chapter and other applicable requirements of the Development Code.
- (4) **Structures fronting Main Street whose use is proposed for an establishment closing at or before 5:00pm shall be Use by Compatibility.**
- (5) **Parking Facility, Off-Site shall require first floor retail, restaurant, office, or other non-parking uses.**
- (6) **Off-street parking shall be located in the rear throughout the Mixed Use Downtown Overlay District. Uses not conforming to this standard will be determined by Compatible Use.**
- (7) **Allowed Uses in the City Center Retail Sub-district shall conform to the following standards:**
 - a. **Approved infill development shall be permitted only for the following allowed uses: event center, park and/or open space,**
 - b. **Revenue producing establishments, with preference for establishments open after 5:00pm, are required on the first floor of all City Center Retail Sub-district structures.**
 - c. **Parking shall be located in the rear or shall require a flexible variance for parking in the side or front of all new construction.**
 - d. **Landscaping shall make up 25% of square feet between the front point of the structure and the Right of Way or public easement.**
- (8) **Allowed Uses in the Coliseum Sub-district shall conform to the following standards:**
 - a. **Revenue producing establishments, with preference for establishments open after 5:00pm, are required on the first floor of all approved uses along Commerce Street.**
 - b. **Allowed uses North of Franklin Street shall be by Compatibility if proposed use remains open after 5:00pm.**
 - c. **Off street parking requirements shall not be exempt in the Coliseum Sub-district except where shared parking and operating hours coincide to provide for required parking as evidenced by a development plan and shared parking plan with an adjacent property not divided by a street.**
- (9) **Allowed Uses in the Gateway East Sub-district shall reflect Mid-Century Modern design standards Design representative of the Birthplace’s historical character.**

5.3.4.1 Allowed Uses

- a. **Table 5.3.4.1(1) – Residential Uses**

b. Table 5.3.4.1(2) – Non-residential Uses

Table 5.3.4.1(1) *PERMITTED ALLOWED USES*, RESIDENTIAL USES IN THE MIXED USE DOWNTOWN DISTRICT

Subdistrict:	<i>Judicial</i>	Judicial	<i>City Center</i>	Historic Downtown	<i>Financial</i>	Financial	<i>Coliseum</i>	Coliseum	<i>Gateway</i>	Gateway East	Gateway West	<i>Major Development</i>	Major Development	<i>Fairgrounds</i>	Fairgrounds
Accessory Dwelling Unit	<i>R</i>	F	<i>R</i>							F	F	<i>R</i>		<i>R</i>	
<i>Apartment</i>	<i>C</i>		<i>F</i>		<i>C</i>		<i>C</i>					<i>C</i>		<i>C</i>	
Duplex		C													
Dwelling, Multi-Family, 3-8 units		F		F		F		F		C	C				C
Dwelling, Multi-Family, 9+ units		F				F		F		F	F				F
Dwelling, Patio Home		F													F
Dwelling, Zero-Lot Line		F						F							F
Single Family Residential	<i>R</i>	R	<i>C</i>		<i>C</i>									<i>R</i>	R
<i>Attached</i>	<i>R</i>		<i>C</i>		<i>C</i>							<i>R</i>		<i>R</i>	
<i>Detached</i>															
Townhouse		C						F		F	F				C
Upper Story Residential	<i>R</i>	R	<i>R</i>	R	<i>R</i>	R	<i>R</i>	R		R	R	<i>R</i>		<i>R</i>	R

