

CITY  
OF  
VERONA

ZONING  
ORDINANCE

May 16, 2002

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## **CHAPTER 1. PURPOSE AND APPLICABILITY**

### **1.1.1. Title; Effective Date**

This Ordinance shall be known as the Zoning Ordinance of the City of Verona, Mississippi. This Ordinance shall become effective on May 16,2002.

### **1.1.2. General Purposes and Authority**

This Ordinance is adopted pursuant to authority granted to the City of Verona by Title 17, Chapter 1 of the Mississippi Code, 1972 Annotated. This Ordinance, which has been formulated following a comprehensive plan for the future of the community, is adopted for the purpose to preserve and promote the public health, safety and general welfare of the City and to encourage and facilitate the growth and development of the City.

### **1.1.3. Official Map of Zoning Districts**

The Official Map of Zoning Districts, along with all notations, references, and other information shown, is now incorporated into and made part of this Ordinance. As part of this Ordinance, the Official Map of Zoning Districts shall be amended only by the procedures set forth in Chapter 7 of this Ordinance.

### **1.1.4. Jurisdiction and Applicability**

- (a) The provisions of this Ordinance shall apply to all land, buildings, structures, and uses located within the corporate limits of the City of Verona, as identified on the Official Map of Zoning Districts.
- (b) Except as otherwise provided by this Ordinance, all development that occurs within the City of Verona shall comply with the applicable terms and requirements of this Ordinance.
- (c) No lot of record which did not exist on the effective date of this Ordinance shall be created, by subdivision or otherwise, which does not conform to the applicable requirements of this Ordinance.

### **1.1.5. Transitional Rules**

- (a) *Existing unlawful uses and structures.* A structure or use not lawfully existing at the time of the adoption of this Ordinance is deemed lawful as of the effective date of this Ordinance, if it conforms to all of the requirements of this Ordinance. However, if such structure or use does not conform to all of the requirements of this Ordinance, then such structure or use remains unlawful hereunder.
- (b) *Uses rendered nonconforming.* When a lot is used for a purpose that was a lawful use before the effective date of this Ordinance, and this Ordinance or any amendment no longer classifies such use as either a permitted use or conditional use in the zoning district in which it is located, such use is deemed a nonconforming use and shall be controlled by the provisions of Chapter 10 of this Ordinance.
- (c) *Buildings, structures, and lots rendered nonconforming.* Where any building, structure, or lot which existed on the effective date of this Ordinance does not meet all standards in this Ordinance or any amendment, such building, structure, or lot is deemed nonconforming and shall be controlled by the provisions of Chapter 10 of this Ordinance.

#### **1.1.6. Previously Granted Variances and Special Exception Uses**

- (a) Any development for which a variance or special exception use has been granted before the effective date of this Ordinance, or before the effective date of any amendment that renders the development nonconforming, may be carried out according to the granted variance or special exception use. It shall be deemed lawfully existing under the terms of this Ordinance, if:
1. The activity for which the variance or special exception use was granted is commenced within 1 year from the date of adoption of this Ordinance; and,
  2. All features of the development, which are not the specific subject of the variance or special exception use, shall conform to all applicable requirements of this Ordinance.
- (b) If the requirements of (a) above have not been met, then the previously granted variance or special exception use shall become invalid. Development of the property must meet all applicable requirements of this Ordinance, except where the person has applied for and received a new variance or conditional use, if allowed under the procedures of this Ordinance.

#### **1.1.7. Previously Issued Building Permits**

- (a) Any development for which a building permit has been issued before the effective date of this Ordinance, or before the effective date of any amendment that renders the development nonconforming, may be carried out according to that building permit and shall be deemed lawfully existing under the terms of this Ordinance, if:
- (1) The permit was validly issued; and,
  - (2) The permit has not expired.
- (b) This Section shall not apply where the property owner consents to making the development conform to the requirements of this Ordinance, or any amendment thereto which would make the development nonconforming.

#### **1.1.8. Severability**

If any court of competent jurisdiction invalidates any provision of this Ordinance, then such judgement shall not affect the validity and continued enforcement of any other provision of this Ordinance. If any court of competent jurisdiction invalidates the application of any provision of this Ordinance, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment. If any court of competent jurisdiction judges invalid any condition attached to the approval of an application for development approval or the approval of a conditional use, then such judgment shall not affect any other conditions or requirements attached to the same approval which are not specifically included in that judgment.

#### **1.1.9. Enforcement**

The Mayor or his/her designee is hereby authorized to enforce the provisions of this Ordinance, with the responsibility being as set forth in the relevant provisions of this Ordinance.

#### **1.1.10. Penalties of Violations**

Any person who erects, constructs, reconstructs, alters, repairs, converts, establishes, or maintains any building or structure in violation of this Ordinance, shall be guilty of a misdemeanor and shall be fined not more than one thousand dollars (\$1,000) or shall be imprisoned in jail for not more than thirty (30) days, or shall be punished by both fine and imprisonment for each offense. Each day that a violation continues shall constitute a separate and distinct violation or defense.

## **CHAPTER 2. DEFINITIONS AND RULES OF CONSTRUCTION**

### **2.1.1. General Rules of Construction**

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance:

- (1) In their application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety and general welfare, and shall be construed to achieve the purposes for which this Ordinance is adopted.
- (2) In the event of any conflict between the limitations, requirements, or standards contained in different provisions of this Ordinance and applying to an individual use or structure, the more restrictive provision shall apply.
- (3) In the event of a conflict or inconsistency between the text of this Ordinance and any caption, figure, illustration, table, or map contained herein, the text shall control.
- (4) The words "shall", "must", and "will", are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The word "may" is permissive in nature. Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

### **2.1.2. Interpretation of District Boundaries**

Where uncertainty exists with respect to the boundaries of the zoning districts shown on the Official Map of Zoning Districts, the following rules shall be used to interpret the Official Map:

- (1) Where the Official Map shows a zoning district boundary line located within or following a street or alley right-of-way, railroad or utility line right-of-way, easement, or waterway, the district boundary shall be considered to be in the center of the right-of-way, easement, or waterway. If the actual location of such right-of-way, easement or waterway, as indicated in a recorded legal description of such, varies slightly from the location shown on the Official Map, then the actual location shall control.
- (2) Where the Official Map shows a boundary line as being located a specific distance from a street line or other physical feature, this distance shall control.
- (3) Where the Official Map shows a district boundary to approximately coincide with a property line or municipal border, the property line or municipal border shall be considered to be the district boundary, unless otherwise indicated on the map.
- (4) Where the Official Map shows a district boundary to not coincide or approximately coincide with any street, alley, railroad, waterway, or property line, and no dimensions are shown, the location of the boundary shall be determined by use of the scale appearing on the Official Map.
- (5) Where the Official Map shows a district boundary dividing a lot, each part of the lot shall be used in conformity with the standards established by this Ordinance for the zoning district in which that part is located.

### **2.1.3. Conflict or Inconsistency with Other Laws, Covenants, or Deed Restrictions**

- (1) This Ordinance is not intended to abrogate any other law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable standards imposed by any other law, ordinance or regulation, the provisions which are more restrictive or which impose higher standards or requirements shall govern. Wherever the provisions of this Ordinance require a greater width or size of yards or courts, a lower height of building, a lesser number of stories, or a greater percentage of lot to be left unoccupied, or impose other standards which are higher than those set forth in another statute, ordinance, or regulation, then the provisions of this Ordinance shall govern. Wherever the provisions of any other statute, ordinance, or regulation require a greater width or size of yard or courts, a lower height of building, a lesser number of stories, or a greater percentage of lot to be left unoccupied, or impose other standards which are higher than those set forth in this Ordinance, then the provisions of such statute, ordinance, or regulation shall govern.
- (2) This Ordinance is not intended to abrogate any easement, covenant, or other private agreement, however, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this Ordinance shall govern. Nothing in this Ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Ordinance.

### **2.1.4. Definitions**

When used in this Ordinance, the following words and terms shall have the meaning set forth in this Section, unless other provisions of this Ordinance specifically indicate otherwise:

**ACCELERATED EROSION:** Any increase over the rate of natural erosion as a result of land-disturbing activities.

**ACCESSORY BUILDING OR STRUCTURE:** A building or structure which is on the same lot as, and of a nature customarily incidental and subordinate to, another building or structure, and the use of which is clearly incidental and subordinate to that of the other building or structure.

**ACCESSORY USE:** A use which is on the same lot as, and of a nature customarily incidental and subordinate to the principal use, structure, or building on the property.

**ACTIVE CONSTRUCTION:** Activities which contribute directly to the completion of facilities contemplated or shown on the construction plans.

**ADDITION (TO AN EXISTING BUILDING):** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a firewall.

**ADEQUATE EROSION CONTROL MEASURE, STRUCTURE, OR DEVICE:** A measure, structure, or device which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.

**ADULT ARCADE:** An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".

**ADULT BOOKSTORE:** A commercial establishment that, as one of its principal business purposes, offers for sale or lease for any form of consideration, any one or more of the following: (a) books, magazines, periodicals, or other printed matter, or photographs, films, motions pictures, video cassettes, slides or other visual representations that are characterized by an emphasis upon

the depiction or description of "specified sexual activities" or "specified anatomical areas"; or, (b) instruments, devices or paraphernalia that are designed for use in connection with "specified sexual activities".

**ADULT CABARET:** An establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".

**ADULT ENTERTAINMENT ESTABLISHMENTS:** Any adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult video store, or similar establishment which regularly features or depicts behavior which is characterized by the exposure of "specified anatomical areas", or "where any employee, operator or owner exposes his/her "specified anatomical areas" for viewing by patrons.

**ADULT MOTEL:** An establishment which includes the word "adult" in any name it uses or otherwise advertises the presentation of adult material offering public accommodation for any form of consideration, which provides patrons with closed-circuit televised transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

**ADULT MOTION PICTURE THEATER:** An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas".

**ADULT VIDEO STORE:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental any form of consideration of any one or more of the following: (a) photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations which depict or describe "specific sexual activities" or "specified anatomical areas"; and, (b) instruments, devices or paraphernalia that are designed for use in connection with "specified sexual activities".

**ALTERNATIVE TOWER STRUCTURES:** This shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

**AMUSEMENT ESTABLISHMENT:** An establishment offering sports, theatrical productions, game playing, or similar amusements to the public within a fully enclosed building. This shall include, but is not limited to, theaters, bowling alleys, billiard parlors, and skating rinks. This shall not include recreation centers or such amusements which are accessory to churches, schools, or colleges.

**ANTENNA:** Any structure or device used for the purpose of collecting, emitting, or radiating electromagnetic waves, microwaves, AM/FM radio waves, digital, cellular, and television broadcasts, including, but not limited to, directional antennas, such as panels, microwave dishes, and omni-directional antennas.

**APPEAL:** A request for a review of the interpretation of any provision of this Ordinance.

**ARCADE:** A walkway or passageway adjacent to a building which is covered by a roof but open to the outside air.

**AS-BUILT PLAN:** A reproducible Mylar plan showing the true and actual location and nature of buildings, structures, plant materials, underground utility lines, and other features or

improvements which have been installed on or off the property pursuant to a development plan approved under this Ordinance, to be used to determine compliance with the requirements of this Ordinance.

**AUTOMOBILE SERVICE STATION:** Any building, structure, or lot used for one or more of the following: (1) dispensing, selling, or offering for retail sale, gasoline, kerosene, lubricating oil, or grease for the operation and maintenance of automobiles, including the sale and installation of tires, batteries and other minor accessories and services for automobiles; or (2) the business of repairing automobiles. This shall not include car washes, the retreading and/or recapping of tires, or convenience stores which sell gasoline or lubricating oil, but not other automotive accessories or services.

**AVERAGE PER CENT SLOPE:** For the purpose of determining required buffers along watercourses, the sum of the slopes adjacent to a watercourse divided by the number of locations at which the slope was calculated. The determination of the average per cent slope shall consist of not less than three locations along the water course, with a distance of no greater than 500 feet between locations. All calculations of the average per cent slope shall include the location along the watercourse with the steepest slope. For the purpose of measuring the slope of other land areas, the sum of the slopes of the land area shall be divided by the number of locations at which the slope was calculated. The determination of the average percent slope shall be made at intervals not less than 500 feet apart, and shall be measured from the top of the slope or the upper boundary of the land area being measured, whichever is lower, to the bottom of the slope or the lower boundary of the land area being measured, whichever is higher.

**AWNING:** Any non-rigid material such as fabric or flexible plastic that is supported or attached to a frame and that extends from the exterior wall of a building.

**BASEMENT:** A story wholly or partially underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average grade level.

**BED AND BREAKFAST INN:** An operator-occupied residence where eight or fewer rooms are rented on an overnight basis, guests are served no more than one meal per day, no cooking facilities are provided in the rooms, and the length of stay does not exceed 14 consecutive days.

**BERM:** An earthen structure that has been contoured so as to form a mound above the general elevation of the adjacent ground or surface.

**BORROW MATERIAL:** Fill material which is required for on-site construction and is obtained from other locations.

**BREAKAWAY WALL:** Any type of wall, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material, which is not part of the structural support of the building and which is designed to break away during floods without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters.

**BROADCASTING STUDIO:** A programming origination studio of a television station, radio station, or cable television provider.

**BROWN BAG ESTABLISHMENT:** An unlicensed establishment that allows consumption of alcoholic beverages and/or beer on the premises and where dancing and entertainment may or may not be provided.

**BUFFER:** A strip of land which is used to separate land uses from each other or to separate development from a stream or other water body.

**BUILDABLE AREA:** That portion of a lot remaining after required yards have been provided.

- BUILDING:** Any structure which is enclosed and isolated by exterior walls and constructed or used for residence, business, industry, or other public or private purpose, or accessory thereto, the construction of which requires or would require a building permit under the building code.
- BUILDING, ACCESSORY:** See ACCESSORY BUILDING.
- BUILDING CODE(S):** The Standard Building Code, National Electric Code, Standard Gas Code, Standard Housing Code, Standard Plumbing Code, Standard Swimming Pool Code, Standard Mechanical Code, Standard Fire Prevention Code, and/or Standard Life Safety Code, used singularly or any combination thereof.
- BUILDING HEIGHT:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.
- BUILDING PERMIT:** A permit issued by the City of Verona pursuant to Chapter 5, Part 10 of this Ordinance.
- BUILDING, PRINCIPAL:** A building in which is conducted the principal use of the lot on which it is situated.
- BUILDING SETBACK LINE:** A line establishing the minimum allowable distance between the nearest portion of any building and a property line when measured perpendicularly thereto.
- BUILDING WALL:** An exterior load-bearing or non-load-bearing vertical structure, encompassing the area between the final grade elevation and the eaves of the building, which is used to enclose the space within the building. A porch, balcony, or stoop is part of the building structure and may be considered as a building wall.
- CALIPER:** A method of measuring the diameter of a tree trunk for the purpose of size grading. The caliper of the trunk is measured six inches above the ground, up to and including four-inch caliper size, and 12 inches above the ground for larger sites. Caliper measurement is taken with a "slot" or "pincer" type caliper instrument or diameter tape.
- CANOPY:** A structure constructed of rigid materials, including but not limited to, metal, wood concrete, plastic, canvas or glass, which is attached to and supported by a building, or which is free-standing and supported by columns, poles, or braces extended to the ground.
- CANOPY TREE:** See TREE, CANOPY.
- CAR WASH:** A commercial establishment which washes automobile or other motor vehicles, whether or not in conjunction with other goods or services provided to customers.
- CELL SITE:** A tract or parcel of land that contains the cellular communications antenna, its support structure, accessory buildings, and parking and may include other uses associated with and ancillary to cellular communication transmissions.
- CELLULAR TELECOMMUNICATIONS:** A Commercial Low Power Mobile Radio Service licensed by the FCC in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups of geographic cells within a service area and which are capable of being reused in different cells within the service area.
- CLINIC:** Any building or portion thereof, the principal use of which is for offices of one or more licensed physicians, ophthalmologists, dentists, veterinarians, physical or occupational therapists, psychologists, or the like for the examination and treatment of persons or animals on an out-patient basis only.
- CLUBS AND LODGES, CIVIC OR FRATERNAL:** Private not-for-profit associations, corporations, or other entity consisting of persons who are bona fide paying members and which own, lease, or use a building, a parcel of land, or a portion thereof, the use of such premises being restricted

primarily to members and their guests, including offices for local, state and regional officials of that organization.

**COLLECTOR STREET:** A street which penetrates various land use classifications, and whose primary function is traffic service, collecting traffic from the streets intersecting it and funneling it to thoroughfares.

**COLLEGE:** An institution, other than a trade school, which provides full time or part time education beyond the high school level.

**CO-LOCATION:** Locating wireless communications equipment from more than one provider on a single site or tower.

**COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES:** Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

**COMMON CARRIER:** An entity licensed by the FCC or a state agency to supply local and/or long distance telecommunications services to the general public at established and stated prices.

**COMPREHENSIVE PLAN:** The documents entitled "Comprehensive Plan" and "Land Use Plan Map" and such other policies and documents as may be adopted from time to time to guide future development.

**CONDOMINIUM:** A dwelling which is subject to Mississippi Code 1972 Annotated Section 89 Chapter 9, "Condominiums."

**CONSTRUCTION:** Any new construction, building, reconstruction, erection, extension, betterment, or improvement of land providing a building or structure or any part thereof, which provides, adds to, repairs, or increases the floor area of a residential or non-residential use.

