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

TA22-03 Comprehensive Update to Chapter 5, Overlay Districts: APPROVAL recommended September 12, 2022 by the City of Tupelo Planning Committee and 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**

**DRIVE-THROUGH SERVICE:** A facility which is *accessory to a business or service establishment and is* designed or intended to enable a customer, without exiting a motor vehicle parked on or moving through the premises, to transact business **with an attendant or a window or an automated machine** *with a person* outside the motor vehicle.

**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. **Ingress and egress to each guestroom is made through the interior of the building.**

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**INOPERABLE OR JUNK VEHICLE:** Any motor vehicle, trailer, camper, or boat that is physically incapable of operation, stripped, substantially damaged, lacking of a current license plate, discarded, unable to be safely and legally operated, or has one or more flat tires. **does not have a current state-issued inspection sticker and motor vehicle registration plate and that meets one or more of the following requirements: (1) Is partially dismantled or wrecked; or (2) Cannot be self-propelled or moved in the manner in which it was originally intended to move; or; (3) Is more than ten years old and has an approximate fair market value equal only to the approximate value of the scrap in it.**

**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.**

**PARKING FACILITY, OFF-SITE:** An off-street parking area provided on a different parcel than the use it is intended to serve, **including parking garages.**

**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.**

**UPPER-STORY RESIDENTIAL UNIT:** A dwelling unit located on the second floor or higher of a building with nonresidential uses located on the ground or street level, **including garage apartments.**

3. Include the following definitions:

**BALCONY:** An unenclosed area either recessed or projected from a wall of a building and may meet one or more of the following criteria: attached to and supported primarily by the exterior wall of the building; accessible from the building's interior; unenclosed on one (1) or more sides except for a railing or parapet that is not greater than sixty (60) inches high. A balcony is not an accessory structure.

**CARPORT:** An unenclosed accessory building used primarily for the storage of motor vehicles belonging to and registered in the name(s) of the occupant(s) of the principal building with no facilities for mechanical service or repair of a commercial or public nature. The term does not include a garage.

**DONATION BOXES -** any unattended container, bin, box or similar receptacle that is located on any lot within the City and that is used for soliciting and collecting donations of clothing or other salvageable personal property. This term does not include recycle bins for the collection of recyclable material governed or regulated by the zoning code or any unattended donation box located within a building. Permitted as an accessory use only on the property of the entity to whom donations are provided.

**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,

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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.

**FLAGPOLE:** a pole or staff on which a flag is displayed, permitted as an accessory use

**GARAGE:** An enclosed accessory building or portion of a principal building used primarily for the storage of motor vehicles belonging to and registered in the name(s) of the occupant(s) of the principal building with no facilities for mechanical service or repair of a commercial or public nature. The term does not include a carport.

**GARAGE APARTMENT:** A dwelling unit erected above or to the rear of a private detached garage and includes permanent provisions for living, sleeping, eating, cooking, and sanitation; use defined as upper story residential.

**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. Ingress and egress to each guestroom is on the outside of the building.

**MURAL** – a work of visual art which is tiled, painted, or drawn up on, or affixed directly to a fence, wall or an exterior wall of a building that may or may not contain commercial or promotional advertising; does not include graffiti or other writing or drawings illicitly defacing a wall or surface. Permitted as an accessory use only.

**PARKING GARAGE:** A building or structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building; includes free-standing parking structures, deck parking, and parking pedestals under buildings;

**PORTABLE SHIPPING CONTAINER** - a portable, weather-resistant, commercially leased or rented receptacle designed and used for the storage or shipment of personal property, building materials or merchandise. The term shall not include yard waste containers, construction debris containers, or containers having a storage capacity of less than two hundred (200) cubic feet and will include like units such as storage boxes or storage units. Permitted for temporary use only

**SHORT-TERM VACATION RENTAL** – rental of any residential unit, structure, or accessory building for a period of time up to thirty (30) days; includes entire home, accessory dwelling, and room rentals

**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.

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***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.

**TINY HOME** – a pre-manufactured dwelling that has a 400 square foot floor area or less, excluding lofts with not less than 6 foot, 8 inch ceiling height and is subject to all mobile and manufactured home standards.

## **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, other current property owners/and or residents may, on behalf of a neighborhood or other geographically designated area submit the following to the Department of Development Services for initial review and subsequent Planning Committee and City Council consideration for recognition as an Overlay District with all the benefits and privileges therein:**
  - a. Written request for establishment of Overlay District.**
  - b. Geographical boundary map designating street boundaries of proposed Overlay District for which the area internal to such boundaries would be subject to design review and approval by the Overlay District's Design Review Committee and the Overlay District's standards of approved design guidelines**
  - c. Design Review Guidelines and Standards for Development**
  - d. Design Review Committee Bylaws of proposed Overlay District.**

##### **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 Design Review Committee.**

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A Design Review Committee, and associated Bylaws, shall be presented to the Department of Development Services to govern the oversight of alternative land development requirements of the approved Overlay District according to procedures and standards set forth as follows:

#### **5.1.4.1. Design Review Committee Bylaws**

The Design Review Committee shall be governed by Bylaws submitted to the Department of Development Services that include the following as set forth in this Section: Guidelines governing the performance and procedures of the Design Review Committee will include

##### **(1) Elections and Membership of Electors - Election procedures for leadership roles internal to the Design Review Committee**

- a. Committee shall include a minimum of 5 voting members, maximum 11 voting members. Membership may include residents, property owners, or design professionals.
- b. The proposed appointment of Design Review Committee members may occur in one or more of the following ways, as established by Overlay District's Design Review Committee Bylaws, and shall require subsequent confirmation by the Mayor and City Council:
  - i. Election by impacted Neighborhood Association's membership;
  - ii. Appointment by City Councilperson for Ward in which the Overlay District resides;
  - iii. Mayoral appointment.
- c. Termination of Member  
A committee member shall be removed from membership in the Design Review Committee in the case of
  - i. Death, resignation or incapacity;
  - ii. Failure to respond within one (1) week of receiving review plans for committee vote three (3) consecutive times;
  - iii. In the case of findings of impropriety or criminal behavior, the Design Review Committee may request termination of a member by submitting written request to the Department of Development Services for subsequent review and decision by the Planning Committee;
  - iv. Termination of a Design Review Committee member, as determined by this Code, in an Overlay District including election by a Neighborhood Association must be approved by the voting membership of the Neighborhood Association prior to Planning Committee consideration.
- d. Design Review Committee Leadership Roles  
Leadership roles shall be determined by internal committee vote as established in Design Review Committee Bylaws. Internal voting of Design Review Committee leadership roles must be conducted on an annual basis within the month of October. Updated membership shall be returned to the Department of Development Services by November 1<sup>st</sup> of each year.