Table 5.3.1(2) - ALLOWED USES, NON-RESIDENTIAL USES IN THE (MUD) MIXED USE DOWNTOWN OVERLAY

Use Categories	<i>Judicial</i>	Judicial	<i>City Center</i>	City Center Retail	<i>Financial</i>	Financial	<i>Coliseum</i>	Coliseum	<i>Gateway</i>	Gateway East	Gateway West	<i>Major Development</i>	Major Development	<i>Fairgrounds</i>	Fairgrounds
Agricultural Use												<i>R</i>	R	<i>C</i>	
Automobile Services/VEHICLE SERVICES					<i>C</i>	F	<i>R</i>	F	<i>R</i>	F	F	<i>C</i>			
Bed and Breakfast		R		C				R		R	R				
Broadcasting	<i>R</i>	C	<i>R</i>	C	<i>R</i>	C	<i>R</i>	C		C	C	<i>C</i>	C	<i>C</i>	
Cannabis Cultivation and Processing Facility															
Cannabis Cultivation Facility															
Cannabis Disposal Entity															
Cannabis Micro-cultivation Facility												<i>R</i>	R		
Cannabis Micro-processing Facility												<i>R</i>	R		
Cannabis Processing Facility															
Cannabis Research Facility	<i>F</i>	F	<i>F</i>	F	<i>R</i>	R	<i>R</i>	R				<i>R</i>	R		
Cannabis Testing Facility	<i>F</i>	F	<i>F</i>	F	<i>R</i>	R	<i>R</i>	R				<i>R</i>	R		
Cannabis Transportation Entity			C												
Church		C		C		C		C		F	C				
Conference Center								C		F	F				
Convenience Store		C		C		C		R		R	R				C
Convenience Store w/ fuel sales										F	F				
Day Care Center								F		F	F				
Drive-Through						C				F	F				
Educational facility (VOCATIONAL TRAINING)	<i>C</i>	C	<i>C</i>	C	<i>R</i>	C	<i>R</i>	C		C	C	<i>C</i>	C	<i>C</i>	C
Educational Facility, University or College		C		C		C		C		C	C		C		C
Event Center				R*		C		R		C	C		C		C
Farmers Market				C											C
Financial institutions	<i>R</i>	C	<i>R</i>	C	<i>R</i>	R	<i>R</i>	C	<i>C</i>	C+	C+	<i>C</i>		<i>R</i>	C+
<i>Flex space facility</i>	<i>C</i>		<i>C</i>		<i>R</i>		<i>R</i>					<i>R</i>		<i>R</i>	

Use Categories	<i>Judicial</i>	Judicial	<i>City Center</i>	City Center Retail	<i>Financial</i>	Financial	<i>Coliseum</i>	Coliseum	<i>Gateway</i>	Gateway East	Gateway West	<i>Major Development</i>	Major Development	<i>Fairgrounds</i>	Fairgrounds
Government/social services / PUBLIC FACILITY	<i>R</i>	R	<i>R</i>	R	<i>R</i>	R	<i>R</i>	R	<i>C</i>	C	C	<i>C</i>	C	<i>R</i>	C
Home Occupation		R		R		R		R		R	R		R		R
Hotel		C		C		C		R		R	R				
Library	<i>R</i>	C	<i>C</i>	C	<i>R</i>	C	<i>R</i>	R				<i>R</i>		<i>C</i>	
Light manufacturing					<i>C</i>										
<i>Lodging</i>	<i>C</i>		<i>C</i>		<i>C</i>		<i>R</i>		<i>R</i>			<i>R</i>		<i>R</i>	
Medical Cannabis Dispensary	<i>F</i>	F	<i>F</i>	F	<i>R</i>	R	<i>R</i>	R				<i>R</i>	R		
<i>Medical facility</i>	<i>C</i>		<i>C</i>		<i>R</i>		<i>R</i>					<i>R</i>		<i>C</i>	
Multi-Occupant Non Residential		C		C		F		C		R	R				C
Museum				R*				R		R	R				C+
Office	<i>R</i>	C	<i>R</i>	C**	<i>R</i>	R	<i>R</i>	C	<i>C</i>	C+	C+	<i>R</i>	R	<i>R</i>	R+
Office with storage							<i>C</i>					<i>C</i>	C		
Office, Medical		C		C**		F		C		C+	C+				C+
Outdoor Dining		C		R		C		C		R	R				R
Park and/or Open Space		R		R		R		R		R	R		R		R
Parking facility, OFF-SITE	<i>C</i>			C	<i>R</i>	F	<i>R</i>	F		F	F	<i>R</i>		<i>R</i>	F
<i>Personal/business services</i>	<i>R</i>		<i>R</i>		<i>R</i>		<i>R</i>		<i>C</i>			<i>R</i>		<i>R</i>	
<i>Place of assembly</i>	<i>R</i>		<i>C</i>		<i>R</i>		<i>R</i>		<i>C</i>			<i>R</i>		<i>C</i>	
Postal service	<i>R</i>		<i>R</i>	R	<i>R</i>										
<i>Public safety facility</i>	<i>R</i>		<i>R</i>		<i>R</i>		<i>R</i>		<i>R</i>			<i>R</i>		<i>R</i>	
<i>Recreation</i>	<i>C</i>		<i>C</i>		<i>R</i>		<i>R</i>		<i>C</i>			<i>R</i>		<i>C</i>	
Recreation, Indoor								R		R	R				
Recreation, Outdoor								R		R	R				
Resource Conservation Facility															C
Restaurant	<i>R</i>	R	<i>R</i>	R*	<i>R</i>	C	<i>R</i>	C	<i>R</i>	R	R	<i>R</i>		<i>R</i>	R+
Retail sales	<i>R</i>	C	<i>R</i>	R*	<i>R</i>	C	<i>R</i>		<i>R</i>	C+	C+	<i>R</i>		<i>R</i>	R+
Social and/or Community Service Facility		C		C		C		C		C	C				
<i>Transportation</i>	<i>R</i>				<i>R</i>		<i>R</i>					<i>R</i>	<i>C</i>		
Utility, Major													F		
Vehicle Sales and/or Rental								C		C	C				
Warehouse/distribution					<i>C</i>							<i>C</i>	F		