**CONTIGUOUS:** Abutting directly on the boundary of, separated by a street other than a controlled access highway from, or separated by a street; railroad, or public utility right-of-way.

**CONTROLLED ACCESS HIGHWAY:** A roadway which, in accordance with State and Federal guidelines, is designed to give preference to through traffic by providing access connections at interchanges or selected public roads only, with no direct access from private roads or driveways and with no crossings at grade, including any interstate, State, U.S. Route or the Wake County Outer Loop.

**CONVENIENCE STORE:** A retail store with a floor area of less than 5,000 square feet, which sells groceries, gasoline, and/or beer and light wine, and is open 15 to 24 hours a day, but not including an automobile service station.

**COPING:** The finished edge of a roof.

**CORNER LOT:** A lot abutting upon two or more streets at their intersection.

**CRITICAL WATER QUALITY AREA:** Those lands which lie adjacent to a water supply reservoir and extend to a point beyond either the ridge line of the reservoir watershed or one mile from the shoreline of the reservoir at normal pool level, whichever is the shorter distance.

**CUL-DE-SAC:** A street designed to have one end permanently closed, with the closed end terminated by a vehicular turnaround, and which does not intersect with another street.

**CUL-DE-SAC, NON-RESIDENTIAL:** A cul-de-sac which serves abutting non-residential land uses.

**CUL-DE-SAC, RESIDENTIAL:** A cul-de-sac which serves abutting residential land uses.

**DAY CARE CENTER:** A day care facility for the care and keeping of more than 15 unrelated persons.

**DAY CARE HOME, LARGE:** A day care facility established in a residential dwelling for the care and keeping of more than 5 but fewer than 16 unrelated persons.

**DAY CARE HOME, SMALL:** A day care facility established in a residential dwelling for the care and keeping of less than six unrelated persons.

**DENSITY, GROSS:** The number of dwelling units on a particular tract or parcel of land taking into account the entire area of that tract or parcel.

**DENSITY, NET:** The number of dwelling units on a particular tract or parcel of land, not taking into account portions of the tract or parcel which contain rights-of-way for collector or larger streets, slopes greater than 20 percent, areas of special flood hazard, lakes or other water bodies, or wetlands falling under the regulatory jurisdiction of the U.S. Army Corps of Engineers but taking into account all other areas of that tract or parcel.

**DEPENDENT LIVING UNIT:** A dwelling unit which is part of a life care community that does not include complete facilities for independent living. A dependent living unit is typically associated with such ancillary services including but not limited to: central dining, nursing care, more than occasional medical care and physical therapy.

**DETACHED:** Not physically connected to another building or structure.

**DETENTION FACILITY:** A natural or artificial facility which provides temporary storage of excess runoff for the purpose of attenuating excess runoff and normally drains completely between spaced runoff events.

**DEVELOPABLE ACREAGE:** That portion of a parcel of land which is developable under the provisions of this Ordinance, not including rights-of-way for collector or larger streets, areas of special flood hazard or areas with slopes of greater than twenty percent (20%).

**DEVELOPER:** The owner or occupant of a lot or parcel of land, or the person or entity developing such land.

**DEVELOPMENT:** The initiation, construction, change, or enlargement of any use or structure, the disturbance of land through the removal of ground cover, or the division of land into two or more parcels. "Development" shall include, but not be limited to, the following:

- (a) Construction or enlargement of a building or structure;
- (b) Change in the type of use of a building, structure, or land;
- (c) Material increase in the intensity of use of land, such as an increase in the number of businesses, offices, manufacturing establishments, or dwelling units located in a building or structure or on the land;
- (d) Commencement or expansion of resource extraction, agricultural, horticultural, or forestry activities on a parcel of land;
- (e) Demolition of a structure or the removal of trees from a parcel of land;
- (f) Deposition of refuse, solid or liquid waste, or fill on a parcel of land;
- (g) Alteration, either physically or chemically, of the shore, bank, or channel of any stream, lake, or other body of water or alteration of any wetland; or,
- (h) Permanent storage of materials or equipment.

**DIAMETER AT BREAST HEIGHT (DBH):** The standard measure of a single stemmed tree at four and one-half (4½) feet above grade. When a tree has grown with cluster stems at breast height, DBH shall be equal to the sum or aggregate of the diameters of the individual stems measured at four and one-half (4½) feet above the grade.

**DISTRICT:** A zoning district established by Chapters 8 of this Ordinance.

**DRIP LINE:** An imaginary perpendicular line that extends downward from the outermost tips of the tree branches (i.e. crown) to the ground.

**DRIVE THROUGH FACILITY:** 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 a person outside the motor vehicle.

**DWELLING:** A building or portion thereof which is designed, arranged, or used for permanent living quarters for one or more families. This term shall not include a motel, hotel, guest house or other structure designed for transient residence.

**DWELLING ATTACHED:** A building which contains two to four dwelling units which share one or more common walls for 50 percent or more of their width, with each dwelling unit located on a separate lot.

**DWELLING, DETACHED:** A building which is developed with open yards on all sides and contains one dwelling unit, not being attached to any other building or dwelling unit and does not sit on the same lot as any other dwelling unit. This shall not include a manufactured home or mobile home.

**DWELLING, DUPLEX:** A building which contains two dwelling units which share a no through access common wall and sit on the same lot, with open yards on all sides and not being attached to any other building.

**DWELLING, MULTI-FAMILY:** A building, other than a Cityhouse, which contains three or more dwelling units attached along and sharing one or more common walls between any two units and/or stacked one above the other, or one or more dwelling units located in the same building as a non-residential use in a non-residential zoning district. This shall include any such building regardless of the form of ownership (condominium or rental) of the individual dwelling units therein.

**DWELLING, SEMI-DETACHED:** A building which contains two to four dwelling units which share one or more common walls for less than 50 percent of their width, with each dwelling unit located on a separate lot.

**DWELLING UNIT:** A building or portion thereof which is designed, arranged, or used for living quarters for one family.

**EASEMENT:** A grant by a property owner, to the public, a corporation, or other person or persons, of the right to use an identifiable piece of land for specified purposes, such as for utility lines or green ways.

**ELEVATED BUILDING:** A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls, or breakaway walls.

**ENCLOSED PORCH :** A projection from an outside wall of a dwelling which is covered by a roof and sidewalls (other than the sides of the building to which the porch is attached). The sidewalls are constructed of opaque materials to a height of at least four (4) feet above the floor level.

**ENERGY DISSIPATERS:** A structure or a shaped channel section with mechanical armoring placed at the outlet of pipes or conduits to receive and break down the energy from high velocity flow.

**EROSION:** The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** The preparation of additional sites on which manufactured homes are to be permanently placed.

**FAA:** Shall mean the Federal Aviation Administration.

**FAMILY:** One person or a group of persons related by blood or marriage, plus up to three additional unrelated persons.

**FARM:** The raising of crops, livestock, or other plants and animals, including orchards, vineyards, and nurseries, along with any buildings and structures that are customarily and necessarily incidental to such activities. This shall include the retail sale of products grown or raised on the premises.

**FARM MARKET:** An area which is used on a temporary basis by one or more operators of bona fide farms for the sale of agricultural products which are not grown or raised on the same premises as the market.

**FCC:** Shall mean the Federal Communications Commission.

**FENCE:** A structure used to delineate a boundary or as a barrier or means of protection, confinement, or screening.

**FINANCIAL ESTABLISHMENTS:** A business, which provides financial services directly to customers at the site of the business.

**FLOOR AREA:** The gross total horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings, or the center lines of a party wall separating such buildings or portions thereof, or within lines drawn parallel to and two feet within the roof line of any building or portions thereof without walls, but excluding, in the case of nonresidential facilities, arcades, porticos, and similar areas open to the outside air which are accessible to the general public and which are not designed or used as areas for sales, display, storage, service, or production.

**FLOOR AREA RATIO:** The numerical value obtained by dividing the gross floor area on a lot by the area or size of such lot.

**FURNITURE SALES AND SHOWROOM:** An establishment which sells and warehouses furniture in a showroom display.

**GOLF COURSE:** A course with nine or more holes for playing golf, including any accessory driving range, clubhouse, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges that are not accessory to a golf course.

**GREEN WAY:** A linear open space, either privately-owned or owned by the City or another unit of government, which contains a trail for walking, bicycling, horseback riding or other passive recreation, but not for use by vehicles for purposes other than maintenance of the green way.

**GROUND COVER:** Any natural vegetative growth or other material, which renders the soil surface stable against, accelerated erosion.

**GROUP HOME:** A dwelling shared by four or more handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible in order to reach their maximum potential.

As used herein, the term “handicapped” shall mean having: 1) a physical or mental impairment that substantially limits one or more of such person’s major life activities so that such person is incapable of living independently; 2) a record of having such an impairment; or 3) being regarded as having such an impairment. However, “handicapped” shall not include current illegally use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term “group home” shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts or other housing facilities serving as an alternative to incarceration.

- HALFWAY HOUSE:** A licensed home (state or federal) for inmates on release from more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.
- HIGHEST ADJACENT GRADE:** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.
- HISTORIC STRUCTURE:** Any structure that is: (a) listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing in the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district; (c) individually listed on the Mississippi inventory of historic places; (d) individually listed on a Verona or other local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved state program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs.
- HOLIDAY DECORATIONS:** Displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent in nature and which contain no advertising material.
- HOME BUSINESS:** A home occupation which allows customers and other activities as specified in this ordinance.
- HOME OCCUPATION:** An occupation or profession which involves the rendering of a service in exchange for monetary fees or other remuneration, is conducted wholly within a dwelling unit by a member of the family residing therein, and is clearly incidental and secondary to the use of the dwelling unit for residential purposes. This occupation can in no way be apparent from the outside by signs, traffic generation, etc.
- HOSPITAL:** A public or private institution, whether organized for profit or not, which is devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of two or more unrelated persons, whose principal residence is located elsewhere, and who are admitted for overnight stay or longer in order to obtain medical or psychiatric treatment for illnesses, diseases, injuries, and deformities.
- HOSPITAL, ANIMAL:** A public or private institution, whether organized for profit or not, which is devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of animals which are admitted for overnight stay or longer in order to obtain veterinary treatment for illnesses, diseases, injuries, and deformities.
- HOTEL OR MOTEL:** A building or a group of buildings containing sleeping rooms, designed for and rented to temporary guests.
- IMPERVIOUS AREA:** That portion of the land area which, due to human modification, allows little or no infiltration of precipitation into the soil. Impervious areas shall include, but not be limited to, streets, driveways, parking area, patios, and rooftops.
- INDEPENDENT LIVING UNIT:** A dwelling unit which is part of a life care community which includes complete facilities for independent living, including cooking and sanitary facilities. The occupants are presumed to be able to function independently of the support facilities of the life care community.
- INTERSTATE HIGHWAY:** A controlled access highway which is part of the Federal interstate highway system.
- JUNKYARD:** Any land used, in whole or in part, for commercial or industrial storage, dismantling, and/or sale of waste paper, rags, scrap metal, motor vehicles, machinery, or other junk outside of an enclosed building. This shall not include a publicly-owned landfill, solid waste transfer facility, or other public utility facility, or a recycling and salvage operation.

- LAKE OR NATURAL WATERCOURSE:** Any stream, river, swamp, canal, or other waterway, and any reservoir, lake, or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by the accumulation of sediment.
- LAND DEVELOPMENT PROJECT:** An interrelated set of developments, approved by the City pursuant to a subdivision plat, planned unit development, master land use plan, or other plan for development.
- LAND SURVEYOR, LICENSED:** A land surveyor certified and registered by the State Board of Registration for Professional Engineers and Land Surveyors pursuant to Title 73, Chapter 13, Sections 1-99 inclusive of the Mississippi Code 1972, Annotated, to practice in Mississippi.
- LAND-DISTURBING ACTIVITY:** Any use of the land by any person for residential, industrial, educational, institutional, or commercial development, or for highway and road construction and maintenance, that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.
- LANDOWNER:** Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner.
- LANDSCAPED AREA:** A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas can include, but are not limited to, natural areas, buffers, streetscapes, lawns, and plantings.
- LANDSCAPED BUFFER:** A unit of land, together with a specified type and amount of planting, that may be required between land uses to eliminate or minimize conflicts between them.
- LIFE CARE COMMUNITY:** A building or group of buildings which contains dwelling units where the occupancy is restricted to persons who are at least 62 years of age, or married couples in which one of the persons is at least 62 years of age, and which provides nursing and/or medical care as well as support services, such as common dining facilities, retail stores, and personal service establishments, which are operated by the owner of the life care community or lessees of the owner. Life care communities are designed to meet the residents basic needs for shelter, food, and health care, regardless of the level of independence of the individual resident and regardless of how these needs may change over time.
- LIGHT, CUTOFF:** An artificial outdoor lighting fixture designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.
- LIGHT, NON-CUTOFF:** An artificial outdoor lighting fixture designed to allow light to be directly emitted above a horizontal line parallel to the ground.
- LOGO:** The graphic or pictorial presentation of a message, including, but not limited to, the use of shapes, designs, decorations, emblems, symbols, or illustrations, or the superimposition of letters or numbers or any other use of graphics or images other than the sequential use of letters and numbers.
- LOOP STREET:** A street which originates and terminates at intersections with the same street.
- LOOP STREET, RESIDENTIAL:** A loop street which serves abutting residential land uses.
- LOT:** A parcel of land whose boundaries have been established by some legal instrument, such as a recorded deed or plat, and which is recognized as a separate legal entity for purposes of transferring title. This term shall include any number of contiguous lots, or portions thereof, upon which a single principal building and its accessory buildings are located or intended to be located.
- LOT COVERAGE:** The percentage of a lot's area which is covered by buildings.
- LOT DEPTH:** The average horizontal distance between the front lot line and the rear lot line.

**LOT OF RECORD:** A lot which is a part of a subdivision approved and recorded in accordance with the provisions of this Ordinance.

**LOT WIDTH:** The width of a lot that complies with the minimum lot width requirements (Chapter 8) calculated by any one of the following three methods: (1) the average of the distances between the side lot lines, measured along the rear and the front lot lines; or (2) the distance between the side lot lines, measured at the midpoint of each side lot line between the front lot line and the rear lot line; or (3) the distance between the side lot lines as measured at the building setback line; provided that the width at the street property line is not less than 20 feet.

**MAJOR ENTRANCE:** An entrance or entrances leading from collector streets, major thoroughfares, or highways to subdivisions, multi-family uses, planned unit developments, industrial, commercial, or office and institutional subdivisions.

**MANUFACTURED HOME:** A structure, transportable in one or more sections, which in the traveling mode is at least eight feet wide or 40 feet long, or which when erected on site is at least 320 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. This includes any structure that meets all of the requirements of this definition, except for the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.), as amended. This term does not include a "Recreational Vehicle."

**MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel, or contiguous parcels, of land divided into three or more manufactured home lots for rent or sale.

**MANUFACTURED HOME PARK OR SUBDIVISION, NEW:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (at a minimum including the installation of utilities, the construction of streets, and either final site grading or pouring concrete slabs) is completed on or after January 1, 2002.

**MANUFACTURING, HEAVY:** The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards, or that otherwise do not constitute "light manufacturing," or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of all buildings on the lot. "Heavy manufacturing" shall include, but not be limited to, the following enameling, lacquering, or the plating or galvanizing of metals; foundries producing iron and steel products; industrial chemical manufacture; meat packing plants; mixing plants for concrete or paving materials, and manufacture of concrete products; oxygen manufacture and/or storage; pottery, porcelain, and vitreous china manufacture; poultry dressing for wholesale; pressure treating of wood; stone cutting; and tire recapping and retreading. This shall not include resource extraction or recycling and salvage operations.

**MANUFACTURING, LIGHT:** The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing does not exceed 25 percent of the floor area of all buildings on the lot. This shall not include uses that constitute "heavy manufacturing," resource extraction, or recycling and salvage operations.

**MARGINAL ACCESS STREET:** A street which serves traffic generated by adjacent land uses which are non-residential.

**MEAN SEA LEVEL:** The average height of the sea for all stages of the tide.

**MINOR ENTRANCE:** A street entrance or entrances leading from collector streets or marginal access streets to subdivisions, multifamily developments, industrial, commercial, office and institutional uses, and planned unit developments.

**MOBILE HOME:** A movable or portable dwelling over thirty-two (32) feet in length and over eight (8) feet wide, constructed to be towed on its own chassis, for year-round occupancy, which includes one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or two (2) or more such units which are separately towable but designed to be joined into one dwelling unit.

**MOBILE HOME PARK:** Any site of tract of land, with two (2) or more lots provided for lease or rental only, upon which mobile home spaces are provided for mobile home occupancy. Service buildings and areas necessary to provide laundry, sanitation, storage, vending machines, and other similar services provided by the facility operator primarily for the use and convenience of mobile home occupants. Recreation buildings, areas, and customary accessory buildings and facilities necessary for the operation and serving of the mobile home park in which they are located.

**MOBILE HOME SPACE:** A plot of land within a mobile home park which is designed for the accommodation of a single mobile home.

**MODEL SALES HOME:** A permanent building which is typical of the dwellings in the residential development in which it is located and which is temporarily used for the purpose of display and sales associated with residential property, but intended for ultimate use as a residential dwelling unit.