The following leadership roles must be filled by voting members of a Design Review Committee:

- i. 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

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bylaws and Overlay Design Review Committee procedures as determined by this Code;

- ii. Vice Chairperson – Serves in lieu of and in collaboration with the Chairperson when necessary;
- iii. Secretary – Documents committee review processes related to each permit application for Design Committee Review

## **(2) Methods governing amendment to Overlay District Bylaws and Design Review Standards and Guidelines**

### **5.1.4.2 Design Review Standards and Guidelines for Development**

Design Review Standards and Guidelines for Development shall include, in detail, measureable and precise standards, in addition to base zoning standards, for determining approval or disapproval of all proposed development in the proposed Overlay District subject to permitting by the City of Tupelo and governed by the following procedures:

- a. Each approved Overlay District shall 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. Base zoning district standards shall apply where additional requirements as set forth in this Chapter are not specified.
- b. Procedures for voting on approval of permit applications, whether by digital, in person, or other means, shall be conducted according to procedures established within the Design Review Committee's Bylaws.
- c. The Department of Development Services shall submit the permit application packet and Overlay Permit request to the Chairperson of the Design Review Committee within three (3) days of receiving a completed permit application packet, including a description of characteristics of the neighborhood in the immediate vicinity of the subject property
- d. Response from the Design Review Committee shall be submitted to the Department of Development Services via Overlay Permit completion by the Chairperson within ten (10) days of receiving the application from the Department of Development Services. Lack of response will result in a permitting decision by the Department of Development Services.
- e. Appeals. Decisions of the design review committee may be appealed to the Planning Committee. Decisions of the Planning Committee may be appealed to the City Council.

#### **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.**

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#### 5.2.1. Primary use.

(1) 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.

**(2) No permit for new construction or external renovation shall be issued for any residential property within a Overlay District without approval of the design review committee.**

**(3) Applications for construction or renovation within an 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.**

#### 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.

#### 5.2.3. Tree Protection

**No protected tree, shall be removed from any Overlay District without tree protection and mitigation procedures adherent to Section 9.11, with deletion of the following "Each removed tree shall be replaced with a new tree(s) having a total tree caliper equivalent to that of the removed tree" from Section 9.11.7(1) in order to allow replacement trees on a species by species basis.**

### 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 East Sub-district;**
- (6) **Gateway West 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)*

The map displays the following community areas and police districts in Chicago:

- MDR** (Blue): Located in the northwest and northeast corners.
- A/O** (White): Areas not assigned to a specific district, including the north and east sides.
- IND** (Yellow): Located in the north-central area.
- MUE** (Green): Located in the north-central and east-central areas.
- MUR** (Orange): Located in the north-central area.
- MUCC** (Purple): Located in the west and southwest areas.
- MUAC** (Pink): Located in the southwest area.
- MUD** (Light Blue): Located in the central and east-central areas.
- GATEWAY WEST** (Light Green): Located in the west-central area.
- CITY CENTER RETAIL** (Light Yellow): Located in the central area.
- FINANCIAL** (Yellow): Located in the central area.
- GATEWAY EAST** (Light Green): Located in the east-central area.
- COLISUEM** (Orange): Located in the east-central area.
- JUDICIAL** (Purple): Located in the central area.
- FAIRGROUNDS** (Yellow): Located in the south-central area.
- MAJOR DEVELOPMENT** (Pink): Located in the south-central area.
- E MAIN ST** (Light Blue): Located in the east-central area.

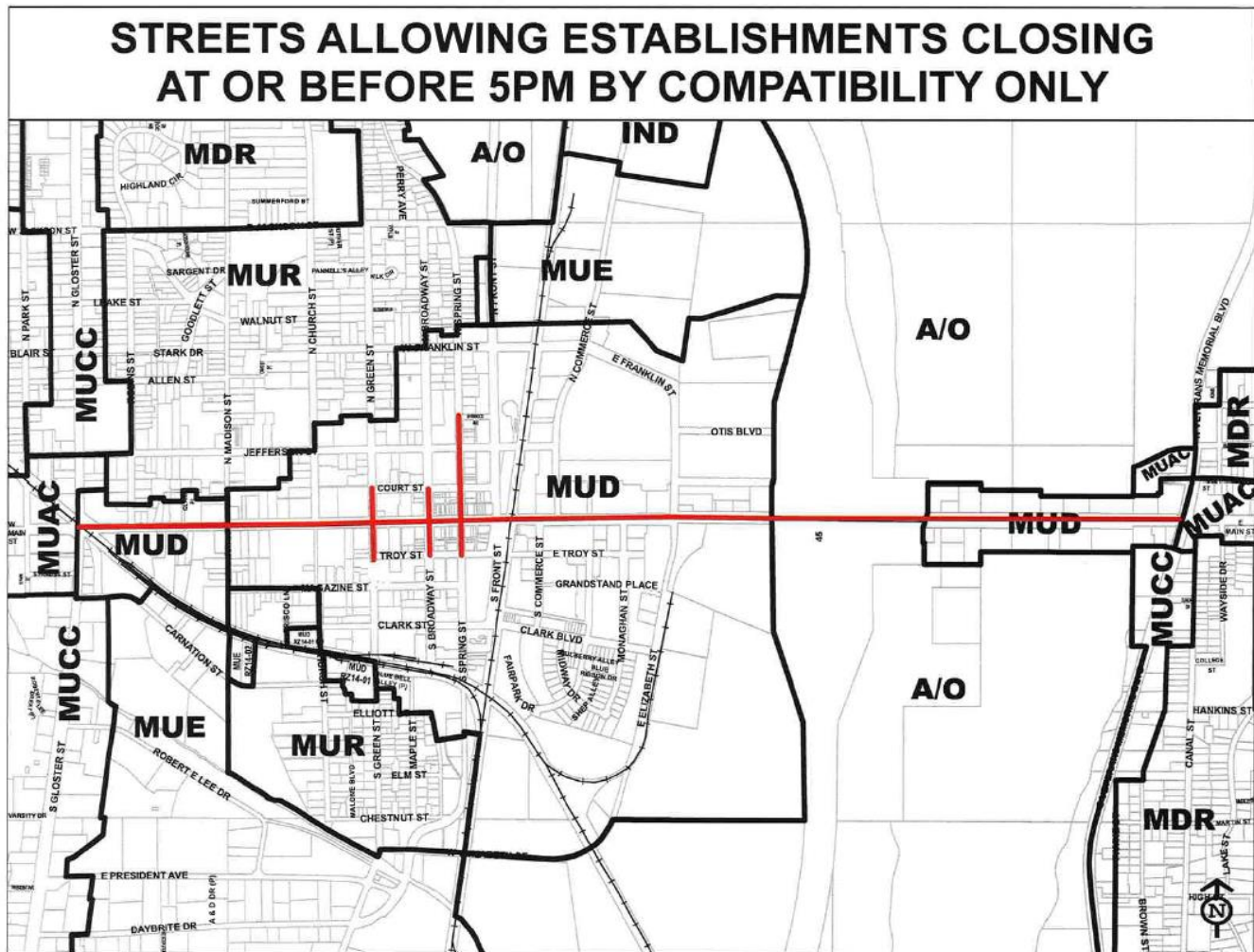
The map includes street names and a north arrow.