*Allowed by Right if establishment closes after 5pm and is located on the first floor or is not located in a parcel where use is by Compatibility

**Establishments closing at on before 5pm are allowed by Compatible Use ONLY for all parcels in the following areas: All establishments fronting Main Street Veterans Boulevard on the East and Crosstown on the West, All establishments fronting on Spring Street between Troy Street on the South and Sherwood Avenue on the North, All establishments fronting on North Broadway Street between Troy Street on the South and Court Street on the North, All establishments fronting Green Street between Court Street on the North and Troy Street on the South.

+Allowed if part of a Multi-Occupant Non-residential development, allowed by flexibility if standard not met

5.3.5. Height and area regulations.

- (1) *Conforming Use:* Within the Mixed Use Downtown Overlay District, the minimum parcel area, minimum parcel dimension (width and depth), minimum yard dimensions (front, side and rear), maximum building height and maximum building coverage applicable to building and structures hereafter erected, constructed or moved shall be determined by reference to adjacent properties as described in the Mixed Use Downtown Overlay District Design Guidelines and in Section 6.10, Infill Development. Where adjacent properties are undeveloped or otherwise do not supply a reference for a lot development or building dimension, the building or structure shall conform to the standards for the Mixed Use Downtown District in Section 4.9 and in Table 4.17, General Development Standards.
- (2) *Nonconforming Use-Improvement:* Nonconforming uses and/or nonconforming buildings and structures shall not be enlarged, extended, or reconstructed subject, except as provided in Section 5.3.5.(3) below for replacement due to damage. Such buildings and structures may be renovated provided they comply with the Mixed Use Downtown Overlay District Design Standards.
- (3) *Nonconforming Use - Replacement Due to Damage:* If a nonconforming use and/or building or structure, taken collectively as a business entity, is damaged or destroyed by fire, explosion, act of nature or other casualty to the extent of less than 50 percent of its appraised value by the County Tax Assessor, exclusive of foundations, it may be restored to its original size provided that all new work conforms with Mixed Use Downtown Overlay District Design Standards. Such restoration must be completed within 12 months of date damaged.