**MULTI-FAMILY DEVELOPMENT:** Two or more multi-family dwellings located on a single property.

**MULTI-OCCUPANT NON-RESIDENTIAL DEVELOPMENT:** A building or group of buildings under unified ownership or management which contains more than one non-residential establishment or occupant.

**NATIONAL GEODETIC VERTICAL DATUM (NGVD):** A vertical control used as a reference for establishing varying elevations within the flood plain. These figures are used based on information as corrected in 1929.

**NATIVE VEGETATION:** Any indigenous tree, plant or shrub adapted to soil and climactic conditions occurring on-site.

**NATURAL WATER EROSION:** The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

**NIGHTCLUB OR BAR:** An establishment licensed to serve alcoholic beverages and/or beer on the premises and where dancing and entertainment may or may not be provided.

**NIGHT CLUB OR BAR, AFTER HOURS:** An establishment where alcoholic beverages are consumed, and mixers and setups are sold for consumption and where minors are usually excluded and where dancing and entertainment may also be provided.

**NONCONFORMING LOT:** A lot that met all legal requirements when it was platted or otherwise recorded but which does not comply with the minimum lot area or minimum lot width requirements of this Ordinance, or a subsequent amendment hereto, for the zoning district in which it is located.

**NONCONFORMING STRUCTURE:** A building or structure that met all legal requirements when constructed but which does not comply with this Ordinance or a subsequent amendment hereto.

**NONCONFORMING USE:** The use of a building or land that met all legal requirements when first established but which this Ordinance, or a subsequent amendment hereto, does not allow in the zoning district in which it is located. Uses that are allowed as Special Exception Use are not considered a Nonconforming Use.

**NONCONFORMITY:** Any use, building, structure, or lot which was lawful at the time it was constructed or established but which fails to comply with one or more of the applicable regulations or standards of this Ordinance.

**NON-EROSIVE:** The ability of a ground cover to withstand the velocity of storm water runoff during the design storm.

**NON-RESIDENTIAL:** Used or intended for purposes other than as a dwelling unit.

**NURSING HOME:** A home for elderly, chronically ill, infirm, or incurable persons, or a place of rest for those suffering bodily disorders, in which three or more persons, not members of a family residing on the premises, are provided with food, lodging, and medical care, including congregate care facilities but not including hospitals, clinics, or live care communities (even though a life care community may include a nursing home as one of its components).

**NURSING HOME DWELLING UNIT:** A room or other portion of a nursing home intended for no more than two persons.

**OFFICE:** A use or building where business is conducted which does not primarily involve the sale or transfer of goods by the business to the customer at that location.-This includes, but is not limited to, general business offices, government offices, insurance offices, law offices and real estate sales and management offices.

**OFFICE PARK:** A subdivision or planned unit development containing more than one office building.

**OPEN SPACE:** Any portion of a parcel or area of land or water which is open and unobstructed by structures from the ground to the sky including areas maintained in a natural and undisturbed character. Open space may include recreational facilities such as swimming pools, golf courses, green ways and tennis courts.

**PARAPET WALL:** That portion of a building wall that extends above the level of the roof line.

**PARK:** Land owned by the City of Verona, the State of Mississippi, or another unit of government, which is used or intended to be used for public recreation, including both active or passive recreation.

**PARKING SPACE, OFF-STREET:** A space which is designed for the parking or temporary storage of one automobile, and is located outside of a dedicated street right-of-way.

**PEAK HOUR TRIPS:** The greatest number of vehicle trips generated by a unit of new development during any 60-minute period in a given day.

**PENNANT:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, which is suspended from a rope, wire, string, or pole, usually in series, and which is designed to move in the wind.

**PERMITTED USE:** A land use listed in Chapter 8 of this Ordinance as a "permitted use" in the zoning district in which it is located, and which is subject to the approval procedures set forth in Chapter 5, Part 2 of this Ordinance.

**PERSON:** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution utility cooperative interstate body, or other legal entity.

**PERSONAL CARE HOME:** A home or institution that gives personal care to aged or infirm, ambulant persons who are not in need of nursing care.

**PERSONAL COMMUNICATION SERVICE (PCS):** Digital or analog wireless telecommunications technology such as portable telephones, pagers, faxes and computers. Also known as Personal Communication Network (PCN).

**PERSONAL SERVICE ESTABLISHMENTS:** A business which provides personal services directly to customers at the site of the business, or which receives goods from or returns goods to the customer which have been treated or processed at that location or another location. This includes, but is not limited to, travel agencies, dry-cleaners, laundries, tailors, hair stylists, cosmeticians, toning or tanning salons, banks, postal stations, package delivery drop-off and pick-up stations, photocopy centers, shoe repair shops, appliance repair shops, interior design studios, dance and martial arts studios, and domestic pet services. This shall not include automobile service stations.

**PHASE OF GRADING:** One of two types of grading: rough or fine.

**PLANNED UNIT DEVELOPMENT:** A tract of land under single ownership, or under common control evidenced by duly recorded contracts or agreements approved by the Board of Alderman, that is planned and developed as an integral unit in a single development operation or in a programmed series of development operations in accordance with a master land use plan and detailed engineering and architectural plans as approved by the Board of Alderman.

**PORCH:** A projection from an outside wall of a dwelling which is covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached, and which is no more than two feet in height. A porch which projects beyond a required yard, setback, or building restriction line may be screened, but may not be enclosed with glass, jalousies, canvas, plastic, or any solid material to a height greater than two feet.

**POROUS PAVEMENT:** A pavement surface used for vehicular use areas which are privately maintained, in which water can penetrate the surface so as to percolate to the soil beneath.

**PORTICO:** A porch or walkway, open to the outside air, that is covered by a roof which is supported by columns or pillars, typically leading to the entrance of a building.

**PROPERTY:** All real property, subject to the provisions of this Ordinance.

**PROTECTIVE COVER:** See GROUND COVER.

**PROTOTYPE PROCESS AND PRODUCTION PLANTS:** A building or operation in which processes planned for use in production elsewhere can be tested, or in which goods are produced only in a quantity necessary for full investigation of the merits of a product, but not including the production of any goods on the premises primarily or customarily for sale or for use in production operations off the premises.

**PUBLIC SAFETY STATION:** A police, fire, or paramedic station operated, franchised, or regulated by a government agency.

**PUBLIC UTILITIES:** Any Municipal approved water and/or sanitary sewer system, including collection and distribution lines, which is constructed to Municipal standards, sizes, and specifications, conforms to the requirements of this Ordinance, and has been dedicated to and accepted by the City of Verona for operation and maintenance. For the purpose of this Ordinance, commercial wireless telecommunication services shall not be considered public utility uses and are defined separately.

**PUBLIC UTILITY FACILITIES:** A building or structure, other than a utility substation or transportation facility, which houses or contains facilities for the operation of publicly owned or publicly licensed water, wastewater, waste disposal, gas or electricCity services. This includes, but is not limited to, wastewater and storm water treatment plants, electrical transformer stations, landfills, and solid waste transfer stations. This does not include recycling and salvage operations.

- RADIO FREQUENCY (RF) EMISSIONS:** Electromagnetic radiation emitted from antennas of varying strengths. RF emissions are regulated by the FCC.
- REAL ESTATE SALES OFFICE:** A building or structure which is located on the site of a development or subdivision and temporarily used for the purpose of selling or leasing properties located within that development or subdivision.
- RECREATIONAL CENTER:** A building, enclosed structure or facility for use by the public for recreational clubs and activities, such as country clubs, tennis courts, swimming pools, and/or gymnasiums. This shall include outdoor amphitheaters.
- RECREATIONAL VEHICLE:** A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or towable by a light duty truck; and (d) designed primarily for uses temporary living quarters for recreational, camping, travel or seasonal use.
- RECYCLING AND SALVAGE OPERATION:** A facility, other than a recycling drop-off station, for the collection, handling, sorting, storage, processing, compaction, purchase, and, or resale of paper, metal, plastic, glass, or cloth materials that are disposed of by households or by non-residential uses. This shall not include junkyards.
- RECYCLING DROP-OFF STATION:** One or more outdoor containers designed and intended for the depositing of clean, separated, and recyclable paper, metal, glass, or plastic materials and the collection of such materials for processing at another location, but itself having no mechanical facilities for the processing of such materials.
- REPEATER:** A low power mobile radio service telecommunications facility that extends coverage of a cell to areas not covered by the originating cell.
- RESEARCH LABORATORY:** A facility which is designed or equipped for basic or applied research or experimental study, testing, or analysis in the natural sciences or engineering, including any educational activities associated with and accessory to such research.
- RESERVOIR WATERSHED:** A drainage basin which is tributary to a reservoir intended as a source for public water supply.
- RESIDENTIAL:** Used or intended for use as a dwelling unit.
- RESIDENTIAL STREET:** A street whose primary function is to serve the immediately abutting residential land uses (that is, only local traffic generated by the residents near the street, with traffic volumes flowing from other intersecting residential streets not exceeding the traffic volumes generated by the land uses abutting the street.
- RESOURCE CONSERVATION FACILITIES:** Fish hatcheries and fish ponds; game preserves; botanical and zoological gardens; water reservoirs and dams.
- RESOURCE EXTRACTION:** Extraction of minerals, ores, soils, and any other solid matter from its original location, including but not limited to quarrying, open-pit mining, drilling, tunneling, strip mining and any other such activities.
- RESTAURANT:** A business whose principal purpose is the sale of food in a state that is ready to eat, either on the premises or off the premises.
- RETAIL STORE:** A building, property, activity, or portion thereof, the principal use or purpose of which is the sale of goods, products, or materials directly to the consumer. This includes, but is not limited to, clothing stores, appliance stores, bakeries, food stores, grocers, caterers, pharmacies, book stores, florists, furniture stores, hardware stores, pet stores, toy stores, and variety stores. It does not include restaurants, personal service establishments, convenience stores, or amusement establishments.
- RETENTION FACILITY:** Any type of detention facility which is not provided with a positive outlet.

**RIGHT-OF-WAY:** An area owned or maintained by the City of Verona, the State of Mississippi, a public utility, a railroad, or a private concern for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.

**SATELLITE DISH ANTENNA:** Any antenna, including any supporting structure, designed to receive signals from orbiting satellites or similar sources, excluding microwave antennae.

**SCHOOL:** A privately-owned or publicly-owned elementary school, middle school, junior high school, or high school which does not provide lodging for students, including any accessory athletic fields and recreational facilities.

**SECURED:** Placed in a concrete footing, holes with compacted earth or gravel, or other approved support, so as to be adequately affixed to the ground as a permanent structure.

**SEDIMENT:** Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

**SEDIMENTATION:** The process by which sediment resulting from accelerated erosion has been or is being transported away from a land-disturbing activity or into a lake or natural watercourse.

**SHOPPING CENTER:** A building or group of buildings, either connected or free-standing, under unified or multiple ownership of land parcels, that is designed with common parking, pedestrian movement, ingress, and egress, and used or intended to be used primarily for the retail sale of goods and services to the public.

**SHRUB:** A low self-supporting (usually multi-stemmed) woody plant.

**SIGNIFICANT VEGETATION:** A tree which is over fifteen (15) inches in diameter at breast height, displays a root zone, canopy, and limb structure characteristic of the particular species, and is in a condition of good health and vigor.

**SILTATION:** Sediment which results from accelerated erosion, which has been deposited or is in suspension in water, which may be settled or removed by properly designed, constructed, and maintained control measures, and which has been transported from its point of origin within the site of a land-disturbing activity.

**SITE PLAN:** A plan depicting the proposed development of a property, in terms of the location, scale, and configuration of buildings and other features.

**SITE PLAN, MAJOR:** A site plan which is submitted to the Board of Alderman for approval pursuant to Chapter 5, Part 7 of this Ordinance.

**SITE PLAN, MINOR:** A site plan which is submitted to the Mayor for approval pursuant to Chapter 5, Part 7 of this Ordinance.

**SITE SPECIFIC DEVELOPMENT PLAN:** A site plan containing all information required of site plans under Chapter 5, Part 7 of this Ordinance.

**SPECIAL EVENT:** Any activity or circumstance of a business or organization, which is not part of its daily activities. Such activities may include, but are not limited to, grand openings, closeout sales and fund-raising membership drives, or temporary events conducted by civic, philanthropic, educational, or religious organizations.

**SPECIAL EXCEPTION USE:** A land use listed in Chapter 8 of this Ordinance as a "special exception use" in the zoning district in which it is located, and which is subject to the approval procedures set forth in Chapter 5, Part 3 of this Ordinance.

**SPECIFIED ANATOMICAL AREAS:** Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or human male genitals in a discernable turgid state even if completely or opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES:** Human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts; flagellation or torture in the context of a sexual relationship; masochism, erotic or sexually oriented torture, beating or the infliction of physical pain; erotic touching, fondling or other such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as a part of or in connection with any of the activities set forth in the Adult Entertainment Ordinance.

**SPECULATIVE CONSTRUCTION:** Construction of a shell building for the purpose of leasing individual spaces to prospective tenants who do not share any legal affiliation with each other. Examples of speculative construction shall include but are not limited to the following: shopping centers, malls, and office buildings that meet the above description.

**STORM DRAINAGE Facilities:** The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey storm water through and from a given drainage area.

**STORM WATER RUNOFF:** The direct runoff of water resulting from precipitation in any form which cannot percolate into the surface or be accommodated satisfactorily by the existing drainage system and which therefore travels overland to the nearest channel.

**STREET:** A public or private right-of-way which is designed, dedicated, or used principally for vehicular traffic.

**STREET, COLLECTOR:** See COLLECTOR STREET.

**STREET, LOOP:** See LOOP STREET.

**STREET, MARGINAL ACCESS:** See MARGINAL ACCESS STREET.

**STREET, RESIDENTIAL:** See RESIDENTIAL STREET

**STREETSCAPE:** An area along a street which may be required by this Ordinance to provide special plantings or other treatment.

**STRUCTURE:** Any improvement upon land, other than the land itself, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. This includes but is not limited to buildings, signs, manufactured or mobile homes, gas or liquid storage tanks and impervious surfaces.

**SUBDIVIDER:** Any person, firm, or corporation who divides or develops any land in a subdivision.

**SUBDIVISION, MAJOR:** All divisions of a tract or parcel of land into six or more lots, building sites, or other divisions for the immediate or future purpose of sale or building development, and all divisions of land involving the dedication of public infrastructure.

**SUBDIVISION, MINOR:** All divisions of a tract or parcel of land into five or less lots, building sites, or other divisions for the immediate or future purpose of sale or building development, and not involving the dedication of public infrastructure.

This definition shall not include, however, the consecutive subdivision of land into three or fewer lots in order to avoid meeting the requirements set forth in this Ordinance for "major subdivisions."

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure where the cost of restoring the structure to the before-damaged condition equals or exceeds fifty percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL PROGRESS:** For the purposes of determining whether substantial progress has been made on the site of an approved site plan, continuous construction activity toward the completion of a site or subdivision plan, including but not limited to one or more of the following:

- (a) Obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than thirty (30) days;
- (b) Installation and approval of on-site infrastructure; or
- (c) Obtaining a building permit for the construction and approval of the building foundation.

**TELECOMMUNICATIONS:** The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

**THOROUGHFARE:** A street which serves as a primary traffic artery serving major centers of activity and carrying traffic between such centers at moderate speeds which primarily has the function of carrying traffic which has an origin and destination removed from that street itself, and access to which is primarily provided by at-grade intersections which may be signal-controlled.

**THOROUGHFARE, LIMITED ACCESS:** A thoroughfare whose sole function is to carry large volumes of traffic safely and expediently through developed areas, and access to which is controlled to occur only at intersections with other thoroughfares or streets, with such intersections spaced at intervals which promote traffic progression with the absolute minimal delays incurred. Speeds on limited access thoroughfares are typically limited to no greater than 45 miles per hour.

**THOROUGHFARE IMPROVEMENT:** Any improvement to any highway, road, or street designated on the Thoroughfare Plan.

**TOWER:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, meteorological devices, or similar apparatus above grade. The term includes radio and television transmission towers, common-carrier towers, cellular telephone towers, pager towers, and alternative tower structures.

**TRACT:** All contiguous land and bodies of water under single ownership, or contiguous land and bodies of water in diverse ownership which is being developed as a unit, although not necessarily all at one time. A tract may consist of one or more parcels or lots.

**TRADE SCHOOL:** A school, other than a college, which provides part-time education beyond the high school level, principally in the vocational arts, and does not provide lodging or dwelling units for students or faculty.

**TRAFFIC SIGN:** A sign indicating federal, state, or municipal regulations for automobile, truck, bicycle, and/or pedestrian movement.

**TRANSPORTATION FACILITIES:** Stations and related facilities intended for the transition of the general public, including bus and railroad passenger stations.

**UNCOVERED AREA:** An area having no ground cover on or above the soil surface.

**UTILITY SUBSTATIONS:** Water storage tanks; radio, television, and microwave transmission or relay towers; and electric or gas substations, water or wastewater pumping stations, telephone repeater stations; or similar structures used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, wastewater, cable television, or telephone services between the point of generation or treatment and the end user. This shall not include broadcasting studios or satellite dish antennas.

**VARIANCE:** A grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

**VEHICLE SALES AND RENTAL:** The sale or rental of motor vehicles, boats, trailers, or farm equipment. This shall not include salvage operations or scrap operations.

**VEHICULAR USE AREA:** Any portion of the site or property, paved or unpaved, designed to receive or accommodate vehicular traffic, including the driving, parking, temporary storage, loading, or unloading of any vehicle.