#### 5.3.4.1 Allowed Use Standards, Mixed Use Downtown Zoning District

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- b. Spring Street, bounded by Troy Street on the South and Sherwood Avenue on the North
- c. North Broadway Street, bounded by Troy Street on the South and Court Street on the North
- d. Green Street, bounded by Court Street on the North and Troy Street on the South.



#### 5.3.4.2 Allowed Use Standards, Sub-Districts

- 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. **Landscaping shall make up 25% of square feet between the front point of the structure and the Right of Way or public easement.**

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(2) 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.

(3) Allowed Uses in the Gateway East Sub-district shall reflect Mid-Century Modern design standards with preference for design representative of the Birthplace's historical character.

#### **5.3.4.3 Allowed Uses**

- a. Table 5.3.4.3(1) – Residential Uses
- b. Table 5.3.4.3(2) – Non-residential Uses

**Table 5.3.4.3(1) *PERMITTED* ALLOWED USES, RESIDENTIAL USES IN THE MIXED USE DOWNTOWN DISTRICT**

Subdistrict:	<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
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 5.3.4.3(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 Facility	<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		R*		C		R		R	R				C
Convenience Store w/ fuel sales										F	F				
Day Care Center								F		F	F				
Drive-Through Service						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>	R*	<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	Judicial	Judicial	City Center	City Center Retail	Financial	Financial	Coliseum	Coliseum	Gateway	Gateway East	Gateway West	Major Development	Major Development	Fairgrounds	Fairgrounds
Government/social services / PUBLIC FACILITY	R	R	R	R	R	R	R	R	C	C	C	C	C	R	C
Home Occupation		R		R		R		R		R	R		R		R
Hotel		C		C		C		R		R	R				
Library	R	C	C	C	R	C	R	R				R		C	
Light manufacturing					C										
Lodging	C		C		C		R		R			R		R	
Medical Cannabis Dispensary	F	F	F	F	R	R	R	R				R	R		
Medical facility	C		C		R		R					R		C	
Motel										F			C		
Multi-Occupant Non Residential		C		C		F		C		R	R				C
Museum				R*				R		R	R				C+
Office	R	C	R	R*	R	R	R	C	C	C+	C+	R	R	R	R+
Office with storage							C					C	C		
Office, Medical		C		R*		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	C			C	R	F	R	F		F	F	R		R	F
Personal/business services	R		R		R		R		C			R		R	
Place of assembly	R		C		R		R		C			R		C	
Postal service	R		R	R	R										
Public safety facility	R		R		R		R		R			R		R	
Recreation	C		C		R		R		C			R		C	
Recreation, Indoor								R		R	R				
Recreation, Outdoor								R		R	R				
Resource Conservation Facility															C
Restaurant	R	R	R	R*	R	C	R	C	R	R	R	R		R	R+
Retail sales	R	C	R	R*	R	C	R		R	C	C	R		R	R+
Social and/or Community Service Facility		C		C		C		C		C	C				
Transportation	R				R		R					R	C		
Utility, Major													F		
Vehicle Sales and/or Rental								C		C	C				
Warehouse/distribution					C							C	F		

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**\*Allowed by Right if establishment closes after 5pm and is located on the first floor, OR is located on the first floor of a development, AND is not located in a parcel where use is by Compatibility per Section 5.3.4**

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

#### **5.3.4.4 Compatible Uses**

**(1) Compatibility shall be determined by adherence to six of the eight following standards, as demonstrated by the applicant.**

- a. Demonstrated cost prohibition of changing an existing use that is not disallowed by Section 5.3.4**
- b. Demonstrated revenue potential**
- c. At least 75% of adjacent property is like use or comparable**
- d. Demonstrated draw to tourism and/or pedestrian traffic**
- e. Servicing of customers for family oriented activities or services**
- f. Design compatibility as defined by Chapter 2 of this Code**
- g. Amenity contribution by the applicant to the walkability, aesthetic, or other quality of life measures, with approval of the Downtown Tupelo Design Review Committee**
- h. Evidence that the use will not have adverse impact on the revenue, tourism opportunities, pedestrian access, or aesthetic of adjacent properties or uses**

#### **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	Min.Parcel Dimensions	Min. Yard Dimensions	Min. Landscape Buffer	Max. Bldg.	Max. Bldg.
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	Area (SF)								Height (FT) <sup>1</sup>	Coverage (%) <sup>2</sup>
		Width (FT)	Depth (FT)	Front/ Street (FT)	Side (FT)	Rear (FT)	Side (FT)	Rear (FT)		
Judicial Subdistrict	None	None	None	0 <sup>3</sup>	None	20	None	None	35	None
City Center Retail Subdistrict	None	None	None	0 <sup>3</sup>	None	20	None	None	35	None
Financial Subdistrict	None	None	None	0 <sup>3</sup>	None	20	None	None	45	None
Coliseum Center Subdistrict	None	None	None	0/10 <sup>4</sup>	None	20	None	None	75	None
<b>Gateway West Subdistrict</b>	<b>15,000</b>	<b>75</b>	<b>100</b>	<b>10/40<sup>5</sup></b>	<b>None</b>	<b>20</b>	<b>None</b>	<b>None</b>	<b>55</b>	<b>None</b>
<b>Downtown Gateway East Subdistrict</b>	15,000	75	100	10/40 <sup>5</sup>	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 <sup>1</sup> (SF)	Max. Density U/AC	Min. Parcel Width (FT)	Landscape Buffer at Perimeter (FT)	Minimum Yard Requirements <sup>2</sup>	Max Bldg Ht. (FT)	Max Bldg Cvrg (%) <sup>8</sup>
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						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										



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Fairgrounds Redevelopment Subdistrict	Single Family Detached	3000	-	30	5	10-20 <sup>4</sup>	20 <sup>6</sup>	5 <sup>3</sup>	15	35	70
	Single Family Attached	2000	-	19	5	0-10 <sup>4</sup>	20 <sup>6</sup>	5 <sup>5</sup>	15	35	50
	Multi-Family	none	25	none	5	0-10 <sup>4</sup>	20 <sup>6</sup>	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.