TABLE 5.3.5 A
HEIGHT AND AREA REGULATIONS FOR NON-RESIDENTIAL USES
MIXED USE DOWNTOWN DISTRICT

SUBDISTRICT	Min. Parcel Area (SF)	Min.Parcel Dimensions		Min. Yard Dimensions			Min. Landscape Buffer		Max. Bldg. Height (FT) ¹	Max. Bldg. Coverage (% ²)
		Width (FT)	Depth (FT)	Front/ Street (FT)	Side (FT)	Rear (FT)	Side (FT)	Rear (FT)		
Judicial Subdistrict	None	None	None	0 ³	None	20	None	None	35	None
City Center Retail Subdistrict	None	None	None	0 ³	None	20	None	None	35	None
Financial Subdistrict	None	None	None	0 ³	None	20	None	None	45	None

Coliseum Center Subdistrict	None	None	None	0/10 ⁴	None	20	None	None	75	None
Gateway West Subdistrict	15,000	75	100	10/40⁵	None	20	None	None	55	None
Downtown Gateway East Subdistrict	15,000	75	100	10/40 ⁵	None	20	None	None	55	None
Major development Subdistrict	43,560	200	100	25	None	20	10	5	55	None
Fairgrounds Redevelopment	None	None	None	0	None	0	None	None	None	None

1. Measured from the average finish grade elevation of the building line to the top of the fascia or coping of the primary building roof or parapet wall; mechanical penthouses are not included in this dimension, but should be enclosed or screened in a manner that blends with the exterior material and color of the primary structure.
2. Percentage of the total Parcel Area coverage by the cumulative "footprint" floor areas of all primary and accessory buildings located on parcel.
3. New construction will be set back to equal the existing building line of adjoining properties. If there are no buildings within 50 feet of the side property line of the property to be developed, the required front setback is zero.
4. New construction along Main Street will have a setback of zero feet. In other parts of the subdistrict, the front setback shall be ten feet except where buildings within 50 feet of the side property line of the property to be developed are built to a different setback. In this case, the required front setback is determined by averaging the setback of the adjoining buildings as provided in Section 10.1.3(4).
5. Front setback is 10 feet between the railroad tracks and Franklin Street, and 40 feet between Franklin and Martin Luther King, Jr. Drive.

TABLE 5.3.5 B
HEIGHT AND AREA REGULATIONS FOR RESIDENTIAL USES
MIXED USE DOWNTOWN DISTRICT

Subdistrict	Residential Type	Min. Parcel Area ¹ (SF)	Max. Density U/AC	Min. Parcel Width (FT)	Landscape Buffer at Perimeter (FT)	Minimum Yard Requirements ²				Max Bldg Ht. (FT)	Max Bldg Cvrg (%) ⁸
						Front (FT)	Rear (FT)	Side (FT)	Street (FT)		
Judicial Subdistrict	Townhouse	2,500	-	25	10	25	25	10	25	50	50
	Multi-Family	43,560	20	100	10	25	25	10	25	35	50
City Center Retail Subdistrict	Townhouse	2,500	-	25	10	25	25	10	25	35	50
	Multi-Family	43,560	20	100	10	25	25	10	25	35	50

Financial Subdistrict	Townhouse	2,500	-	25	10	25	25	10	25	35	50
	Multi-Family	43,560	30	100	10	25	25	10	25	45	50
Gateway West Subdistrict	Townhouse	2,500	-	25	10	25	25	10	25	35	50
	Multi-Family	43,560	20	100	10	25	25	10	25	35	50
Gateway East Subdistrict	Townhouse	2,500	-	25	10	25	25	10	25	35	50
	Multi-Family	43,560	20	100	10	25	25	10	25	35	50
Coliseum Center Subdistrict	Townhouse	2,500	-	25	10	25	25	10	15	35	50
	Multi-Family	43,560	35	100	10	25	25	10	15	45	60
Downtown Gateway Subdistrict	Residential NOT Permitted										
Major Development Subdistrict	Single Family Detached	4,000		40	10	25	25	10	15	35	50
	Single Family Attached	2,500	-	25	10	25	25	10	15	35	50
	Multi-Family	43,560	35	100	10	25	25	10	15	45	60
	Residential Not Permitted										
Fairgrounds Redevelopment Subdistrict	Single Family Detached	3000	-	30	5	10-20 ⁴	20 ⁶	5 ³	15	35	70
	Single Family Attached	2000	-	19	5	0-10 ⁴	20 ⁶	5 ⁵	15	35	50
	Multi-Family	none	25	none	5	0-10 ⁴	20 ⁶	10	15	50	60

1. Minimum parcel area denotes minimum for any development under single ownership as defined for zoning purposes.

2. Minimum yard dimensions for single-family attached and multi-family apply to groups of units that involve one structure. Minimum distance between structures is 20 feet. Zero lot lines at side yards may be permitted when each unit of a townhouse or single-floor apartment complex is sold to separate individual owners.