**VELOCITY, FLOW:** The average velocity of flow through the cross-section of the main channel of a watercourse at the peak flow of the storm. The cross-section of the main channel is that area defined by the geometry of the channel, plus the area of flow below the flood height, which is defined by vertical lines at the banks of the main channel. Overload flows shall not be included for the purpose of computing velocity of flow.

**VESTED RIGHT:** The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

**WAREHOUSING OR DISTRIBUTION ESTABLISHMENT:** A business or government agency operation for which the primary purpose of which is (1) the storage of goods, materials, vehicles, trailers, or boats, or (2) or the distribution of goods and materials to another location for the purposes of resale or use at the place distributed to. This shall include offices located on the same property in conjunction with such uses. This shall not include heavy manufacturing, resource extraction, scrap operations, or salvage operations.

**WASTE:** Surplus materials resulting from on-site construction which is disposed of at other locations.

**WETLANDS:** Those areas that are defined as wetlands by the United States Army Corps of Engineers from time to time. Generally wetlands are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

**WHOLESALE OR JOBBING ESTABLISHMENT:** The sale of goods and materials in large quantity for resale to retail customers. This shall not include heavy manufacturing, resource extraction, scrap operations, or salvage operations.

**WORKING DAYS:** Days exclusive of Saturdays, Sundays, and legal holidays observed by the City of Verona.

**YARD:** An open space on a lot which is unoccupied by any building or structure, except as otherwise allowed in this Ordinance.

**YARD, FRONT:** The portion of a lot which is bounded by the side lot lines, a street right-of-way, and the required front yard line.

**YARD, REAR:** The portion of a lot which is bounded by the side lot lines, the rear lot line, and the required rear yard line.

**YARD, SIDE:** The portion of a lot which is bounded by a side lot line, a required side yard line, the rear yard line, and the front yard line. Any such yard abutting a street shall be treated as a "front yard."

**YARD LINE:** A line in a lot which is parallel to the lot line along which an applicable yard or setback requirement extends, and which is at no point nearer to such lot line than the required width or depth of the applicable yard or setback.

**ZONING DISTRICT:** A district established in Chapter 8 of this Ordinance.

**ZONING DISTRICT, RESIDENTIAL:** An A-1, R-1, R-1A, R-2, or R-3 District established under this Ordinance.

**ZONING DISTRICT, NON-RESIDENTIAL:** An C-1 or I-1 District established under this Ordinance.

## **CHAPTER 3. DECISION-MAKING AND ADMINISTRATIVE BODIES**

### **PART 1. BOARD OF ALDERMAN**

#### **3.1.1. Powers and Duties**

Without limiting any authority granted to the Board of Alderman by State law or by other ordinances of the City of Verona, the Board of Alderman shall have the following powers and duties with respect to this Ordinance, to be carried out in accordance with the terms of this Ordinance:

- (1) To adopt amendments to the text of this Ordinance;
- (2) To adopt amendments to the Official Map of Zoning Districts, such as to zone or rezone property into a zoning district, or overlay district;
- (3) To adopt amendments to the Comprehensive Plan;
- (4) To approve or deny requests for approval of special exception uses;
- (5) To approve or deny requests for approval of variances;
- (6) To approve or deny requests for approval of site plans; and
- (7) To perform studies and surveys of the present conditions and probable future development of the City of Verona and its environs, including, but not limited to, studies and surveys of land uses, population, economic base, traffic, parking, and redevelopment needs;

#### **3.1.2. Meetings**

The Board of Alderman shall hold at least one meeting per month, unless there is no business to come before the Board in a given month, and such other regular or special meetings or hearings as the mayor or a majority of the board deem necessary to conduct the business before it.

#### **3.1.3. Rules and Records**

The Board of Alderman shall formulate and adopt the rules of procedure under which it will operate. The Board shall keep minutes of its proceedings and discussions and shall keep records of its resolutions, findings, recommendations, and other official actions.

### **PART 2. MAYOR**

#### **3.2.1. Powers and Duties**

The Mayor or his/her designees, shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

- (1) To review all applications for development approval for compliance with the terms of this ordinance;
- (2) To review all applications for special exceptions, minor subdivision and minor site plan approval for compliance with the terms of this Ordinance.
- (3) To provide the Board of Alderman with reports and recommendations regarding matters before those bodies, either as required by this Ordinance or upon the request of the body;
- (4) To determine and enforce compliance with any conditions attached by the Board of Alderman to its approval of a special exception, variance, or site plan;
- (5) Such additional powers and duties as may be set forth for the Mayor elsewhere in this Ordinance and other ordinances of the City of Verona.

## **CHAPTER 4. COMPREHENSIVE PLAN**

### **4.1.1. Purpose and Role of the Comprehensive Plan in the Administration of this Ordinance**

The Comprehensive Plan for the City of Verona, as adopted by the Board of Alderman and amended from time to time, shall serve as the basic policy guide for the administration of this Ordinance. The Comprehensive Plan serves as the statement of goals and policies to guide new development and redevelopment in the City of Verona. It therefore is the intent of the City of Verona to administer this Ordinance in accordance with the Comprehensive Plan. The goals and policies of the Comprehensive Plan may be amended from time to time to meet the changing requirements of the City of Verona. This Chapter therefore establishes the procedures for amending the Comprehensive Plan.

### **4.1.2. Legal Effect of the Comprehensive Plan**

Except as provided in Section 4.1.4 hereof, all development within the City of Verona shall be in accordance with the applicable provisions of the Comprehensive Plan, as adopted or amended by the Board of Alderman. Amendments to the text of this Ordinance and/or rezoning of property under the provisions of Chapter 7 of this Ordinance may be required in order to ensure compliance with this Section.

### **4.1.3. Review of and Amendments to the Comprehensive Plan**

- (a) An amendment to the Comprehensive Plan may be initiated only by the Board of Alderman, either on its own initiative or at the request any other person or agency.
- (b) The Board of Alderman shall hold at least one joint public hearing on each amendment request. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with Chapter 5, Part 8 of this Ordinance. Nothing in this Ordinance shall be construed as preventing this public hearing from being held at the same meeting as a public hearing for the rezoning of a particular tract or parcel affected by the amendment.
- (c) In considering the amendment, the Board of Alderman shall review the proposed amendment, the factors set forth in subsection (e) below, and any oral or written comments received before or at the public hearing.
- (d) In deciding whether to adopt a proposed amendment to the Comprehensive Plan, the Board of Alderman shall consider whether the amendment is necessary based on one or more of the following factors:
  - (1) There has been a change in projections or assumptions (such as regarding demographic trends or the availability of public facilities) from those on which the Comprehensive Plan is based;
  - (2) Issues or needs have been identified which are not adequately addressed in the Comprehensive Plan;
  - (3) New issues or needs have presented themselves to the City of Verona which are not adequately addressed in the Comprehensive Plan;
  - (4) The amendment will not adversely affect the character of the area in which the proposed development is to be located.
- (e) Upon consideration of these factors the Board of Alderman, and without further public hearing, may:

- (1) Adopt the proposed amendment by ordinance;
- (2) Reject the proposed amendment;
- (3) Conduct an additional hearing on the proposed amendment.

# CHAPTER 5. DEVELOPMENT REVIEW PROCEDURES

## PART 1. REQUIRED PERMITS AND APPROVALS

### 5.1.1. Required Permits and Approvals

- (a) Any particular development within the City of Verona may require one or more of the various permits and approvals in order to ensure that the development is consistent with the goals and purposes of the Ordinance and with the public health, safety, and general welfare. These include the following:
- (1) Special exception approvals;
  - (2) Planned unit development approvals;
  - (3) Certificates of occupancy;
  - (4) Vested rights certificates;
  - (5) Site plan approvals;
  - (6) Building permits;
  - (7) Variance approvals.
- The procedures for reviewing and granting these permits and approvals are set forth in the Chapter.
- (b) In addition, prior to receiving any of the above permits and approvals, the development may require an amendment to the text of this Ordinance or the rezoning of property to a different zoning district. The procedures for such actions are set in Chapter 7 of this Ordinance. The development also may require a "variance" from the terms of the Ordinance due to peculiar hardships that apply to, or exist on a particular property. The procedures for receiving such variances, which are to be granted only in cases of extreme hardship, are set forth in Chapter 6 of this Ordinance.
- (c) *Warning and Disclaimer of Liability.* These permits and approvals are reviewed only for general conformance with local codes and ordinances. They are not reviewed for accuracy of data or design, nor does the City of Verona warrant such. These permits and approvals do not relieve the owner nor any of his representatives of the responsibility of compliance with the requirements of all local codes and ordinances.

### 5.1.2. Relationships Between Different Permits and Approvals

Building permits and certificates of occupancy are basically the final forms of approval for most development within the City of Verona. Issuance of building permits and certificates of occupancy therefore may be contingent on the applicant having previously received one or more other permits or forms of approval. These Parts are organized in roughly chronological order, reflecting the relative timing of the different permits and approvals.

### 5.1.3. Simultaneous Processing of Applications for Different Permits and Approvals for the Same Development

- (a) Where possible without creating an undue administrative burden on the City of Verona's decision-making bodies and staff, this Chapter intends to accommodate the simultaneous processing of applications for different permits and approvals which may be required for the same development project, in order to make the review process as short as possible.
- (b) Furthermore, some forms of approval, such as building permits, necessarily depend on the applicant having previously received another form of approval. Some forms of approval, such as site plans, require the applicant to take particular action within some time period following the

approval in order to avoid having the approval lapse. Therefore, even though this Chapter intends to accommodate the simultaneous processing of different types of applications, the applicant should note that each of the permits and approvals set forth in this Chapter has its own timing and review sequence, and should take this into consideration in planning the development.

#### **5.1.4. Processing Fees**

Request for approval of the different permits and approvals required by this Ordinance are subject to the payment of various application processing fees in order to defray the City of Verona's costs in reviewing such requests. The fees for different types of permits and approvals are periodically determined and changed by the Board of Alderman through adoption of the annual operating ordinance or by other methods. As a result, the amount of such fees is not stated in the text of the Ordinance. These fees are summarized on a fee sheet that is available for distribution to the public. This fee sheet, which is not part of the text of this Ordinance, shall be updated as needed to reflect any changes adopted by the Board of Alderman as part of the operating budget ordinance.

## **PART 2. PERMITTED USES**

### **5.2.1. Purpose and Scope**

The designation of "permitted uses" is established to provide for the location of particular uses which are considered appropriate within a given zoning district and require no special treatment under this Chapter different from the provisions generally applying to the zoning district in which the use is located. Only those uses which Chapters 8 of this Ordinance designate as permitted uses in a given district shall be treated as such.

### **5.2.2. Required Permits and Approvals**

No use designated as a permitted use shall be established until after the person proposing such use has applied for and received all building permits and certificates of occupancy required within this ordinance.

### **5.2.3. Action on Permit Applications**

- (a) Upon receiving an application for a building permit for a permitted use, the Mayor shall review the application to determine whether the proposed use complies with the applicable terms of this Ordinance.
- (b) No building permit or certificate of occupancy shall be issued for a use which does not comply with the terms of this Ordinance applying to that use and the zoning district in which the use is to be located.

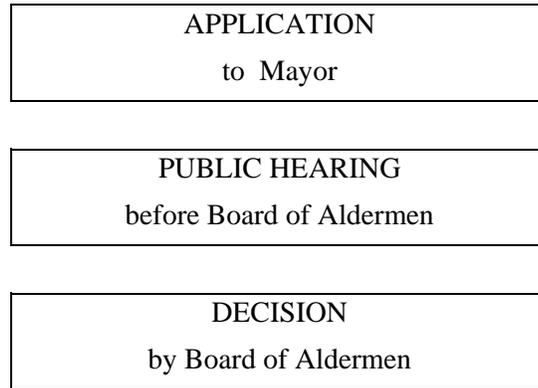
## **PART 3. SPECIAL EXCEPTION USES**

### **5.3.1. Purpose and Applicability; "Special Exception Uses"**

- (a) The classification of "special exception uses" is established to provide for the location of those uses which are generally compatible with the other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the City of Verona as a whole, require individual consideration of their location, design, configuration, and/or operation at the particular location proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location.

- (b) Accordingly, any use designated in Chapter 8, of this Ordinance as a "special exception uses" in an individual zoning district shall not be established without the approval of the Board of Aldermen in accordance with the procedures and requirements set forth in this Part. Figure 5.3.1 illustrates the process for approval of "special exception uses."

**Figure 5.3.1. Process of Special Exception Uses**



**5.3.2. Application Requirements; Determination of Completeness**

- (a) An application for approval of a special exception may be filed only by the owner of the lot on which the use is to be located, an agent, lessee, or contract purchaser specifically authorized by the owner to file such application, or any unit of government which is not the owner of the lot but proposes to acquire the lot by purchase, gift, or condemnation.
- (b) Before filing the application, the applicant is strongly encouraged to meet with the Mayor to discuss the proposed work and to become more familiar with the applicable requirements and approval procedures of the City.
- (c) An application for approval of a special exception use shall be filed with the Mayor on a form prescribed by the City of Verona, along with the fee prescribed by the Board of Alderman.
- (d) The application shall contain or be accompanied by such information and plans as required on the application form.
- (e) The Mayor shall determine whether the application is complete. If the Mayor determines that the application is not complete, then he/she shall notify the applicant of any deficiencies and shall take no further steps to process the application until the applicant remedies the deficiencies. Once the application is complete, the Mayor shall schedule the application for consideration at a public hearing before the Board of Alderman.
- (f) After determining that the application is complete, the Mayor shall transmit to the Board of Alderman prior to the hearing on the application, all applications, plans, and other records pertaining to the proposed special exception use.

**5.3.5. Action on "Special Exception Uses"**

- (a) *Public hearing.* Upon receiving the application materials for a "special exception uses" from the Mayor, the Board of Alderman shall hold a public hearing on the proposed special exception use. If the special exception use also requires site plan, then such special exception use shall be reviewed and approved in accordance with the provision of Part 7 of the Chapter for major site plans. If the special exception use also requires minor site plan approval, then the applicant may request the Board of Alderman to approve the site plan along with the special exception use. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with Part 8 of this Chapter.

- (b) *Review by Board of Alderman.* In considering the application, the Board of Alderman shall review the application materials, the general purpose and standards set forth in this Part for the approval of special exception uses, any additional standards set forth in this Ordinance for approval of the proposed use, and all evidence and testimony received at the public hearing.
- (c) *Decision by Board of Alderman.* After conducting the public hearing, the Board of Alderman may: (1) deny the application; (2) conduct an additional public hearing on the application; or (3) approve the proposed special exception use with or without conditions. Any approval or denial of the application shall state whether the proposed use meets or does not meet each of the standards set forth in Section 5.3.7 below and all other requirements set forth by this Chapter for the proposed special exception use. The decision on the application shall be by a simple majority vote of those members of the Board of Alderman present at the meeting at which the action is taken.
- (d) *Conditions attached to approval.* In approving the "special exception use," the Board of Alderman may attach such conditions to the approval as it deems necessary to meet the standards set forth for the proposed special exception use in Section 5.3.7 below and elsewhere in this Ordinance, and to protect the public health, safety and general welfare. All Such conditions shall be stated in the motion approving the application.
- (e) *Nature of conditions.* Such conditions may be stricter than any requirement or limitation stated elsewhere in this Ordinance for the proposed use. Such conditions may include, but are not limited to the following: limitations on the size, bulk and location of structures; requirements for landscaping, signs, and outdoor lighting; the provision of adequate ingress and egress; dedication of rights-of-way for streets or utilities; provision of recreational space and facilities; limitations on the duration of the approval and the time period within which the use will be developed; limitations on hours of operation; limitations on the transfer of such approval to a successor-in-interest or lessee of the property; and the mitigation of environmental impacts.
- (f) *Appeal to courts.* Appeal from the decision of the Board of Alderman shall be by petition for appeal to the Lee County Circuit Court. Any such petition to the Court shall be filed with the Court Clerk no later than 30 days after the date the decision is entered into the Official Minutes of the City of Verona.

### **5.3.7. Standards of Review**

The Board of Alderman shall not approve the proposed special exception and accompanying major site plan, unless and until they make the following findings, based on evidence and testimony received at the public hearing or otherwise appearing in the record of the case:

- (1) That the proposed use or development of the land will not materially endanger the public health or safety;
- (2) That the proposed use is reasonably necessary for the public health or general welfare, such as by enhancing the successful operation of the surrounding area in its basic community functions or by providing an essential service to the community or region;
- (3) That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property;
- (4) That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;
- (5) That the proposed use or development of the land will generally conform with Comprehensive Plan and other official plans adopted by the City of Verona;
- (6) That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities;
- (7) That the proposed use will not cause undue traffic congestion or create a traffic hazard.

### **5.3.8. Effect of Approval or Denial**

- (a) *Subsequent permits and approvals.* Approval of the application for special exception use approval authorizes the applicant to obtain minor site plan approval from the Mayor and such other permits or approvals which the Board of Alderman may require for the proposed development. If the special exception use included a major site plan, then approval of the special exception use also constitutes approval of the site plan. The Mayor shall review applications for these permits for compliance with the terms of the special exception use approval. A permit, certificate, or other approval shall be issued and valid only for work which complies with the terms of the special exception use approval.
- (b) *Transferability of approval.* A special exception use approval is not transferrable from one property to another, but may be transferred to a successor-in-interest to the property, unless specifically prohibited.
- (c) *Resubmission of denied applications.* No application for approval of a Special Exception Use shall be filed with or accepted by the Mayor which is identical or substantially similar to an application which has been denied within the previous 365 days. This waiting period requirement may be waived in an individual case, for good cause shown, by the affirmative vote of three-fourths ( $\frac{3}{4}$ ) of the members of the Board of Alderman after recommendation from the Mayor.