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#### 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.
- (4) **Pedestrian crosswalks within the Mixed Use Downtown Overlay District shall consist of brick pavers or brick-style stamped asphalt.**

#### 5.3.7. Review process.

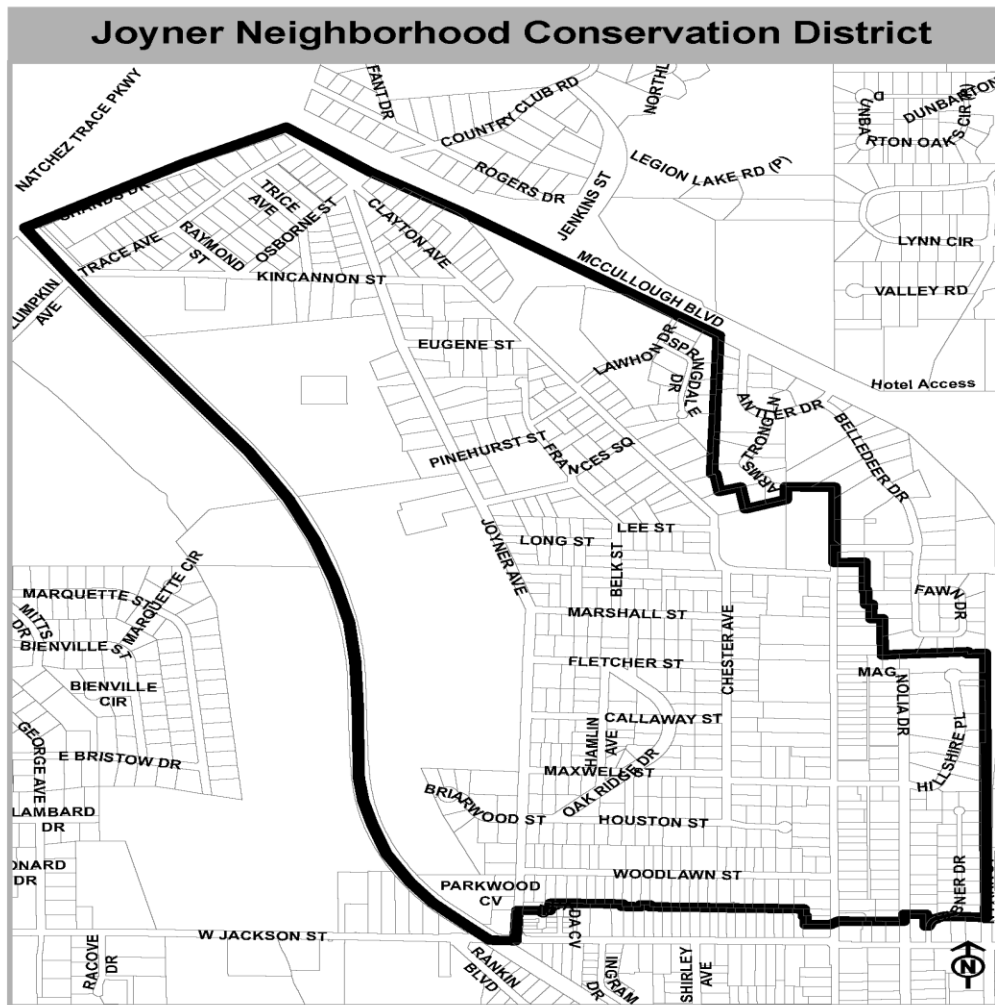
- (1) Within the Mixed Use Downtown Overlay District, the Director of Development Services shall not issue any building permit for construction, alteration, repair, demolition or relocation of a building or structure without first submitting the application of such permit, together with all plans, elevations, 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 Tupelo 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's Design Guidelines, and, for projects located in the Fairgrounds Redevelopment Sub-district, of the Fairpark Design Guidelines.

#### 5.4 Watershed or Drainage Basin Overlay (NO CHANGES PROPOSED)

#### 5.5 Joyner Neighborhood Conservation Overlay District

##### 5.5.1. Purpose and Applicability

- (1) Purpose: It is the purpose and intent of the Joyner 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, **and to promote recovery from natural disaster** by:
  - (a) **Ensuring the architectural compatibility of new and existing buildings and structures;**
  - (b) **Prohibit land uses that could through their incompatibility result in adverse impacts on the Joyner Neighborhood Conservation Overlay District.**
- (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 the Joyner Neighborhood Conservation Overlay District. Committee members shall be residents or property owners within the Joyner Neighborhood Conservation Overlay District.** 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.

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**(2) Within the Joyner Neighborhood 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 Neighborhood Design Review Committee for approval. Review by the Committee shall be based on the Joyner Neighborhood Conservation Overlay District Design Guidelines.**

**(3) Within the Joyner Neighborhood 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 Neighborhood 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 Department of Development Services Department.**

#### 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 propose 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:** 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, rock/gravel as landscape may not be used to cover more than 1/3 of front yard.**