3. Percentage of total Parcel Area covered by the cumulative "footprint" floor areas of all primary and accessory buildings located on the parcel.

4. Front yard ranges are to the minimum permitted but the required range. Commercial buildings must adhere to a "built-to-line" consistent with the front property line. Exceptions will be made for facade setbacks to

accommodate outside dining or similar use so long as the street wall is reflected through some architectural treatment.

5. In order to accommodate driveways the average of a lot's two side yards shall be five feet, but the side yard featuring a driveway may be as shallow as three feet.

6. Garages or accessory structures may extend to within five feet of rear alley in the Fairgrounds subdistrict.

5.3.6. Design standards

- (1) *Conforming Use:* Within the Mixed Use Downtown Overlay District, no building or structure shall be hereafter erected, constructed or moved unless such use conforms to the Mixed Use Downtown Overlay District Design Standards. Where the Mixed Use Downtown Overlay District Design Standards do not provide a standard, provisions of Chapter 6 and other Chapters of the Development Code shall apply.
- (2) *Nonconforming Use; Improvement:* Nonconforming uses and/or buildings or structures may be renovated provided they comply with the Mixed Use Downtown Overlay District Design Standards.
- (3) *Nonconforming Use - Replacement Due to Damage:* If a nonconforming use and/or building, taken collectively as a business entity, is damaged or destroyed by fire, explosion, act of nature or other casualty to the extent of less than 50 percent of its appraised value by the County Tax Assessor, exclusive of foundations, it may be restored to its original size provided that the new work conforms with the Mixed Use Downtown Overlay District Design Standards. Such restoration must be completed within 12 months of the date damaged.

5.3.7. Review process.

- (1) Within the Mixed Use Downtown Overlay District, the Director of Development Services shall not issue any building permit for construction, alteration, repair, demolition or relocation of a building or structure without first submitting the application of such permit, together with all plans, elevations, and other information as may be required to determine the appropriateness of the design, per Section 5.3.6.(1) of this code, to the **Downtown Design Review Committee Downtown Main Street Association Design Review Committee** for approval. Review by the Committee shall be based on the Mixed Use Downtown Overlay District Design Guidelines, and, for projects located in the Fairgrounds Redevelopment Sub-district, on the Fairpark Design Guidelines. **Overlay and Design Guidelines in addition to and in expansion of those standards set forth in Chapter 5 of this Code may be found in Appendix A of this Code.**
- (2) Within the Mixed Use Downtown Overlay District, all new permitted, compatible and flexible uses and all expansions and changes in use shall comply with the standards of the Mixed Use Downtown Overlay District Design Guidelines, and, for projects located in the Fairgrounds Redevelopment Sub-district, of the Fairpark Design Guidelines.

5.5 Joyner Neighborhood Conservation Overlay District

5.5.1. Purpose and Applicability

- (1) Purpose: It is the purpose and intent of the Neighborhood Conservation 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.
 - (a) **Ensuring the architectural compatibility of new and existing buildings and structures;**
 - (b) **Prohibit land uses that have adverse impacts on the Joyner Conservation Overlay District and, through their incompatibility;**
- (2) Applicability: The requirements of this section shall apply to all property within the Joyner Neighborhood Conservation

Overlay District as shown in Figure 5.5.1.

5.5.2 Use Regulations

Section 4.8.5, Uses in Medium Density Residential districts, shall apply with the following changes: Patio homes/zero lot line homes are allowed by compatibility. Townhouse dwellings are allowed by compatibility. **Congregate Living 1 facilities are not allowed.**

5.5.3. Review procedures

(1) A design review committee shall be established consisting of five members. Three members shall be residents of the Joyner Neighborhood Conservation Overlay District, designated by vote of the Joyner Neighborhood Association. One member shall be designated by the Mayor. One member shall be designated by the City Council representative(s) **for the majority of Joyner Neighborhood Conservation Overlay District. Committee may include residents or property owners.** The members shall be confirmed by the City Council. The committee positions will be for a period of twelve months from the date of confirmation.