### **5.3.9. Changes to Terms and Conditions of Approval**

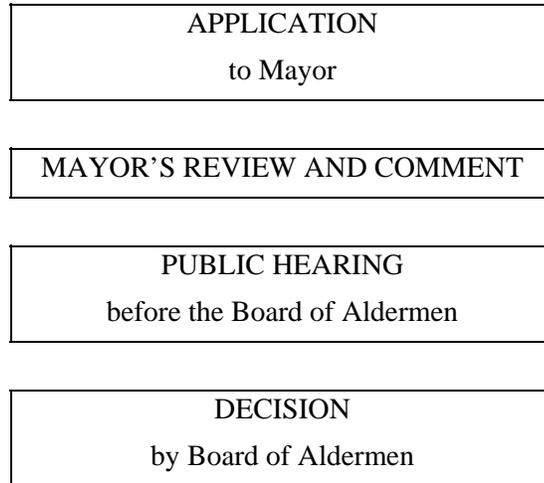
Any changes to the terms or conditions of approval of the special exception use shall require separate review and approval by the Board of Alderman. Any application for approval of such a change shall be filed, processed, reviewed, and approved or denied in the manner set forth in the Part for an original application for special exception use approval. This section shall not apply, however, to modifications to the approved site plan for the special exception use.

## **PART 4. PLANNED UNIT DEVELOPMENTS**

### **5.4.1. Purpose and Scope**

No approval for construction of any on-site or off-site improvements for a planned unit development shall be granted until a master land use plan for the planned unit development is approved in accordance with the procedures and requirements of this Part. Figure 5.4.1 graphically describes the process for approval of master land use plans for planned unit developments.

**Figure 5.4.1. Process for Planned Unit Developments**



**5.4.2. Coordination with Review of Subdivision Plats and Site Plans**

- (a) The review and approval of planned unit developments may be coordinated with the review and approval of any preliminary subdivision plat and/or site plan required.
- (b) An application for planned unit development approval and any required application for preliminary subdivision plat and/or site plan approval may be filed simultaneously. The review and processing of these applications shall be coordinated and consolidated as much as possible.

**5.4.3. Application by Owner or Authorized Representative**

An application for approval of a planned unit development may be initiated only by all of the owners of the parcel proposed for development as a planned unit development or by any person specifically authorized by all of the owners to file such application.

**5.4.4. Pre-filing Meeting**

Before filing an application for a planned development approval, the applicant shall meet with the Mayor in a pre-filing meeting to discuss the proposed planned unit development and to become more familiar with the applicable requirements and approval procedures of the City. The applicant shall provide the Mayor with the following information at the pre-filing conference:

- (1) Size and location of the parcel proposed for development as a planned unit development;
- (2) Proposed gross density of the proposed planned unit development and net density of individual parcels within the planned unit development;
- (3) A concept plan showing general land uses proposed for the planned unit development including location and acreage;
- (4) A schematic description of utility and circulation improvements for the planned unit development.

**5.4.5. Application for a Planned Unit Development Approval**

- (a) An application for a planned unit development approval shall be filed with the Mayor, along with a fee prescribed by the Board of Alderman.
- (b) The application shall be accompanied by a master land use plan and the following items of information:

- (1) A complete boundary survey showing the total acreage of the planned unit development, present zoning classification(s), date and north arrow;
  - (2) Planned primary and secondary traffic circulation patterns including an analysis of anticipated traffic volumes and all planned street connections.
  - (3) Planned means of providing for the organization, arrangements for the ownership maintenance, and preservation of common open space.
  - (4) Draft of covenants which create a homeowners association for the maintenance of all privately owned common areas, including, but not limited to, streets, parking areas, easements, and the like.
  - (5) Planned buffers around the perimeter of the proposed planned unit development and adjacent to proposed streets and between proposed parcels. Proposed building setbacks (residential and nonresidential).
  - (6) A description of the relationship of the planned unit development to the surrounding land uses and the uses within the development to each other.
  - (7) Conceptual plans for water and waste water systems to be constructed in accordance with City standards.
  - (8) Preliminary drafts of any proposed declarations to be recorded pursuant to Mississippi Code 1972 Ann. Section 89 Chapter 9.
  - (9) A statement of intent regarding access of fire fighting and refuse disposal equipment and including the method of refuse disposal, such as compactors, dumpsters, etc.
  - (10) Conceptual plans for an adequate storm drainage system to be constructed in accordance with City standards.
  - (11) The conceptual delineation of areas to be constructed in phases or sections and the sequential order that will be followed in development including a written statement from the applicant indicating the date for beginning each phase of construction and the estimated date of completion.
  - (12) Site analysis:
    - (i) On-site soils analysis/map.
    - (ii) Slope analysis/map.
    - (iii) Vegetation analysis/map.
    - (iv) Floodplain analysis/map.
    - (v) Development suitability analysis/map.
- (c) In considering the master land use plan, the Mayor and Board of Alderman may request such additional information as it deems necessary to review the application.

#### **5.4.6. Determination of Completeness**

The Mayor shall determine whether an application for a planned unit development is complete. If the Mayor determines that the application is not complete, then he or she shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are satisfied.

#### **5.4.7. Scheduling of Public Hearing**

Once the Mayor determines that the application of planned unit development is complete, then he or she shall establish a schedule for consideration of the application for a planned unit development approval and for a public hearing before the Board of Alderman.

#### **5.4.8. Public Hearing**

A planned unit development may be approved only after the Board of Alderman has conducted a public hearing on the application for a planned unit development approval and the proposed master land use plan. Notice of the hearing shall be provided according to Section 5.8.1, and the public hearing shall be conducted in accordance with Section 5.8.2 of this Ordinance.

#### **5.4.9. Action by the Board of Aldermen**

- (a) Upon receiving the report and recommendation of the Mayor, the Board of Aldermen may take one of the following actions:
  - (1) Deny the application;
  - (2) Conduct an additional public hearing on the application;
  - (3) Approve the proposed planned unit development.

Any approval or denial of the application shall be by motion, stating the reasons for such approval or denial. The decision on an application for a planned unit development and master land use plan approval shall be by a simple majority vote of those members of the Board of Alderman present at the meeting at which the action is taken.

#### **5.4.10. Effect of Approval**

- (a) The approval of an application for a planned unit development approval and a master land use plan shall not become effective until the applicant has submitted the following information to the Mayor: a copy of the master land use plan incorporating all changes that were required as conditions to Board of Alderman approval.
- (b) Upon receipt of all required submittals, the Mayor shall mark and sign the master land use plan as approved, return a marked and signed copy of the master land use plan to the applicant. A copy marked "ORIGINAL" shall be retained for the records of the City.
- (c) Actual development of the property comprising the approved planned unit development shall be subject to all applicable subdivision plat approvals, site plan approvals and other permits and approvals otherwise required by this Ordinance.
- (d) When an application for approval of a planned unit development has been approved or denied by the Board of Alderman, or has been withdrawn by the applicant after notice has been given of the public hearing on the application, no application covering the same property shall be accepted or considered within 12 months after the date of the approval, denial, or withdrawal. This restriction shall apply regardless of whether the new application is for a different planned unit development than the original application. The waiting period by this Subsection may be waived in an individual case, for good cause, shown by the affirmative vote of three-fourths (¾) of the members of the Board of Alderman.

#### **5.4.11. Changes to Approved Master Land Use Plans**

- (a) Except for minor changes authorized pursuant to subsection (b) below, no part of an approved master land use for a planned unit development shall be revised, enlarged, or modified unless such revision, enlargement or modification is approved by Board of Alderman in accordance with the requirements of this Part for an application for planned unit development and master land use plan approval.
- (b) The Mayor may approve the following minor changes to an approved master land use plan in accordance with (c) and (d) below without the approval of the Board of Alderman:
  - (1) Relocation of a road or intersection;
  - (2) Minor field alterations to accommodate physical site conditions involving interior features of the site design, including relocation of the buildings or uses shown on the approved

master land use plan, which represents the same general building relationships, topography, landscaping, and minimum utility standards.

- (c) In approving an application for a minor change to an approved master land use plan, the Mayor shall make the following findings:
  - (1) That all additions, alterations, and expansions shall be compatible with the existing or approved buildings, structures, and parking area;
  - (2) That the effect of the landscaping, buffers, or screening on the site, or on the approved master land use plan, is not diminished;
  - (3) That the number of access points to public streets is neither increased or substantially relocated;
  - (4) That the circulation pattern provides for the safe, controlled, and orderly flow of pedestrians and vehicles;
  - (5) That the change will result in better or equal performance of the overall objectives of the approved master land use plan and specific zoning district classification;'
  - (6) That the changes do not otherwise violate any provision of this Ordinance, the Municipal Code, or other applicable laws;
  - (7) That the use and development of the property is otherwise in full compliance with the requirements of this Ordinance.
- (d) If the Mayor determines that an application for a minor change to an approved master land use plan would be a significant departure from the spirit of the master land use plan or the intent of the Board of Alderman in approving the master land use plan, the Mayor may require that the application be considered in accordance with the requirements of this Part for an application for planned unit development and master land use plan approval.

## **PART 5. CERTIFICATES OF OCCUPANCY**

### **5.5.1. Certificate of Occupancy Required**

- (a) A new building or part thereof, an addition or enlargement of any existing building, or an existing building may be occupied after being altered or moved, and a change in the use of occupancy of any building may be made in any existing building or part thereof, only after the Mayor has issued a certificate of occupancy therefore, stating that the building and/or the proposed use thereof complies with the provisions of this Ordinance.
- (b) A certificate of occupancy shall be required for the purpose of maintaining, renewing, changing or extending a nonconforming use.

### **5.5.2. Approval Procedure**

- (a) The Mayor shall issue a certificate of occupancy when, after examination of the building, structure, landscaping and/or other improvements or changes to the property, the Mayor finds that the building complies with the applicable provisions of this Ordinance and other applicable ordinances and construction codes of the City of Verona.
- (b) The Mayor shall issue the certificate of occupancy after the erection or structural alteration of the building or part thereof to be occupied has been completed in conformity with the applicable provisions of this Ordinance and other applicable ordinances and construction codes of the City of Verona.

## **PART 6. VESTED RIGHTS CERTIFICATE**

### **5.6.1. Purpose and Authority**

The purpose of this part is to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability, and fairness in the land-use planning process, secure the reasonable expectations of landowners, and foster cooperation between the public and private sectors in the area of land-use planning in recognition that municipal approval of land-use development typically follows significant landowner investment in site evaluation, planning, development costs, consultant fees, and related expenses.

### **5.6.2. Establishment of Vested Right**

A vested right shall be deemed established with respect to any property upon the approval of a site specific development plan after notice and public hearing in accordance with Part 8 of this Chapter. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan.

### **5.6.3. Procedure**

An application for a vested rights certificate for a site specific development plan shall be filed with the Mayor, accompanied by a fee, required by Section 5.1.4. of this Ordinance.

### **5.6.4. Determination of Completeness**

The Mayor shall determine whether an application is complete. If the Mayor determines that the application is not complete, then he or she shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are satisfied.

### **5.6.5. Scheduling of Public Hearing**

Once the Mayor determines that the application is complete, then he or she shall establish a schedule for consideration of the application approval and for a public hearing before the Board of Alderman.

### **5.6.6. Public Hearing**

A vested rights certificate may be approved only after the Board of Alderman has conducted a public hearing on the application approval. Notice of the hearing shall be provided according to Section 5.8.1, and the public hearing shall be conducted in accordance with Section 5.8.2 of this Ordinance.

### **5.6.7. Action by the Board of Aldermen**

- (a) Upon receiving the report and recommendation of the Mayor, the Board of Aldermen may take one of the following actions:
- (1) Deny the application;
  - (2) Conduct an additional public hearing on the application
  - (3) Approve the vested rights certificate;
  - (4) Approve the vested rights certificate with conditions.

Any approval or denial of the application shall be by motion, stating the reasons for such approval or denial. The decision on an application shall be by a simple majority vote of those members of the Board of Alderman present at the meeting at which the action is taken.

- (b) No application for a vested rights certificate covering the same property will be considered until after a lapse of twelve (12) months from the date of denial or withdrawal of the application.

This twelve-month provision may be waived for good cause shown by a three-fourths (¾) vote of the entire Board of Aldermen.

#### **5.6.8. Two-year vested rights period**

Notwithstanding the terms of Sections, 1.1.4. and 1.1.5. of this Ordinance, any development for which the City of Verona has approved a "site specific development plan" prior to the effective date of any subsequent amendment to this Ordinance which renders the development nonconforming, may be carried out in accordance with the approved plan and shall be deemed lawfully existing under the terms of this Ordinance, provided that the development conforms to all terms and conditions of the approved site specific development plan. This right to carry out the development in accordance with the approved plan shall attach to and run with the land, rather than being personal to the recipient of plan approval. This right shall terminate, however, two years after the effective date of approval of the site specific development plan with respect to all buildings and uses for which the developer has not, by that time, filed a valid building permit application in accordance with Chapter 5, Part 9 of this Ordinance.

#### **5.6.9. Vested rights certificate required**

In order to be entitled to the vested rights period, the owner or developer of the property must apply for and receive a vested rights certificate from the City of Verona. The application for a vested rights certificate shall be filed in conjunction with the application for approval of the site specific development plan, and shall be processed in conjunction with the site specific development plan. A vested rights certificate shall not be issued until and unless there is a public hearing on the proposed development in conjunction with the Board of Aldermen meeting at which the site specific development plan is considered or approved. In approving the vested right certificate, the Board of Aldermen may extend the two-year vested rights period provided to a period of up to five years, where warranted in light of all relevant circumstances, including, but not limited to , the size and phasing of development, economic cycles, and market conditions. This determination shall be a the sound discretion of the Board of Aldermen.

#### **5.6.10. Exceptions**

Vested rights certificate shall not apply in the following instances:

- (1) Where the property owner consents, in writing, to making the development conform to the requirements of this Ordinance, or any amendment thereto, which would make the development nonconforming;
- (2) Where the Board of Aldermen finds, after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed in accordance with the approved site specific development plan;
- (3) Where the Board of Aldermen finds, after notice and a public hearing, that the landowner or his or her representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the City of Verona approval of the site specific development plan;
- (4) Where the State or Federal government has enacted or promulgated a law or regulation which precludes developing the property in accordance with the approved plan, in which case the Board of Aldermen may, by ordinance, modify the affected provisions of the approved plan upon finding, after notice and a public hearing, that the change in State or Federal law has fundamental effect on the approved site specific development plan;
- (5) Where the City of Verona has compensated the property owner for all costs, expenses, and other losses, not including any diminution in the value of the property, which the owner has incurred

after approval of the site specific development plan by the City of Verona together with interest thereon at the legal rate until paid.

#### **5.6.11. Effect of changes to approved plan**

This Ordinance provides for situations in which the property owner or developer may obtain City of Verona approval for particular changes to a site-specific development plan that the City of Verona has already approved. The effect of such changes is as follows:

- (1) Where the change is a special exception use of a temporary nature that may be approved by the Mayor under the terms of this Ordinance, then approval of the change shall have no effect on the vested rights period and vested right certificate. The Board's approval of the proposed change shall not be deemed to extend or renew the vested rights period.
- (2) Where the change is one that requires a variance from the Board of Aldermen, then the vested rights period shall terminate immediately upon the Board's approval of the variance.

#### **5.6.12. Provisions to which vesting does not apply**

These provisions shall not preclude the City of Verona from applying zoning regulations which do not affect the allowable type or intensity of use, regulations governing non-conformities or regulations which are general in nature and apply to all property within the City of Verona's jurisdiction. All other regulations shall become effective with respect to the property upon the expiration or termination of the vested rights period.

## **PART 7. SITE PLANS**

#### **5.7.1. Exemptions From Site Plan Approval Requirements**

- (a) One and two family residential buildings and residential accessory buildings and structures.
- (b) Non-residential building additions less than 25% of the size of the building.
- (c) Non-residential accessory buildings less than 25% of the size of the building or buildings on the property.
- (d) Non-residential interior and exterior renovations and repair.

#### **5.7.2. Buildings and Developments Requiring Major Site Plan Approval**

The following buildings and developments shall require major site plan approval by the Board of Aldermen, in accordance with the procedures of this Part prior to the issuance of any building permit:

- (a) Multi-family developments.
- (b) Mobile home and manufactured home parks.
- (c) Multi-tenant non-residential buildings.

#### **5.7.3. Buildings and Developments Requiring Minor Site Plan Approval**

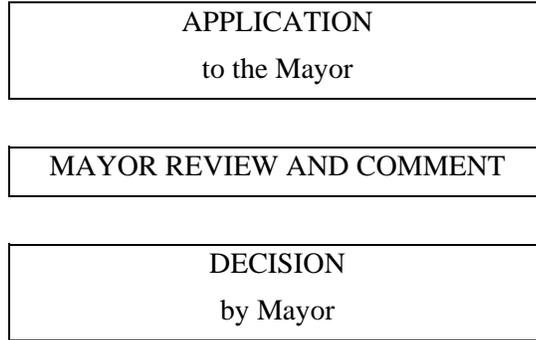
All other buildings and developments not included in 5.7.1 and 5.7.2 above shall require minor site plan approval by the Mayor in accordance with the procedures of this Part prior to the issuance of any building permits.