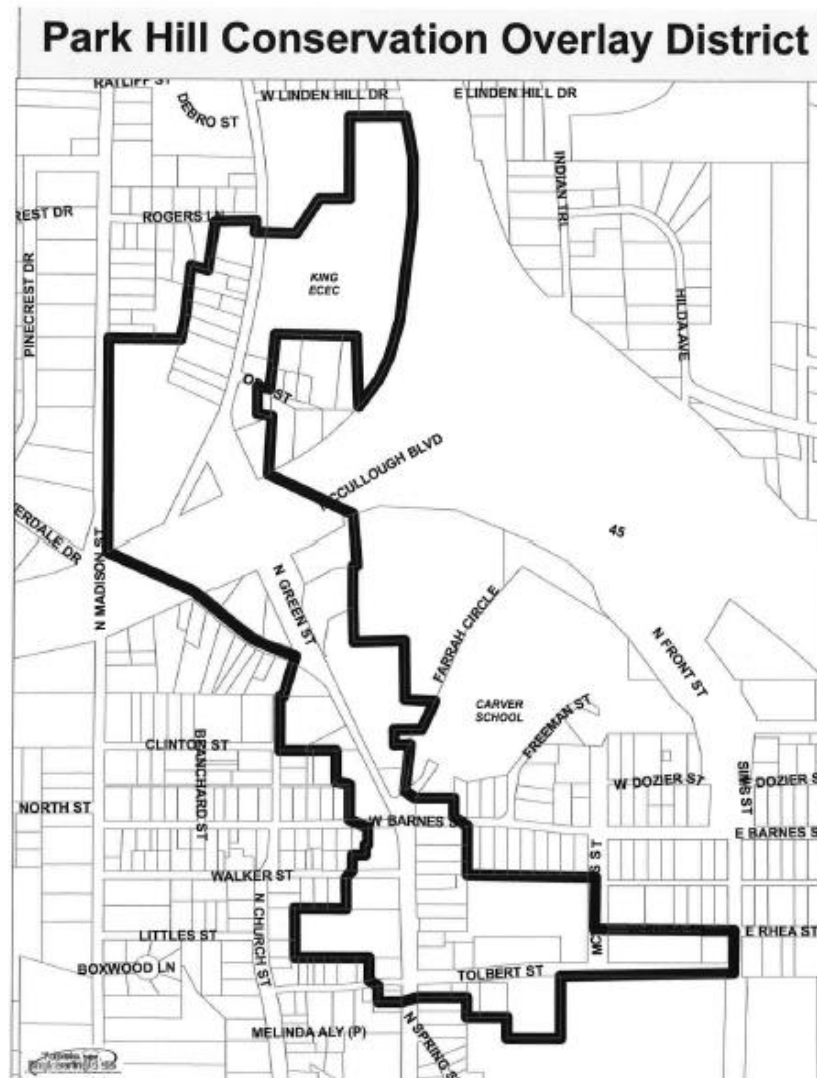
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- (f) **Fences.** Chain link fences are not allowed. Fencing for front yards are limited to 3 ft and must be see-through in design. Picket, split rail, wrought iron or other like designed fences may be considered.

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)

**5.6.1 Purpose and Applicability**

- (1) **Purpose:** To reestablish the business corridor of the Park Hill Neighborhood by providing strategic planning for the uses of the Overlay District to provide non-residential services along Tolbert Street and Green Street.
- (2) **Applicability:** The requirements of this section shall apply to all property within the Park Hill Business Redevelopment Overlay District as shown in Figure 5.8.1 below.



### 5.6.2 Use Regulations

Medium Density Residential (MDR) and Mixed Use Residential (MUR) Zoning District standards shall apply, per Sections 4.8 and 4.9 of this Code, respectively by in accordance with the existing zones with the exception of:

- (1) Residential uses, except than upper story residential, shall be allowed by Compatibility only

### 5.6.3 Design Standards

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The design review committee shall be guided by the infill standards in Section 6.10 of this Code, and by reference to existing architectural features of the immediate vicinity and of the Park Hill neighborhood generally.

#### **5.6.4 Review Procedures**

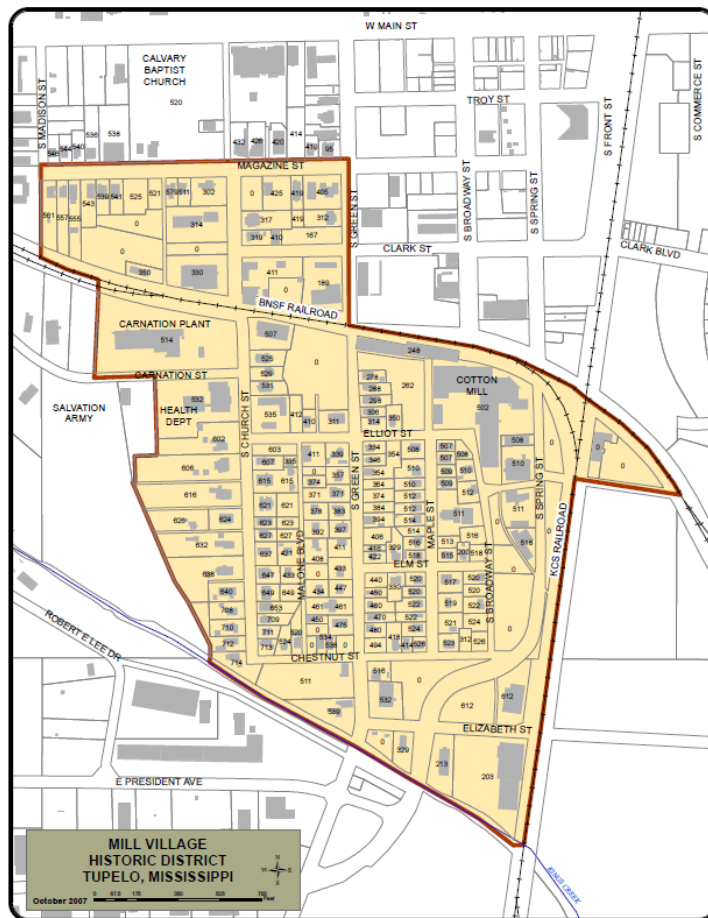
- (1) A design review committee shall be established consisting of five members. Three members shall be residents of the Park Hill Neighborhood, designated by vote of the Park Hill Neighborhood Association. One member shall be designated by the Mayor. One member shall be designated by the City Council representative(s) for the Park Hill Neighborhood. Associate members may be nominated by either the Park Hill Neighborhood, the Mayor, or the City Council representative to serve in the absence of a member. 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 residential property within the Park Hill Neighborhood Conservation Overlay District without approval of the design review committee. Commercial construction and renovation are exempt from this review requirement.
- (3) Applications for construction or renovation within the Park Hill 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.