(2) Within the Joyner Conservation Overlay District, the Director of Development Services shall not issue any new construction or external building permit for construction, alteration, repair, demolition or relocation of a building or structure without first submitting the application of such permit, together with all plans, elevations, and other information as may be required to determine the appropriateness of the design, per Section 5.3.6., of this code, to the Joyner Design Review Committee for approval. Review by the Committee shall be based on the Joyner Conservation Overlay District Design Guidelines.

(3) Within the Joyner Conservation Overlay District, all new permitted, compatible and flexible uses and all external expansions and changes in use shall comply with the standards of the Joyner Conservation Overlay District Design Guidelines.

(4) The design review committee shall meet to consider permit applications no later than **seven (7) days** after the complete application is received by Joyner Neighborhood Design Review Committee from the Development Services Department.

(5) The Development Services Department shall provide a report to the design review committee describing the characteristics of the neighborhood in the immediate vicinity of the subject property.

(6) Appeal Decisions of the design review committee may be appealed to the Planning Committee. **Appeal Decisions of City Planning Committee may be appealed to City Council.**

(7) Upon receipt of application for permit in the designated Overlay boundary, the Department of Development Services will submit the application and Overlay Permit to the Design Review Committee membership within one (1) week for review and decision of approval or disapproval.

(8) Response from the Design Review Committee will be submitted via Overlay Permit completion by the committee and be returned to the City Planner by the committee Chairperson via Overlay Permit application completion

5.5.4 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), and by reference to existing architectural features of the immediate vicinity and of the Joyner neighborhood generally. The design review committee may apply more or

less restrictive standards as appropriate for the context area. The design review committee may prepare and proposed written standards for adoption through amendments of this section.

(2) Traditional housing standards modifications

(a) Roofs.

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.

Roof Materials:

- (i) Roofs of principle structure shall be asphalt shingle and may not be metal.

- (ii) Roofs for dormers, porches and porticos maybe of decorative metal with approval

- (b) **Exterior finish materials:** Add: Vinyl siding must meet the following specifications: Minimum 40 mil thickness Color throughout, UV rated coating with lifetime fade protection Wood grain pattern on clapboard or shiplap siding, smooth surface on beaded board siding Meet ASTM 5206 wind load testing 50 year warranty from time of installation to new buyer
- (c) **Windows and entryways:** At least twenty five (25) percent of the area of a street facing façade must include windows or main entryways.
- (c) **Porches.** Porch columns shall be a minimum of six inches wide, and may not be wrought iron or other material that is not solidly opaque. Other standards for porches are not modified.
- (d) **Garages.** Garages may be permitted if attached to side or rear of house. If visible from the street, carport columns must be of similar size and material to porch columns. Other standards for garages are not modified.
- (e) **Driveways and parking areas** are limited to 25 % front of lot (city has a stated #), rock/gravel as landscape may not be used to cover more than 1/3 of front yard; this is to keep neighbor from circumventing the no parking allowed in front yard.
- (f) **Fences.** Chain link fences are not allowed. Fencing for front yards will be limited to 3 ft and must be see through in design ...suggested picket, split rail, wrought iron or other like design with approval

5.6 Sharon Hills Neighborhood Conservation Overlay District – (REMOVED DUE TO INACTIVITY)

5.6 Park Hill Business Overlay District (CHANGES IN PROCESS, TO BE SUBMITTED BY 9/6 FOR FINAL REVIEW)

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- (2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district;
 - (3) Individually listed on the Mississippi inventory of historic places;
 - (4) Individually listed on a Tupelo or other local inventory of historic places in communities with historic preservation programs that have been certified by;
 - (a) An approved state program as determined by the Secretary of Interior, or
 - (b) Directly by the Secretary of Interior in states without approved programs.