#### **5.7.4. Approval of Site Plan with Special Exception Use Approval and Coordination with Review of Preliminary Subdivision Plats**

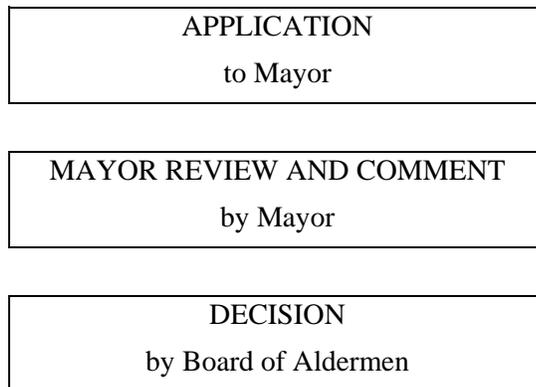
It is the intention of this Part of this Ordinance to conduct the review and approval of special exception uses and site plans at the same time to the maximum extent possible. The review and processing of the

two applications shall be coordinated and consolidated as much as possible. However, the Board of Aldermen shall render a separate decision on each application, recognizing the applications as distinct and subject to different standards for approval. Figures 5.7.1 (a) and (b) graphically describes the process for approval of minor and major site plans.

**Figure 5.7.1. (a) Process for Minor Site Plans**



**Figure 5.7.1. (b) Process for Major Site Plans**



**5.7.5. Application Requirements**

- (a) An application for site plan approval may be filed only by all of the owners of the property or by an agent, lessee, or contract purchaser specifically authorized by all of the owners to file such application.
- (b) An application for site plan approval shall be filed with the Mayor on a form prescribed by the City of Verona, along with the fee prescribed by the Board of Aldermen.
- (c) The application shall contain or be accompanied by such information and plans as required on the application form and shall include the following:
  - (1) General Layout Plan;
    - (i) Provide a map of the property with metes and bounds labeled along all existing and proposed property lines and all property corners;
    - (ii) Show all proposed and existing buildings/structures on the site along with finished floor elevations;
    - (iii) Show lot dimensions and required yards and setbacks;

- (iv) Building height;
  - (v) List owner(s) of project/property;
  - (vi) Label adjacent property owners;
  - (vii) Label square footage of all buildings;
  - (viii) Show dumpster location and screening;
- (2) Grading Plan; (For major site plans and where required by the Municipal Engineer for all other site plans.)
  - (3) Street and Driveways Layout Plan;
    - (i) Label all proposed streets and access drives including width, right of way, radii, horizontal curvatures, driveways, etc.;
    - (ii) Show the location of any proposed or existing greenway and park land;
    - (iii) Show all parking areas including bay width, bay length, travel aisle, angle and directional flow;
    - (iv) Show existing streets adjacent to the site showing width, right of way and driveway access points;
    - (v) Designate number of parking spaces proposed;
  - (4) Water and Sewer Plan.
    - (i) Plan view of proposed utility easements;
    - (ii) Designate type and volume of waste water generated by the proposed development, for major site plans.
  - (5) Stormwater Plan;
  - (6) Landscape Plan;
  - (7) *Building Plans.* Submit drawings of building elevations showing the proposed exterior building materials and colors, height of proposed building, number of stories including basement. Height, location and general design of structure or equipment proposed above the building height limit, and their screening (if required, see 6 above). Building facades shall be designed to be compatible and consistent with adjacent developments.

#### **5.7.6. Staff Review**

The application and site plan shall be reviewed by the Mayor for compliance with the standards and requirements, which may include necessary or suggested revisions to the submitted site plan, and then be made available to the applicant.

#### **5.7.7. Action by Mayor on "Minor Site Plans"**

- (a) Unless approved by the Board of Aldermen along with a special exception use, the Mayor shall review the site plan, any comments and recommendations from other departments or committees, the responses and comments of the applicant, and the requirements of this Ordinance, and either approve or reject the site plan.
- (b) The Mayor may approve a site plan only if it meets the standards and requirements set forth in this Ordinance.
- (c) The Mayor may reject the site plan on any of the following grounds:
  - (1) That it fails to fully comply with any specific requirement of this Ordinance;
  - (2) That it fails to adequately protect other property or residential uses located on the same property, from the potential adverse effects of a nonresidential use;
  - (3) That it fails to provide harmony and unity with the development of nearby properties;

- (4) That it fails to provide safe conditions for pedestrians or motorists, such as by presenting a dangerous arrangement of pedestrian and vehicular ways.

If the Mayor rejects the site plan, then the reasons therefore shall be stated in the record of action on the site plan.

- (d) In the event the Mayor disapproves a minor site plan, an appeal may be filed with the Board of Aldermen within three (3) days of disapproval. If an appeal is filed, the minor site plan shall be reviewed and approved in accordance with the procedural provisions for major site plans.

#### **5.7.8. Action by Board of Aldermen on "Major Site Plans"**

- (a) The Board of Aldermen may approve a site plan only if it meets the standards and requirements set forth in this Ordinance.
- (b) The Board of Aldermen may reject the site plan on any of the following grounds:
  - (1) That it fails to fully comply with any specific requirement of this Ordinance;
  - (2) That it fails to adequately protect other property, or residential uses located on the same property, from the potential adverse effects of a non-residential use;
  - (3) That it fails to provide harmony and unity with the development of nearby properties;
  - (4) That it fails to provide safe conditions for pedestrians or motorists, such as by presenting a dangerous arrangement of pedestrian and vehicular ways.

If the Board of Aldermen rejects the site plan, then the reasons therefore shall be stated in the record of action on the site plan.

#### **5.7.9. Recording of Deed for Required Dedications**

Approval of a site plan by the Board of Aldermen or Mayor shall automatically be conditioned on the applicant recording with the Lee County Chancery Clerk an original warranty deed containing a metes and bounds description of any and all lands and rights-of-way dedicated as part of the approved site plan. Such deed shall be recorded within 30 days after the date the site plan is approved. Failure to satisfy this requirement shall render approval of the site plan null and void.

#### **5.7.10. Effect and Duration of Site Plan Approval**

Approval of the site plan shall authorize the applicant to proceed with any applications for building permits, and other permits and approvals required in order to develop the property in conformity with the approved site plan. A permit, certificate, or other approval may be issued by the City of Verona only if it conforms to the approved site plan drawings.

## **PART 8. NOTICES AND PUBLIC HEARINGS**

### **5.8.1. Notice Requirements**

- (a) *Content of Notices.* All notices which this Section requires for public hearings shall identify the date, time, and place of the public hearing and the nature and character of the proposed action. Where the hearing involves the rezoning of property, the approval of a planned unit development, the approval of a special exception use or variance, the notice shall also identify the address or location of the subject property and the name of the applicant.
- (b) *Published notice.* For any public hearing required by this Ordinance, the Mayor shall cause a notice to be published in a newspaper having general circulation in the area. The notice shall be published at least 15 days before the scheduled hearing date. (In computing such period, the day of publication shall not be counted, but the day of the hearing shall be counted.)

- (c) *Posted notice.* For any public hearing required by this Ordinance, the Mayor shall cause a notice to be posted on the property for at least seven days before the scheduled date of the hearing.

### **5.8.2. Public Hearing Procedures**

- (a) The procedures and requirements set forth in this Section shall supply to all public hearings regarding the rezoning of property, the approval of a planned unit development, the approval of a special exception use or variance, the approval of a vested rights certificate or an administrative appeal pursuant to this Ordinance.
- (b) When the Mayor has determined that an application is complete and that a public hearing is required by this Ordinance, the Mayor shall schedule a date, time, and place for the required hearing, and shall ensure that all notices are provided pursuant to Section 5.8.1. above.
- (c) Any person may appear at the public hearing and submit evidence in explanation or rebuttal, either individually or as a representative of an organization, upon receiving proper recognition from the chairperson of the body conducting the hearing.
- (d) Each person who appears at a public hearing shall identify himself or herself and his or her address and, if appearing on behalf of an organization, shall state the name and mailing address of the organization. Anyone representing an organization shall present written evidence of his or her authority to speak on behalf of the organization in regard to the matter under consideration, unless the chairperson waives this requirement.
- (e) All testimony and evidence given in a public hearing in front of the Board of Aldermen in a hearing shall be given under oath or by affirmation to the body conducting the hearing.
- (f) Any person participating in the hearing may, upon receiving proper recognition from the chairperson of the body conducting the hearing, question or cross-examine other persons appearing as witnesses who present adverse evidence or testimony.
- (g) The body conducting the hearing may exclude any testimony, evidence, or questioning that it finds to be incompetent, irrelevant, immaterial, or unduly repetitious.
- (h) At any time upon reasonable request, any person may examine the application and materials submitted in support of or in opposition to an application for development approval. The Mayor shall make copies of such materials available at cost.

## **PART 9. BUILDING PERMITS**

### **5.9.1. Building Permit Required**

A building or structure shall be erected, added to, structurally altered, moved, or demolished only after the City of Verona has issued a building permit for such work. A building permit shall be issued only for work which conforms to the requirements and standards of this Ordinance and the terms and conditions of any other permits, approvals, or variances granted pursuant to this Ordinance.

### **5.9.2. Building and Other Construction Codes Adopted**

The following building and other construction codes are in effect for the City of Verona:

- Standard Building Code
- Standard Plumbing Code
- Standard Gas Code
- Standard Mechanical Code
- Standard Fire Prevention Code
- Standard Housing Code
- Standard Swimming Pool Code

-National Electrical Code

As amended from time to time, specifies the editions of these building and other construction codes, which are in effect.

### **5.9.3. Building Permit, Inspection and Other Procedures**

Building permits shall be obtained in accordance with the procedures of the building and other construction codes as adopted by the City of Verona. Inspection requirements and procedures and all other requirements and procedures of said codes shall be adhered to except where specifically modified by this Ordinance.

## **PART 10. SIGN PERMITS**

### **5.10.1. Purpose and Scope**

The purpose of this Part is to set out the procedures for obtaining a sign permit from the City of Verona. A sign, for which Chapter 11 of this Ordinance requires a sign permit, may be erected within the corporate limits of the City of Verona after a sign permit has been issued by the Mayor in accordance with the procedures and requirements of this Part and Chapter 11 of this Ordinance.

### **5.10.2. Application Requirements**

- (a) An application for a sign permit may be filed only by the owner of the property on which the sign is to be erected, or by an agent, lessee, or contract purchaser specifically authorized by the owner to file such application.
- (b) An application for a sign certificate shall be filed with the Mayor on a form prescribed by the City of Verona, along with the fee for such certificate as prescribed by the Board of Aldermen.

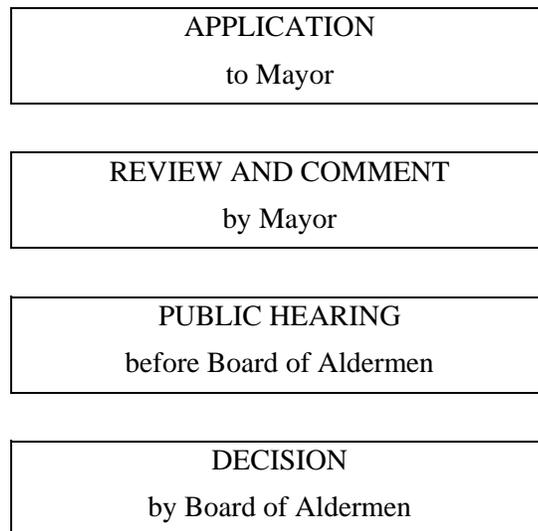
# CHAPTER 6. VARIANCES AND ADMINISTRATIVE APPEALS

## PART 1. VARIANCES

### 6.1.1. Purpose and Scope

The "variance" process administered by the Board of Aldermen is intended to provide limited relief from the requirements of this Ordinance in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this Ordinance render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested. Figure 6.1.1. illustrates the process for approval of a variance, as set forth in this Part.

**Figure 6.1.1. Process for Variances and Administrative Appeals**



### 6.1.2. Provision Which May Not Be Varied by the Board of Aldermen

In no event shall the Board of Aldermen grant a variance which would allow the establishment of a use which is not otherwise allowed in a zoning district or which would change the zoning district classification of any or all of the affected property.

### 6.1.3. Application Requirements; Determination of Completeness

- (a) An application for a variance may be filed only by the owner of the land affected by the variance; an agent, lessee, or contract purchaser specifically authorized by the owner to file such application; or any unit of government which is not the owner of the lot but proposes to acquire the lot by purchase, gift, or condemnation.

- (b) Before filing the application, the applicant is strongly encouraged to meet with the Mayor to discuss the proposed variance and to become more familiar with the applicable requirements and approval procedures of the City of Verona.
- (c) An application for a variance shall be filed with the Mayor on a form prescribed by the City of Verona, along with the fee prescribed by the Board of Aldermen.
- (d) The application shall contain or be accompanied by such information and plans as required on the application form.
- (e) The Mayor shall determine whether the application for a variance is complete. If the Mayor determines that the application is not complete, then he or she shall notify the applicant of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied. Once the application is complete, the Mayor shall schedule the application for consideration at a public hearing before the Board of Aldermen.

**6.1.4. Action by the Board of Aldermen**

- (a) Upon receiving the application materials from the Mayor, the Board of Aldermen shall hold a public hearing on the proposed variance. Notice of the public hearing shall be provided in accordance with Section 5.8.1 and the public hearing shall be conducted in accordance with Section 5.8.2 of this Ordinance.
- (b) In considering the application, the Board of Aldermen shall review the application materials, the general purpose and standards set forth in this Part for the granting of variances, and all testimony and evidence received by the Board of Aldermen at the public hearing.
- (c) After conducting the public hearing, the Board of Aldermen may:
  - (1) Deny the application;
  - (2) Conduct an additional public hearing on the application;
  - (3) Grant the requested variance.

Any approval or denial of the request shall be by motion, which includes findings of fact that the variance meets or does not meet each of the standards set forth in Section 6.1.5., stating the reasons for such findings.

- (d) The Board of Aldermen shall not grant any variance unless there is a simple majority vote.
- (e) In granting any variance, the Board of Aldermen may attach such conditions to the approval as it deems necessary and appropriate to satisfy the standards set forth in Section 6.1.5, to reduce or minimize any injurious effect of such variance upon other property in the neighborhood, and to ensure compliance with other terms of this Ordinance.

**6.1.5. Standard of Review**

The Board of Aldermen shall not grant a variance unless it makes the following findings:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings located in the same zoning district;
- (2) That the literal interpretation and strict enforcement of the provision to be varied would deprive the applicant of rights commonly enjoyed by other properties located in the same zoning district under the terms of this Ordinance;
- (3) That the special conditions and circumstances do not result from the actions of the applicant; and
- (4) That granting the proposed variance will not confer on the applicant any special privilege that this Ordinance denies to other land, structures, or buildings located in the same zoning district.

### **6.1.6. Effect of Approval or Denial**

- (a) After the Board of Aldermen approves a variance, the applicant shall follow the procedures set forth in Chapter 5 for the approval of all permits, certificates, and other approvals required in order to proceed with development of the property. All other decisions, determinations, and interpretations made by administrative officers under those procedures shall be consistent with the variance granted to the applicant by the Board of Aldermen.
- (b) The Mayor shall not accept any application, which has been denied within the last 12 months.

### **6.1.7. Appeals**

Appeal from the decision of the Board of Aldermen shall be by petition for appeal to the county Circuit Court. Any such petition to the Court shall be filed with the Court Clerk no later than 30 days after the date the decision is entered into the Official Minutes of the City of Verona.

## **PART 2. APPEALS OF ADMINISTRATIVE DECISIONS**

### **6.2.1. Purpose and Scope**

Appeals to the Board of Aldermen from the decisions of the Mayor are allowed under this Ordinance in order to ensure that any enforcement action taken by such an administrative officer pursuant to duties assigned by this Ordinance is consistent with the terms and purposes of this Ordinance and any related policies adopted by the City of Verona.

### **6.2.2. Decisions Which May be Appealed**

Any order, requirement, permit, decision, determination, or refusal made by any administrative officer in enforcing the provisions of this Ordinance may be appealed to the Board of Aldermen.

### **6.2.3. Persons Who May File An Appeal**

An appeal to the Board of Aldermen may be brought by any person, firm, corporation, office, department, board, bureau or commission aggrieved by the order, requirement, permit, decision, or determination which is the subject of the appeal.

### **6.2.4. Filing of Appeal, Effect of Filing**

- (a) A request for an appeal shall be filed with the Mayor no later than 30 days after the date of the contested action.
- (b) Once the request is submitted, the Mayor shall schedule the appeal for consideration at a hearing before the Board of Aldermen.
- (c) Prior to the hearing, the Mayor and the administrative officer from whom the appeal is taken shall transmit to the Board of Aldermen all applications and other records pertaining to such appeal.

### **6.2.5. Action by the Board of Aldermen**

- (a) Upon receiving the application materials from the Mayor, the Board of Aldermen shall hold a hearing on the appeal. The hearing shall be conducted in accordance with Chapter 5, Part 8 of this Ordinance.
- (b) Either at the hearing or a subsequent meeting, the Board of Aldermen shall adopt a motion reversing, affirming, or modifying the contested action.
- (c) In reversing, affirming, or modifying the contested action, the Board of Aldermen shall have all relevant powers of the administrative officer from whom the appeal is taken.