#### **5.7 Bel Air Neighborhood Conservation Overlay District – (REMOVED DUE TO INACTIVITY)**

#### **5.7 Mill Village Historic Preservation Conservation District (TO BE INCLUDED AS EXISTS – CURRENTLY NOT CODIFIED)**

##### **5.7.1. Purpose and Applicability**

- (1) Purpose: To acknowledge the historic significance of local resources and to protect, enhance and perpetuate resources that represent distinctive and significant elements of the city's historical, cultural, social, economic, political, archaeological, and architectural identity; Insure the harmonious, orderly, and efficient growth and development of the City; Strengthen civic pride and cultural stability through neighborhood conservation; Stabilize the economy of the City through the continued use, preservation, and revitalization of its resources; Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; Promote the use of resources for the education, pleasure and welfare of the people of the City of Tupelo; Provide a review process for the preservation and appropriate development of City resources.
- (1) Applicability: A certified local district designation has been assigned to the Mill Village Historic District, as pictured in Figure 5.7.1 below,



### 5.7.2. Use regulations.

Section 4.9.5, Uses in Mixed Use Residential districts, shall apply

### 5.7.3 Design Standards

The design review committee shall be guided by the infill standards in Section 6.10 of this Code and design criteria and guidelines represented in the Tupelo Historic Preservation Commission Design Guidelines for Local Historic Districts, as represented in Appendix A of this Code.

### 5.7.4 Review Procedures

The Tupelo Historic Preservation Commission, as defined in Chapter 2 of this Code, is designated as the Overlay authority regulating design review decisions for Mill Village. A Certificate of Appropriateness must be granted by the City prior to the conveyance of a permit for construction or renovation within the District.



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## 5.8 **West** Jackson **West** Neighborhood Redevelopment Overlay District

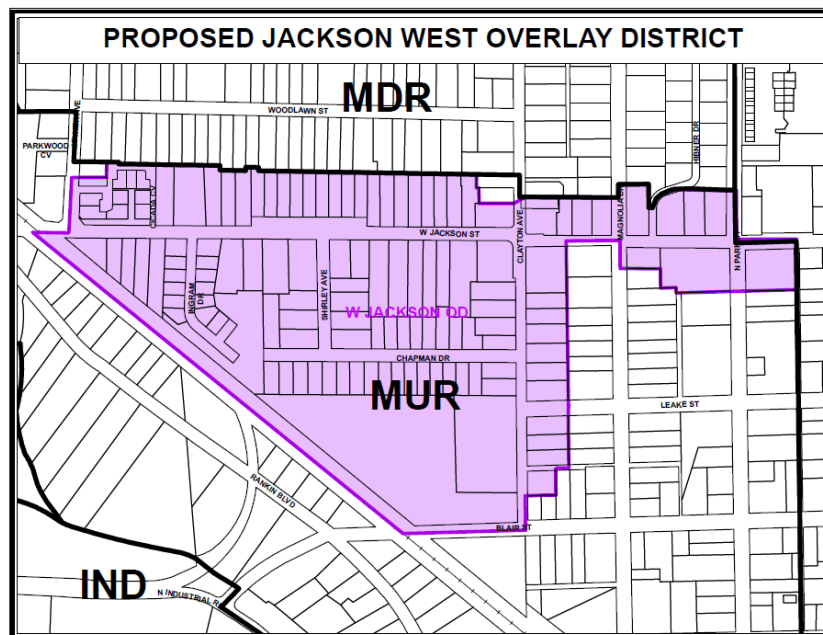
### 5.8.1. Purpose and Applicability

#### (1) Purpose

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

#### (2) Applicability

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



### 5.8.2 Membership

- (1) A Design Review Committee shall be established consisting of five (5) members. Three (3) members shall be representatives of the Neighborhood Development Corporation (NDC), designated by vote of NDC. One (1) member shall be a resident of the Jackson West Neighborhood as designated by vote of the Jackson West Neighborhood Association. One (1) member shall be a resident of the Joyner Neighborhood as designated by vote of the Joyner Neighborhood Association. If any Neighborhood Association becomes inactive, this member shall be determined by selection by the Mayor. All committee members are subject to Mayor and City Council approval.
- (2) The designated electing/appointing entities shall submit their committee recommendations to the Department of Development Services in September of each year and the City Council shall consider their confirmation at the first meeting in October.

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### (3) Termination of Member

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

- a. Death, resignation or incapacity;
- b. Failure to respond within one (1) week of receiving review plans for committee vote three (3) consecutive times;
- c. In the case of findings of impropriety or criminal behavior, the Overlay Design Review Committee may request termination of a member by submitting written request to the Department of Development Services for subsequent review and decision by the Planning Committee;
- d. Termination of an Overlay a Design Review Committee member, as determined by this Code, in an Overlay District impacting the elected by a Neighborhood Association must be approved by the voting membership of the Neighborhood Association prior to Planning Committee consideration.

### 5.8.3 Review Procedures

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

### 5.8.4 Appeals

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

### 5.8.5 Design standards

- (1) The design review committee shall be guided by the standards for traditional housing construction (Section 6.4.3) as modified below, by the standards for infill construction (Section 6.10), by the compatibility checklist procedure (Section 12.4.5), and by reference to existing architectural features of the immediate vicinity and of the overlay district generally.
- (2) Traditional housing standards modifications
  - (a) Size limitations. Minimum square foot requirements for each residence shall be at a minimum 1,000 sq. ft. heated and cooled living area.
  - (b) Main entrance. This standard is not modified.
  - (c) Porches. A porch shall be provided for each dwelling unit of at least 7' 6" in depth and 12 feet in length. Variations may be approved if the overall square footage exceeds 90sf. Porch columns shall be a minimum of six inches

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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.

(b) Roofs

- a. Slope: Principal structures must have a roof that is sloped, with at least 4 units of vertical rise to 12 units of horizontal run, and not exceeding 12 units of vertical rise to 12 units of vertical run.
- b. Architectural features: The roof of a principal structure shall include at least one (1) of the following architectural details:
  - i. A gable end, or gabled end of a roof projection, facing the street; or
  - ii. An offset section either set back from the front façade or with a lower roof line than the main section of the structure.
  - iii. Roof eaves must project from the building wall on at least the front and side elevations, and such projections may not exceed 12 inches.
  - iv. No hip roof on front or sides.
- c. Materials: roofs shall be asphalt shingle. NO metal roofs are permitted for the principal structure.
- d. Decorative metal covers may be permitted as awnings, over porches or decks. These must be submitted for approval by Design Review Committee.
- e. Other standards for roofs are not modified.