Certificate of Appropriateness

5.8 West Jackson Neighborhood Redevelopment Overlay District

5.8.1. Purpose and Applicability

(1) Purpose

It is the purpose and intent of the West Jackson 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 West Jackson Neighborhood Redevelopment Overlay District as shown in Figure 5.8.1.2 as follows:

5.8.2 Membership

- (1) A design review committee shall be established consisting of five members. Two members shall be representatives of the Neighborhood Development Corporation (NDC), designated by vote of NDC. One member from each of the associations being, West Jackson Conservation Overlay District , Gravlee Neighborhood Association and Joyner Neighbor Association shall be nominated to represent their association on the Design Review Committee.
- (2) The committee positions will be for a period of twelve months from the date of NDC confirmation in September and presented to the council for confirmation the 1st October Council meeting.

(3) Termination of Member

A committee member will be removed from membership in the Design Review Committee in the case of

- (a) Death, resignation, or incapacity; or
- (b) Failure to respond within one (1) week of receiving Permit documents for committee vote three (3) consecutive times; or
- (c) In the case of findings of impropriety or criminal behavior, the Overlay Committee may request termination of a member by the Department of Development Services for review by the Planning Committee; or
- (d) Termination of an Overlay Design Review Committee member, as determined by this Code, must be approved by the voting membership of the NDC.

5.8.3 Review Procedures

- (1) No permit for new construction or external renovation shall be issued for any property within the West Jackson 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 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 will meet 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. The meeting can be either electronically or in person.
- (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

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- 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: The floor height, or ground level of the first floor, shall be elevated at least eighteen (18) inches from the center line of the street **OR** horizontal surface of the street or sidewalk to allow for two steps onto the first floor. 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.
 - b. Finish material must be brick, stone or other finished surface material.
 - c. 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, or Vinyl siding.
 - b. Vinyl siding must meet the following specifications:
 - i. Minimum 40 mil thickness
 - ii. Color throughout, UV rated coating with lifetime fade protection
 - iii. Wood grain pattern on clapboard or shiplap siding, smooth surface on beaded board siding
 - iv. Meet ASTM 5206 wind load testing
 - c. 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.
 - (i) 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.
 - (ii) Fences: All fences and/or screen walls are to be made of wood, masonry, stucco or ornamental metal material or landscape material. No street facing fence can be chain link.
 - a. Fences located in the front yard shall be no more than 36" high and must be able to see thru 50% of the height.
 - b. Location:
 - i. No fences shall be erected nearer to a street than ten feet (10'). Variances may be considered.

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

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- (5) 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.
 - (6) The Neighborhood Development Corporation's Protective Covenants of West Jackson Street Redevelopment are herein made a part of this Overlay Development Standards.
 - (7) 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 facilities are not allowed in the West Jackson Neighborhood Redevelopment Overlay District.

5.9 Winfield Neighborhood Conservation Overlay District

5.9.1. Purpose and applicability.

- (1) Purpose. It is the purpose and intent of the Winfield Neighborhood Conservation Overlay District to protect the value of property, to enhance the attractiveness of the neighborhood, 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 Winfield Neighborhood conservation Overlay District as shown in Figure 5.9.1.

5.9.2. Use regulations.

5.9.2.1. Section 4.8.5, Uses in Medium Density Residential districts, shall apply with the following changes:

- (1) **Detached dwellings**, small home day care, home occupation, park and/or open space are allowed by right.
- (2) Patio homes/zero lot line homes are **disallowed. allowed by compatibility.**
- (3) Townhouse dwellings are **disallowed. allowed by compatibility.**
- (4) No accessory dwellings will be allowed**
- (5) No agricultural uses, including the keeping of livestock, will be permitted.**
- (6) No subdivision of lots will be permitted.**
- (7) No well, privy, cess-pool, septic tank field or other disposal area shall be erected or maintained.**

5.9.3. Standards.

5.9.3.1. Infill Standards:

Section 6.10, Infill standards, shall apply with the following changes:

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- (1) To Section 6.10.5 (1), add: The width of new construction shall not be less than the average width for existing structures in the context area.
 - (2) Add Section 6.10.5 (3). Exterior Materials.
 - a. New or renovated dwellings shall provide masonry on building sides facing the street that is equivalent to the highest percentage of masonry on building sides facing the street in the context area. **Exterior facade must be comprised of a minimum of ¾ masonry on the street facing side of any residential structure.**
 - b. **All new residential structures shall be no less than 1700 square feet total, or, if two story, the first floor shall be no less than 1300 square feet and second floor no less than 400 square feet.**

5.9.3.2 Design Standards:

- (1) The design review committee shall be guided by the standards for infill construction (Section 6.10, as modified above), and by reference to existing architectural features of the immediate vicinity and of the Winfield neighborhood generally.
- (2) The design review committee may prepare and propose written standards for adoption through amendment of this section.
- (3) Metal roofs may not be placed on residential buildings.
- (4) Chain link fences are not allowed.
- (5) **No garage apartments. No garage or accessory structure shall be erected with exterior materials not substantially similar to that of the principal structure.**
- (6) Landscaping shall be completed by the lot owner within 12 months after said land owner moves into the residence, **and shall meet minimum growth standards as follows: Understory trees: 7 ½ ft at time of planting, shrubs: 30 in. height in 5 years**
- (7) **Setbacks standards shall be as follows: Front setback – 30 ft; rear setback – 25 ft; Side setback – 12 ft; Side street setback (distance from the corner of the structure closes to a street located on the side of the house) – 30 ft**
- (8) **Only one single family residence shall be constructed or permitted on each lot and it shall be used for residential purposes only at a rate of 1 dwelling per lot maximum.**
- (9) **Accessory structures shall be no more than 180 square feet and shall be located in the side or back yard of the principal structure.**
- (10) **Exterior color of new construction and renovations should remain neutral and consistent with the character of the Overlay Design Review District.**
- (11) **Fence height requirements are as follows: Front yard: 3 ½ ft maximum height, Side and back yard: 6 ½ ft maximum height.**
- (12) **No window units will be permitted.**
- (13) **No solar panels may be visible from the street face or visible from adjacent properties.**

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- (14) All land development and related drainage treatments must be approved by a Licensed Engineer and within compliance of the existing City maintained drainage treatments present within the Overlay Design Review District.**

5.9.4. Review procedures.

- (1) A design review committee shall be established consisting of five members. Three members shall be residents of the Winfield Neighborhood Conservation Overlay District, designated by vote of the Winfield Neighborhood Association. One member shall be designated by the Mayor. One member shall be designated by the City Council representative(s) for the Winfield Neighborhood Conservation Overlay District. The members shall be confirmed by the City Council. The committee positions will be for a period of 12 months from the date of confirmation.
- (2) No permit for new construction or external renovation shall be issued for any property within the Winfield Neighborhood Conservation Overlay District without approval of the design review committee.
- (3) Applications for construction or renovation within the Winfield Neighborhood Conservation Overlay District shall be accompanied by complete drawings of the proposed work, including a site plan, floor plan, full elevation drawings, and exterior materials list.
- (4) The design review committee shall meet to consider permit applications no later than 30 days after the complete application is received by the Development Services Department.
- (5) The Development Services Department shall provide a report to the design review committee describing the characteristics of the neighborhood in the immediate vicinity of the subject property.
- (6) Appeals. Decisions of the design review committee may be appealed to the Planning Committee.

5.10 Historic Downtown Neighborhood Conservation Overlay District (*NO CHANGES PROPOSED*)

5.11 Belledeer Neighborhood Conservation District (*CHANGES IN PROCESS, TO BE SUBMITTED BY 9/6 FOR FINAL REVIEW*)

4. Include the following and its contents as an Appendix (Appendix A) to the Development Code

APPENDIX A

Table of Contents:

- A.1 - Design Standards and Construction Specifications For Streets, Storm Water, Water Distribution and Sanitary Sewer**
- A.2 - Fairpark Design District Guidelines**
- A.3 - Mixed Use Downtown Overlay Design District Guidelines**
- A.4 - Tupelo Historic Preservation Commission Design Guidelines for Local Historic Districts**
- A.5 – Architectural Design Guidelines For the Historic Downtown Conservation Overlay District in Tupelo, Mississippi**