- (d) The Board of Aldermen shall not reverse or modify the contested action unless it finds that the administrative officer erred in the application or interpretation of the terms of this Ordinance or related policies adopted by the City of Verona.
- (e) The Board of Aldermen shall not reverse or modify the contested action unless there is a majority vote of the members voting.

**6.2.6. Effect of Reversal or Modification**

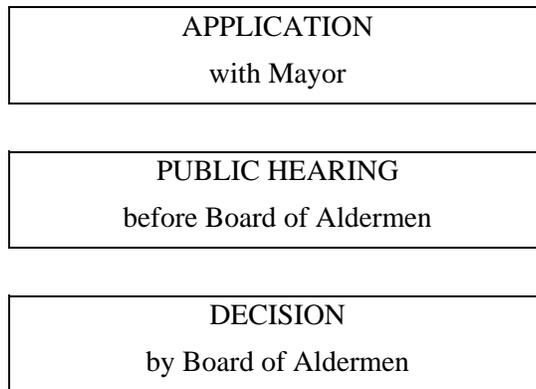
In the event that the Board of Aldermen reverses or modifies the contested action, all subsequent actions taken by administrative officers with regard to the subject matter shall be in accordance with the reversal or modification granted by the Board of Aldermen.

## CHAPTER 7. TEXT AMENDMENTS AND REZONINGS

### 7.1.1. Purpose and Scope

The Board of Aldermen, in accordance with the procedures set forth in this Chapter, may amend the text of this Ordinance and rezone property (that is, amend the classifications of property appearing on the Official Map of Zoning Districts). The purpose of this Chapter is to provide the procedures for doing so. The purpose is not to relieve particular hardships, not to confer special privileges or rights on any person, but only to make adjustments to the text of this Ordinance and to the Official Map that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the City of Verona. Figure 7.1.1. illustrates the process for text amendments and rezonings, as set forth in this Part.

**Figure 7.1.1. Process for Text Amendments and Rezonings**



### 7.1.2. Initiation of Amendments

An amendment to the text of this Ordinance may be initiated by the Board of Aldermen and/or any owner of a legal or equitable interest in land located in the City of Verona or any resident of the City of Verona. An amendment to the Official Zoning Map (rezoning) may be initiated by the owner of a legal or equitable interest in land located in the City of Verona sought to be rezoned. Rezonings may require a comprehensive plan amendment (see Sections 4.1.2 through 4.1.4). A comprehensive rezoning, or adoption of a new zoning map may be initiated by the Board of Aldermen.

### 7.1.3. Filing and Content of Applications

- (a) An application requesting a text amendment or rezoning shall be filed with the Mayor on a form prescribed by the City of Verona, along with the fee prescribed by the Board of Aldermen.
- (b) Each application shall contain or be accompanied by the information required on the application form provided by the Mayor.
- (c) Before filing the application, the applicant is strongly encouraged to meet with the Mayor to discuss the proposed amendment and to become more familiar with the applicable requirements and approval procedures of the City of Verona.
- (d) The Mayor shall determine whether the application is complete. If the Mayor determines that the application is not complete, then he or she shall notify the applicant of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied. Once the application is complete, the Mayor shall schedule the application for consideration at a public hearing before the Board of Aldermen.

#### **7.1.4. Public Hearing**

Rezoning may be adopted only after the Board of Aldermen conducts a public hearing on the proposed amendment, at which time parties interested in the proposed amendment shall have an opportunity to be heard. Notice of the hearing shall be provided in accordance with Section 5.8.1 and the public hearing shall be conducted in accordance with Section 5.8.2 of this Ordinance.

#### **7.1.5. Review by Board of Aldermen**

- (a) The Board of Aldermen shall consider each proposed amendment regarding whether to approve or deny each proposed amendment. The recommendation shall be based on the following criteria:
  - (1) Conformance with the Comprehensive Plan;
  - (2) Otherwise, that changes have occurred in the area since the Plan and Zoning Ordinance were adopted which warrant the requested zone;
  - (3) City utilities and sewer can accommodate the uses allowable in the requested zone;
  - (4) The allowable uses in the requested zone will not adversely affect the character of the area and result in a decrease of property values;
  - (5) There is a need for additional land within the City to be zoned the classification which is requested.
- (b) The burden of the proof shall be on the applicant to prove that these criteria are satisfied.

#### **7.1.6. Action by the Board of Aldermen**

Upon reviewing such information, the Board of Aldermen may:

- (1) Adopt the proposed text amendment or rezoning by ordinance;
- (2) Reject the proposed text amendment or rezoning;
- (3) Refer the proposed amendment to a committee of the Board of Aldermen for further consideration.

#### **7.1.7. Protests**

In the event that the Board of Aldermen receives a written petition protesting any rezoning of property signed by the owners of 20% or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending 160 feet therefrom or of those directly opposite there to, extending one hundred sixty (160) feet from the street frontage of such opposite lots, such amendment shall not become effective except by a favorable vote of two-thirds of all the members of the Board of Aldermen.

#### **7.1.8. Waiting Period for Subsequent Applications**

- (a) When a rezoning applicant has been denied by the Board of Aldermen, or has been withdrawn by the applicant after notice has been given of the public hearing on the application, no rezoning application covering the same property shall be accepted or considered within 12 months after the date of the denial, or withdrawal.
- (b) The inclusion of an additional lot or lots in the new application shall not be permitted when it is evident that the inclusion of the new lot or lots is for the express purpose of avoiding these restrictions.
- (c) The waiting period required by this Section may be waived in an individual case, for good cause shown, by the affirmative vote of three-fourths of the members of the Board of Aldermen.

# CHAPTER 8. ZONING USE DISTRICTS

## PART 1. ESTABLISHMENT OF DISTRICTS AND ALLOWABLE USES

### 8.1.1. Districts Established

In order to carry out the purposes of this Ordinance and to allow a variety of uses in different districts which are appropriate to the character of the individual district, the City of Verona shall be divided into the following zoning districts, the boundaries of which shall be shown on the Official Map of Zoning Districts.

- |     |      |                                   |
|-----|------|-----------------------------------|
| (1) | A-1  | General Agricultural District     |
| (2) | R-1  | Large Lot Residential District    |
| (3) | R-1A | Small Lot Residential District    |
| (4) | R-2  | Medium Lot Residential District   |
| (5) | R-3  | Mixed Use Residential District    |
| (6) | MH   | Manufactured Home District        |
| (7) | C-1  | General Commercial District       |
| (8) | I-1  | Industrial District               |
| (9) | PUD  | Planned Unit Development District |

### 8.1.2. Permitted Uses, Special Exception Uses and Prohibition of Uses not Expressly Listed

No use shall be established in any zoning district unless it is expressly designated by this Ordinance as a "permitted use" or "special exception uses" in the district in which the use is to be located. The range of uses allowed as "permitted uses" and "special exception uses" in each zoning district is summarized in Table 8.1.3. In the event of a conflict between Table 8.1.3 and the text of this Ordinance, the text shall control.

**TABLE 8.1.3. LIST OF PERMITTED AND CONDITIONAL USES**

By ZONING DISTRICTS

NAICS #	USES	ZONING DISTRICTS ALLOWED	
		PERMITTED	SPECIAL EXCEPTION
N/A	Adult Entertainment	II	
441229	Aircraft Sales & Service	II	
481	Airport	II	A1
711	Amusement Establishments		C1
54194	Animal Hospitals	C1	
81291	Animal Shelter	C1, II	
92811	Armory	C1	
3273/ 3241	Asphalt & Concrete Plants	II	
8111	Automobile Service Station & Repair	C1	
721191	Bed & Breakfast	C1	A1, R1, R2
N/A	Brown Bag Establishments		C1
4441	Building Materials & Supply	C1	
811192	Car Washes	C1	
N/A	Caretaker's Residence	C1, II	
45299	Catalog Sales, Showroom & Display	C1, II	
81222	Cemetery & Mausoleum		A1, R1, R2, C1
8131	Churches	A1	R1, R2, R3, C1
6214	Clinic	C1	
813	Clubs & Lodges (Civic & Fraternal)	C1	
53112	Coliseum & Stadiums		C1
N/A	Contractor Shop	C1, II	A1
4471	Convenience Store	C1	
53112	Convention Centers	C1	
71391	Country Club	A1	R1
81222	Crematory		A1, R1, R2, C1
6244	Day Care Center	C1, II	R2, R3
6244	Day Care Homes, Large	C1, II	A1, R1, R1A, R2, R3
6244	Day Care Homes, Small	All Districts	
N/A	Detached Dwelling	A1, R1, R1A, R2	R3
92214	Detention Center	C1, II	
81291	Dog Kennel		A1, C1, II
4461	Drug Store	C1	
N/A	Duplex Dwelling	R3	R2
11	Farms	A1, II	
52	Financial Establishments	C1	
45331	Flea Market Indoor	C1	
45331	Flea Market Outdoor		C1, II
113	Forestry	A1	
81221	Funeral Home	C1	
422	Furniture Sales and Showroom	C1, II	
N/A	Garage Apartment		R1, R2, R3
71391	Golf Courses	A1	R1, R2
71391	Golf Driving Range	A1	C1, II
6232	Group Home		A1, R1, R1A, R2, R3, MH, C1
721199	Guest Houses		A1, R1, R2, R3
N/A	Home Businesses		All Districts
N/A	Home Occupations	All Districts	
622	Hospitals	C1	
72111	Hotels & Motels	C1	
42114	Junkyard		II
6215	Laboratory, Medical & Dental	C1	
6215	Laboratory, Research	II	
51412	Library	C1	R1, R2, R3
	Liquor Store		C1
623	Life Care Community	R3	C1, R1, R2
44419	Lumberyard-no millwork	A1, II	
321	Lumberyard & millwork	II	
33271	Machine Shop	II	C1

NAICS #	USES	ZONING DISTRICTS ALLOWED	
		PERMITTED	SPECIAL EXCEPTION
N/A	Manufactured Building used for non-residential purposes		A1, R1, R2, R3, MH, C1, I1
N/A	Manufactured Home used for residential purposes	MH	
31	Manufacturing, Heavy		I1
31	Manufacturing, Light	I1	
53113	Mini Warehouses	C1, I1	
N/A	Manufactured Home Park		MH
N/A	Manufactured Home Subdivision	MH	
48421	Moving Service	C1, I1	
71211	Museum	C1, A1	R1, R2
N/A	Multi-family dwellings	R3	
5111	Newspaper Printing & Distribution	C1, I1	
7224	Nightclubs, Bars		C1
6231	Nursing Homes	R3	C1, R1, R2
6211 6212 6213	Offices Medical	C1	
N/A	Offices, other than medical	C1	
81293	Parking Garages	C1	
81293	Parking Lots on Separate Lots	C1, I1	All R Districts
71311 92412 7121	Parks	All Districts	
6233	Personal Care Homes	R3	C1, R1, R2
54 / 8114	Personal Service Establishment	C1	
4442	Plant Nursery & Greenhouse	C1	
49111	Post Offices	C1	
323	Printing Establishments	C1	
42145	Prosthesis & Medical Supplies	C1	
922	Public Safety Stations	All Districts	
221	Public Utility Facilities		All Districts
711212	Race Track		A1, C1
5131	Radio & TV Broadcasting Studio	C1	A1
482	Railroad Stations & Yards	I1	
71394	Recreation Centers	C1	A1, R1, R2, R3
5621	Recycling Drop-off Stations		All Districts
42193	Recycling & Salvage Operations		I1
622	Rehabilitation Center	C1	
N/A	Residential over Commercial		C1
21	Resource Extractions		All Districts
722	Restaurants	C1	
44 -45	Retail Stores	C1	
61	School	C1	R1, R2, R3
71399	Shooting Range, Indoor	C1	I1
71399	Shooting Range, Outdoor		A1, I1
N/A	Signs	All Districts	
811111	Small Engine Repair	C1	
N/A	Swimming Pools	All Districts	
N/A	Telecommunication Towers	I1	A1, C1
326212	Tire Recapping	C1, I1	
56192	Trade Markets & Shows	C1, I1	
6115	Trade School	C1, I1	
48	Transportation Facility	C1	
484	Trucking Company	C1, I1	
4412	Truck, Heavy Equipment, Farm Implement, Boats, Motorcycle & Mobile/Manufactured Home Sales & Service	C1	
5321	Vehicle Sales & Rental	C1	
49	Warehousing & Distribution	I1	
42	Wholesale & Jobbing	C1, I1	
321	Woodworking & Cabinet Shops	I1	

### 8.1.3. Annexed Lands

The zoning district designation for areas added to the City of Verona's jurisdiction through annexation beyond the City of Verona's existing jurisdiction shall be determined as follows:

- (1) If the property annexed is not subject to any zoning regulations, the property shall not be subject to any use restrictions imposed by this Ordinance until such time as the City of Verona has properly zoned the property at which time all restrictions and regulations contained in this Ordinance shall apply. Prior to such zoning becoming effective, all other regulations contained in this Ordinance other than use restrictions shall apply.
- (2) If the property annexed is subject to zoning regulations, the Board of Aldermen shall designate the property, as the zoning district most closely resembling its classification at the time of annexation. All regulations of this Ordinance for said zoning classification shall apply to this annexed property immediately upon said annexation and zoning district designation by the Board of Aldermen.

## **PART 2. A-1 GENERAL AGRICULTURAL DISTRICT**

### **8.2.1. Purpose and Intent**

The objective of this district is to preserve land areas suitable for eventual urbanization when the need and availability of community facilities warrant its development and to govern development of undesirable lands such as floodplains. The types of uses, area and intensity of development permitted in this district are designed to protect agricultural and open space uses until urbanization is warranted and appropriate changes and districts can be made.

### **8.2.2. Permitted Uses**

The following uses shall be established as permitted uses in the A-1 District, in accordance with the procedures established in Chapter 5, Part 2 of this Ordinance:

- |                           |                              |
|---------------------------|------------------------------|
| (1) Churches              | (9) Home Occupation          |
| (2) Country Club          | (10) Lumberyard, no millwork |
| (3) Detached Dwelling     | (11) Museum                  |
| (4) Day Care Homes, Small | (12) Parks                   |
| (5) Farms                 | (13) Public Safety Stations  |
| (6) Forestry              | (14) Signs                   |
| (7) Golf Courses          | (15) Swimming Pools          |
| (8) Golf Driving Ranges   |                              |

### **8.2.3. Special Exception Uses**

The following uses may be established as special exception uses in the A-1 District, subject to approval by the Board of Aldermen in accordance with the procedures established in Chapter 5, Part 3 of this Ordinance:

- |                                     |  |
|-------------------------------------|--|
| (1) Airport                         | non-residential purposes                                 |
| (2) Bed & Breakfast                 | (12) Manufactured Building used for residential purposes |
| (3) Cemetery & Mausoleum            | (13) Public Utility Facilities                           |
| (4) Contractor Shop                 | (14) Race Track  |
| (5) Crematory                       | (15) Radio and TV Broadcasting Studio                    |
| (6) Day Care Homes, Large           | (16) Recreation Centers                                  |
| (7) Dog Kennels                     | (17) Recycling Drop-off Stations                         |
| (8) Guest Houses                    | (18) Resource Extraction                                 |
| (9) Group Home                      | (19) Shooting Range, Outdoor                             |
| (10) Home Businesses                | (20) Telecommunications Towers                           |
| (11) Manufactured Building used for |  |

### **8.2.5. Development Standards of General Applicability**

All uses and structures in the A-1 District shall meet the following development standards, except as otherwise provided by this Ordinance:

- (1) Minimum Lot Area - 1 acre
- (2) Minimum Lot Width – 80 ft.
- (3) Minimum Front Yard - 40 ft.
- (4) Minimum Side Yards - 25 ft.
- (5) Minimum Rear yard - 50 ft.
- (6) Maximum Building Height - 35 ft.
- (7) Maximum Lot Coverage - 25%

The front yard requirement also applies to the yard between the building and the side street, in the case of a corner lot. This minimum front yard requirement is to be measured from the right-of-way line to the building at the closest point.

## **PART 3. R-1 LARGE LOT RESIDENTIAL DISTRICT**

### **8.3.1. Purpose and Intent**

The R-1 Large Lot Residential District is established as a district in which the principal use of land is for single family dwellings. The regulations of this district are intended to discourage any use which, because of its character, would be detrimental to the residential character of this district. The regulations of this district also are designed to encourage the wise use of land and natural resources, with the aim of reducing sprawl and the costly provision of infrastructure to serve disbursed development.

### **8.3.2. Permitted Uses**

The following uses may be established as permitted uses in the R-1 District in accordance with the procedures established in Chapter 5, Part 2 of this Ordinance:

- |                           |                            |
|---------------------------|----------------------------|
| (1) Day Care Homes, Small | (5) Public Safety Stations |
| (2) Detached Dwellings    | (6) Signs                  |
| (3) Home Occupations      | (7) Swimming Pools         |
| (4) Parks                 |                            |

### **8.3.3. Special Exception Uses**

The following uses may be established as special exception uses in the R-1 District, subject to approval by the Board of Alderman in accordance with the procedures established in Chapter 5, Part 3 of this Ordinance:

- |                          |  |
|--------------------------|--|
| (1) Bed & Breakfast      | (12) Life Care Community                                     |
| (2) Cemetery & Mausoleum | (13) Manufactured Building used for non-residential purposes |
| (2) Churches             | (14) Museum  |
| (3) Country Clubs        | (15) Nursing Home  |
| (4) Crematory            | (16) Parking Lots on Separate Lots                           |
| (5) Day Care, Large      | (17) Personal Care Homes                                     |
| (6) Garage Apartment     | (18) Public Utility Facilities                               |
| (7) Golf Courses         | (19) Recreation Centers                                      |
| (8) Group Home           | (20) Recycling Drop off Stations                             |
| (9) Guest Houses         | (21) Resource Extractions                                    |
| (10) Home Businesses     | (22) Schools   |
| (11) Library             |  |

### **8.3.5. Development Standards of General Applicability**

All uses and structures in the R-1 District shall meet the following development standards, except as otherwise provided by this Ordinance.