(c) Foundation:

- a. Height: Finished floor height, or ground level of the first floor, shall be elevated a minimum of fourteen (14) inches and a maximum of eighteen (18) inches above finished grade, or pad height, to allow for a minimum of two steps front entry onto the first floor. Finished floor height requirements do not apply to elevations at the structures side or rear.
- b. Fill to achieve pad height should not be utilized without drainage review and should not exceed more than 12" above center line or the point of storm water discharge from the lot.
- c. Finish material must be brick, stone or other finished surface material.
- d. Other standards for foundation are not modified.

(d) Exterior finish materials:

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

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- (ii) Fences: All fences and/or screen walls are to be made of wood, masonry, stucco or ornamental metal material or landscape material. No chain link fences visible from the street or adjacent properties shall be permitted.
    - 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.

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

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

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

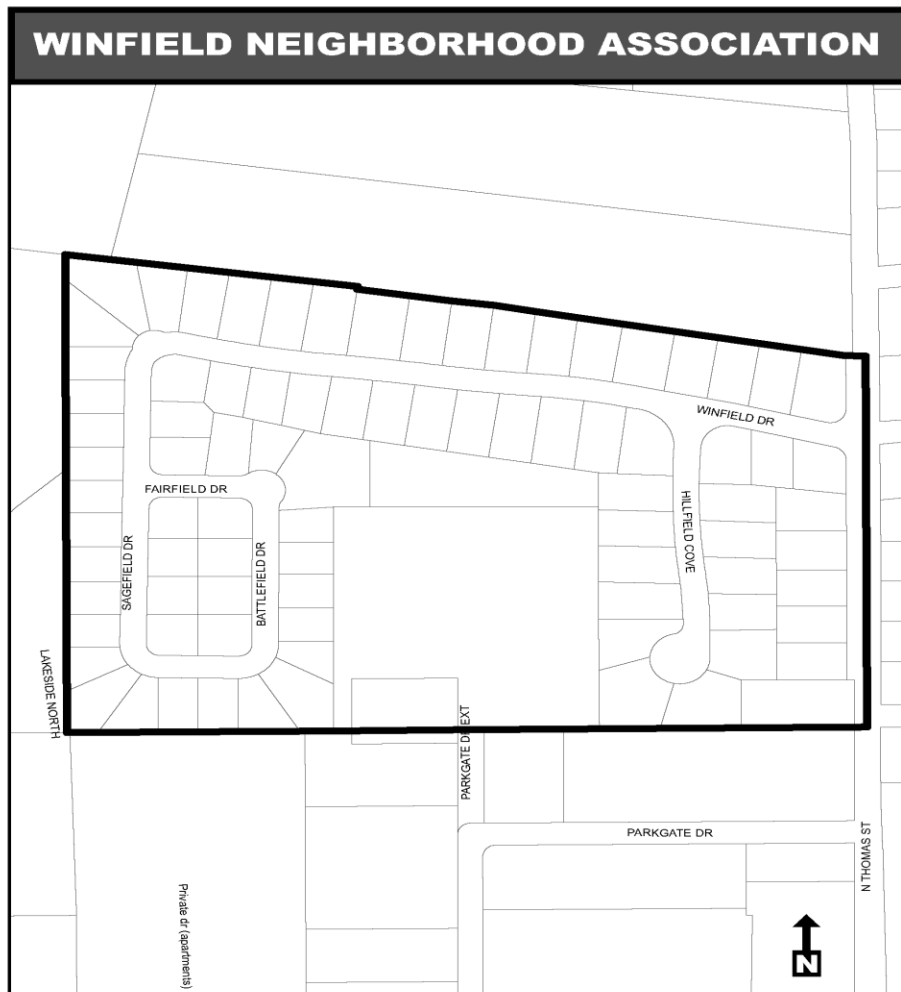
#### 5.8.6 Use Regulations:

(1) Congregate Living Facility 1 and Congregate Living Facility 2 are allowed by Compatibility only in the **West** Jackson **West** Neighborhood Redevelopment Overlay District and are disallowed on any property with deed restrictions preventing rental occupancy.

### 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 below



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.**

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**(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:

- (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.**

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- (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.
  - (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.

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

#### 5.11 Belledeer Neighborhood Conservation District

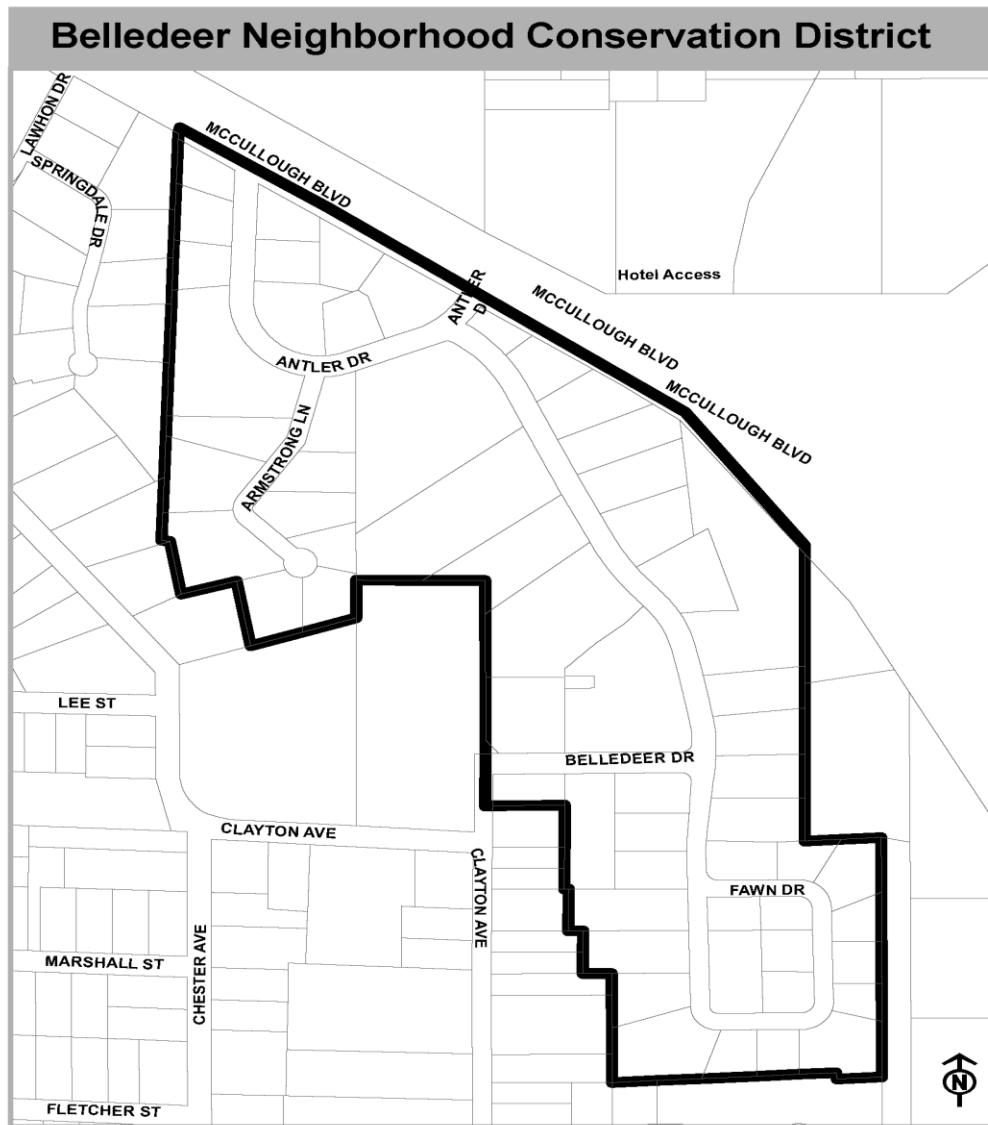
##### 5.11.1 Purpose and Applicability

###### (1) Purpose

It is the purpose and intent of the Belledeer 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 Belledeer Neighborhood Redevelopment Overlay District as shown in Figure 5.11.1, below:



(Ord. of 1-2-2019(1) , § 2)

#### 5.11.2 Membership

- (1) A Design Review Committee shall be established consisting of seven (7) members. Design Review Committee members shall be replaced at the time of their resignation or termination in one of the following methods, as determined by the Design Review Committee: 1) By collaborative nomination from the Councilperson from Ward 1 and the Councilperson from Ward 2 OR 2) Nomination by the Belledeer Neighborhood Association. All committee members are subject to Mayor and City Council approval.



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- (2) The designated electing/appointing entities shall submit their committee recommendations to the Department of Development Services in September of each year and the City Council shall consider their confirmation at the first meeting in October.

**(3) Termination of Member**

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

- a. Death, resignation or incapacity;
- b. Failure to respond within one (1) week of receiving review plans for committee vote three (3) consecutive times;
- c. In the case of findings of impropriety or criminal behavior, the Overlay Design Review Committee may request termination of a member by submitting written request to the Department of Development Services for subsequent review and decision by the Planning Committee;
- d. Termination of an Overlay a Design Review Committee member, as determined by this Code, in an Overlay District impacting the elected by a Neighborhood Association must be approved by the voting membership of the Neighborhood Association prior to Planning Committee consideration.

**5.11.3 Review Procedures**

- (1) No permit for new construction or external renovation shall be issued for any property within the Belledeer 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 Belledeer Neighborhood Redevelopment Overlay District shall be accompanied by complete Permit package including scaled drawings of the proposed work, including a site plan, floor plan, full elevation drawings, and exterior materials list, as applicable.
- (3) The design review committee shall receive the Application for Construction or Permit with all permit documents either electronically or by hardcopy. The committee shall meet, in person or electronically, to consider and review the documents, returning the review comments to Development Services Department within 7 days of receiving documents. If additional document/s are requested the 7-day review period resets to the date the additional documents are received by the committee.
- (4) The Development Services Department shall provide a report to the design review committee relative to the application for review of the permit application.

**5.11.4 Appeals**

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

**5.11.5 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

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- (f) Size limitations. Minimum square foot requirements for each residence shall be at a minimum 2,000 sq. ft. heated and cooled living area.
  - (g) Main entrance. This standard is not modified.
  - (h) Covered balconies. This standard is not modified. Alternative roof materials may be considered.
  - (i) Garages and Carports:
    - a. Garages and carports may be permitted facing the side or rear, but may not be permitting facing the street frontage of a property.
    - 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. Roofs shall be the same material of the principal structure.
  - (j) Roofs
    - a. Slope: Principal structures must have a roof that is sloped, with at least 4 units of vertical rise to 12 units of horizontal run, and not exceeding 12 units of vertical rise to 12 units of vertical run.
    - b. Architectural features: The roof of a principal structure shall include at least one (1) of the following architectural details:
      - i. A gable end, or gabled end of a roof projection, facing the street; or
      - ii. An offset section either set back from the front façade or with a lower roof line than the main section of the structure.
      - iii. Roof eaves must project from the building wall on at least the front and side elevations, and such projections may not exceed 12 inches.
    - 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.
  - (k) Foundation:
    - a. 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.
  - (l) Exterior finish materials:
    - a. Allowable materials are stone, brick, plaster, EIFS, cedar shakes, wood siding such as Hardie board 6" or less ship lap or equivalent,
    - b. Other standards for Exterior Finish Materials are not modified.
  - (m) 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.
  - (iii) 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.
  - (iv) Fences: All fences and/or screen walls are to be made of wood, masonry, stucco or ornamental metal material or landscape material. No chain link fences visible from the street or adjacent properties shall be permitted.
    - 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.

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**b. Location:**

- i. No fences shall be erected nearer to a street than ten feet (10'). Variances may be considered.

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

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

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

**5.11.6 Use Regulations:**

(1) Flagpoles are disallowed in the Belledeer Overlay District

(2) Home businesses are disallowed

(3) Short-term rentals are allowed by Compatibility only and must confirm adherence to the following standards for approval:

a. Rental properties renting entire home, accessory building, or bedroom from more than thirty (30) days will be considered a Rental property and subject to City of Tupelo Code of Ordinance Section 7-202.

b. Property shall be owner occupied

c. Entire home rentals limited to 100 days/year for all approved owner occupied short term rental facilities

d. Period of stay should be less than 30 consecutive days for any short term rental

(4) Satellite dish antennae may not be located where visible from the street or frontage of the property.

(5) Accessory dwelling units are allowed by Compatibility only

(6) Day Care Home, Small and Day Care Home, Large are disallowed

(7) Dwelling, Multi-Family 3-8 unit or 9+ unit are disallowed

(8) Duplex Dwellings are disallowed

(9) Office and Office with Storage are disallowed

(10) Vehicle Sales and/or Service is disallowed

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 *[Place held, in DRAFT]*

A.3 – Downtown Tupelo Design Guidelines adopted by the Downtown Tupelo Main Street Association

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