- (1) Minimum Lot Area – 12,000 sq. ft.
- (2) Minimum Lot Width – 90 ft.
- (3) Minimum Front Yard - 30 ft.

The front yard requirement also applies to the yard between the building and the side street, in the case of a corner lot. This minimum front yard requirement is to be measured from the right-of-way line to the building at the closest point.

- (4) Minimum Side Yards -15 ft.
- (5) Minimum Rear yard - 25 ft.
- (6) Maximum Building Height - 35 ft.
- (7) Maximum Lot Coverage - 35%

## **PART 4. R-1A SMALL LOT RESIDENTIAL DISTRICT**

### **8.4.1. Purpose and Intent**

The R-1A Small Lot Residential District is established as a district in which the principal use of land is for single family dwellings and related recreational, religious and educational facilities normally required to provide the basis elements for a balanced and attractive residential area. The residential areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationships of each element.

### **8.4.2. Permitted Uses**

The following uses may be established as permitted uses in the R-1A District, in accordance with the procedures established in Chapter 5, Part 2 of this Ordinance:

- |                          |                            |
|--------------------------|----------------------------|
| (1) Day Care Home, Small | (5) Public Safety Stations |
| (2) Detached Dwellings   | (6) Signs                  |
| (3) Home Occupations     | (7) Swimming Pools         |
| (4) Parks                |                            |

### **8.4.3. Special Exception Uses**

The following uses may be established as special exception uses in the R-1A District, subject to approval by the Board of Alderman in accordance with the procedures established in Chapter 5, Part 3 of this Ordinance:

- |                                   |                                 |
|-----------------------------------|---------------------------------|
| (1) Day Care Home, Large          | (5) Public Utility Facilities   |
| (2) Group Home                    | (6) Recycling Drop-off Stations |
| (3) Home Business                 | (7) Resource Extractions        |
| (4) Parking Lots on separate lots |                                 |

### **8.4.5. Development Standards of General Applicability**

All uses and structures in the R-1A District shall meet the following development standards, except as otherwise provided by this Ordinance.

- (1) Minimum Lot Area - 4,000 sq. ft.
- (2) Minimum Lot Width - 40 ft.
- (3) Minimum Front Yard - 25 ft.

The front yard requirement also applies to the yard between the building and the side street, in the case of a corner lot. This minimum front yard requirement is to be measured from the right-of-way line to the building at the closest point.

- (4) Minimum Side Yards - 5 ft.
- (5) Minimum Rear yard - 20 ft.
- (6) Maximum Building Height - 35 ft.
- (7) Maximum Lot Coverage - 50%

## **PART 5. R-2 MEDIUM LOT RESIDENTIAL DISTRICT**

### **8.5.1. Purpose and Intent**

The R-2 Medium Lot Residential District is established as a district in which the principal use of land is for single-family dwellings. Secondary uses include duplexes and recreational, religious and educational facilities normally required to provide the basis elements for a balanced and attractive residential area. The residential areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment.

### **8.5.2. Permitted Uses**

The following uses may be established as permitted uses in the R-2 District, in accordance with the procedures established in Chapter 5, Part 2 of this Ordinance:

- |                           |                            |
|---------------------------|----------------------------|
| (1) Day Care Homes, Small | (6) Public Safety Stations |
| (3) Detached Dwellings    | (7) Signs                  |
| (4) Home Occupations      | (8) Swimming Pools         |
| (5) Parks                 |                            |

### **8.5.3. Special Exception Uses**

The following uses may be established as special exception uses in the R-2 District, subject to approval by the Board of Alderman in accordance with the procedures established in Chapter 5, Part 3 of this Ordinance:

- |                               |  |
|-------------------------------|--|
| (1) Bed and breakfast         | (14) Library   |
| (2) Cemeteries and Mausoleums | (15) Life Care Community                                     |
| (3) Churches                  | (16) Manufactured Building used for non-residential purposes |
| (4) Crematories               | (17) Museum  |
| (5) Day Care Centers          | (18) Nursing Homes   |
| (6) Day Care Homes, Large     | (19) Parking Lots on Separate Lots                           |
| (7) Duplex                    | (20) Personal Care Homes                                     |
| (8) Funeral Home              | (21) Public Utility Stations                                 |
| (9) Garage Apartment          | (22) Recreation Centers                                      |
| (10) Golf Courses             | (23) Recycling Drop Off Stations                             |
| (11) Group Home               | (24) Resource Extractions                                    |
| (12) Guest Houses             | (25) Schools   |
| (13) Home Businesses          |  |

### **8.5.5. Development Standards of General Applicability**

All uses and structures in the R-2 District shall meet the following development standards, except as otherwise provided by this Ordinance.

- (1) Minimum Lot Area – 8,500 sq. ft.
- (2) Minimum Lot Width – 75 ft; 90 ft. for corner lots
- (3) Minimum Front Yard - 25 ft.

The front yard requirement also applies to the yard between the building and the side street, in the case of a corner lot. This minimum front yard requirement is to be measured from the right-of-way line to the building at the closest point.

- (4) Minimum Side Yards - 10 ft.
- (5) Minimum Rear yard - 20 ft.
- (6) Maximum Building Height - 35 ft.
- (7) Maximum Lot Coverage - 35%

## **PART 6. R-3 MULTI-FAMILY RESIDENTIAL DISTRICT**

### **8.6.1. Purpose and Intent**

The R-3 Multi-Family Residential District is established as a district in which the principal use of land is for multi-family dwellings. The regulations for this district, however, are intended to discourage any other use, which, because of its character would interfere with the basic multi-family residential nature of the areas included in this district. This district, and the multi-family developments allowed in it, should be located so as to not interfere with or damage environmentally sensitive lands and to insure that adequate open space and recreational facilities are located nearby, or within the district itself, to serve the needs of the persons who are or will be living in the district. Concentration of large amounts of R-3 zoned property in one area where services and utilities are not adequate shall not be allowed.

### **8.6.2. Permitted Uses**

The following uses may be established as permitted uses in the R-3 District, in accordance with the procedures established in Chapter 5, Part 2 of this Ordinance:

- |   |                            |
|---|----------------------------|
| (1) Day Care Homes, Small                                   | (6) Nursing Home           |
| (2) Duplex Dwellings  | (7) Parks                  |
| (3) Home Occupations  | (8) Personal Care Homes    |
| (4) Life Care Community                                     | (9) Public Safety Stations |
| (5) Multi-family Dwellings up to 12 dwelling units per acre | (10) Signs                 |
|   | (11) Swimming Pools        |

### **8.6.3. Special Exception Uses**

The following uses may be established as special exception in the R-3 District, subject to approval by the Board of Alderman in accordance with the procedures established in Chapter 5, Part 3 of this Ordinance:

- |                           |  |
|---------------------------|--|
| (1) Churches              | (10) Manufactured Building used for non-residential purposes |
| (2) Day Care Centers      | (11) Multi-family Dwellings over 12 dwelling units per acre  |
| (3) Day Care Homes, Large | (12) Parking Lots on separate lots                           |
| (4) Detached Dwellings    | (13) Public Utility Facilities                               |
| (5) Garage Apartment      | (14) Recreation Centers                                      |
| (6) Group Home            | (15) Recycling Drop-off Stations                             |
| (7) Guest Houses          | (16) Resource Extraction                                     |
| (8) Home Businesses       |  |
| (9) Library               |  |

- (17) Schools

**8.6.5. Development Standards for Multi-Family and Duplex Dwelling Developments in R-3 Districts**

The construction of multi-family and duplex dwellings within any R-3 District shall comply with the following standards.

- (1) Minimum Lot Area - 2,500 sq. ft. per dwelling unit
- (2) Minimum Lot Width - 20 ft. per dwelling unit
- (3) Minimum Front Yard - 25 ft.

The front yard requirement also applies to the yard between the building and the side street, in the case of a corner lot. This minimum front yard requirement is to be measured from the right-of-way line to the building at the closest point.

- (4) Minimum Side Yards - 10 ft.
- (5) Minimum Rear yard - 20 ft.
- (6) Maximum Building Height - 35 ft.
- (8) Maximum Lot Coverage - 50%

**8.6.6. Development Standards for Single Family Dwellings**

All single family dwellings in the R-3 District shall meet the development standards set forth in R-1A Districts as contained in Sections 8.4.5.

**8.6.7. Development Standards of General Applicability**

All uses and structures in the R-3 District, except uses listed in Section 8.6.5. and 8.6.6, shall meet the development standards for R-2 Districts as contained in Sections 8.5.5.

**PART 7. M H MANUFACTURED HOME DISTRICT**

**8.7.1. Purpose and Intent**

The MH Manufactured Home District is established as a district in which the principal use of land is for manufactured homes. The regulations for this district, however, are intended to discourage any other use, which, because of its character would interfere with the basic manufactured home nature of the areas included in this district. This district and the manufactured homes allowed in it, should be located so as to not interfere with or damage environmentally sensitive lands and to insure that adequate open space and recreational facilities are located nearby, or within the district itself, to serve the needs of the persons who are or will be living in the district. Concentration of large amounts of MH zoned property in one area where services and utilities are not adequate shall not be allowed.

**8.7.2. Permitted Uses**

The following uses may be established as permitted uses in the M-H District, in accordance with the procedures established in Chapter 5, Part 2 of this Ordinance:

- (1) Day Care Homes, Small
- (2) Home Occupations
- (3) Manufactured Home used for residential purposes
- (4) Manufactured Home Subdivision
- (5) Parks
- (6) Public Safety Stations
- (7) Signs
- (8) Swimming Pools

### **8.7.3. Special Exception Uses**

The following uses may be established as special exception in the MH District, subject to approval by the Board of Alderman in accordance with the procedures established in Chapter 5, Part 3 of this Ordinance:

- |   |                                 |
|---|---------------------------------|
| (1) Group Home  | (4) Manufactured Home Park      |
| (2) Home Businesses   | (5) Public Utility Facilities   |
| (3) Manufactured Building used for non-residential purposes | (6) Recycling Drop-off Stations |
|   | (7) Resource Extraction         |

### **8.7.5. Development Standards of General Applicability.**

All uses and structures in the MH District shall meet the following development standards, except as otherwise provided by this Ordinance.

- (1) Minimum park or subdivision size - 5 acres.
- (2) Minimum lot size – 5,000 square feet.
- (3) Minimum lot width - 50 feet.
- (4) Minimum front yard - 25 feet.
- (5) Minimum side yards - 15 feet, or, 5 feet if placed parallel to the street.
- (8) Minimum rear yard - 15 feet.
- (9) Maximum Building Height - 35 ft.
- (10) Maximum Lot Coverage – 50 %
- (10) Building design shall conform to the standards of Section 12.1.2.

## **PART 8. C-1 GENERAL COMMERCIAL DISTRICT.**

### **8.8.1. Purpose and Intent**

C-1 General Commercial Districts are generally intended to be located on major thoroughfares and provide goods and services to residents of the community. Because these commercial uses are subject to the public view, which is a matter of important concern to the whole community, they should provide an appropriate appearance, ample parking, controlled traffic movement, and suitable landscaping, and protect abutting residential areas from the traffic and visual impacts associated with commercial activity.

### **8.8.2. Permitted Uses**

The following uses may be established as permitted uses in the C-1 General Commercial District, in accordance with the procedures established in Chapter 5, Part 2 of this Ordinance:

- |   |                                   |
|---|-----------------------------------|
| (1) Animal Hospitals                      | (13) Convenience Stores           |
| (2) Animal Shelter                        | (14) Convention Centers           |
| (3) Armory                                | (15) Day Care Centers             |
| (4) Automobile Service Station & Repair   | (16) Day Care Homes, Large        |
| (5) Bed & Breakfast                       | (17) Day Care Homes, Small        |
| (6) Building Materials and Supply         | (18) Detention Center             |
| (7) Carwashes                             | (19) Drug Stores                  |
| (8) Caretaker's Residence                 | (20) Financial Establishments     |
| (9) Catalog Sales, Showroom & Display     | (21) Flea Market, Indoor          |
| (10) Clinics                              | (22) Funeral Home                 |
| (11) Clubs and Lodges (Civic & Fraternal) | (23) Furniture Sales and Showroom |
| (12) Contractor Shop                      | (24) Home Occupations             |

- |  |  |
|--|--|
| (25) Hospitals                         | (47) Recreation Centers  |
| (26) Hotels and Motels                 | (48) Rehabilitation Centers  |
| (27) Laboratories, Medical and Dental  | (49) Restaurants   |
| (30) Libraries                         | (50) Retail Stores   |
| (31) Mini-Warehouses                   | (51) Schools   |
| (32) Moving Services                   | (52) Shooting Range, Indoor  |
| (33) Museums                           | (53) Signs   |
| (34) Newspaper Printing & Distribution | (54) Small Engine Repair   |
| (35) Offices, Medical                  | (55) Swimming Pools  |
| (36) Offices, Other than Medical       | (56) Tire Recapping  |
| (37) Parking Garages                   | (57) Trade Markets and Shows   |
| (38) Parking Lots on Separate Lots     | (58) Trade Schools   |
| (39) Parks                             | (59) Transportation Facility   |
| (40) Personal Service Establishments   | (60) Trucking Company  |
| (41) Plant Nursery and Greenhouse      | (61) Heavy Equipment, Boats, Motorcycle<br>and Mobile/Manufactured Home<br>Sales and Service |
| (42) Post Offices                      | (62) Vehicle Sales and Rental  |
| (43) Printing Businesses               | (63) Wholesale & Jobbing   |
| (44) Prosthesis and Medical Supplies   |  |
| (45) Public Safety Stations            |  |
| (46) Radio and TV Broadcast Studios    |  |

**8.8.3. Special Exception Uses**

The following uses may be established as special exception in the C-1 General Commercial District, subject to approval by the Board of Alderman in accordance with the procedures established in Chapter 5, Part 3 of this Ordinance:

- |                              |  |
|------------------------------|--|
| (1) Amusement Establishments | (14) Machine Shop  |
| (2) Brown Bag Establishments | (15) Manufactured Buildings Used for<br>non-residential purposes |
| (3) Cemetery & Mausoleum     | (16) Nightclubs, Bars  |
| (4) Churches                 | (17) Nursing Home  |
| (5) Coliseum & Stadiums      | (18) Personal Care Homes   |
| (6) Crematories              | (19) Public Utility Facilities                                   |
| (7) Dog Kennels              | (20) Race Track  |
| (8) Flea Markets, Outdoor    | (21) Recycling Drop-off Station                                  |
| (9) Golf Driving Range       | (22) Residential over Commercial                                 |
| (10) Group Homes             | (23) Resource Extraction   |
| (11) Home Businesses         | (24) Telecommunication Towers                                    |
| (12) Life Care Community     |  |
| (13) Liquor Stores           |  |

**8.8.5. Development Standards of General Applicability**

All uses and structures in the C-1 General Commercial District shall meet the following development standards, except as otherwise provided by this Ordinance.

- (1) Minimum Lot Area - 10,000 sq. ft.
- (2) Minimum Lot Width - 75 ft.
- (3) Minimum Front Yard - 30 ft.

The front yard requirement also applies to the yard between the building and the side street, in the case of a corner lot. This minimum front yard requirement is to be measured from the right-of-way line to the building at the closest point.

- (4) Minimum Side Yards - 10 ft.
- (5) Minimum Rear yard - 20 ft.
- (6) Maximum Building Height - 35 ft.

- (7) Maximum Lot Coverage - 40%

## **PART 9. I-1 GENERAL INDUSTRIAL DISTRICT**

### **8.9.1. Purpose and Intent**

The I-1, General Industrial District is established as a district in which the principal use of land is for industries which can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential or business districts and for warehousing and wholesaling activities with limited contact with the general public. The regulations are designed to prohibit the use of land for heavy industry, which should be properly segregated, and to prohibit any other use which would substantially interfere with the development of industrial establishments in the district.

### **8.9.2. Permitted Uses**

The following uses may be established as permitted uses in the I-1 General Industrial District, in accordance with the procedures established in Chapter 5, Part 2 of this Ordinance:

- |  |  |
|--|--|
| (1) Adult Entertainment                | (20) Manufacturing, Light                |
| (2) Aircraft Sales and Service         | (21) Mini Warehouses                     |
| (3) Airports                           | (22) Moving Services                     |
| (4) Animal Shelters                    | (23) Newspaper Printing and Distribution |
| (5) Asphalt & Concrete Plants          | (24) Parking Lots on Separate Lots       |
| (6) Caretaker's Residence              | (25) Parks                               |
| (7) Catalog Sales, Showrooms & Display | (26) Public Safety Stations              |
| (8) Contractor Shop                    | (27) Railroad Stations & Yards           |
| (9) Day Care Centers                   | (28) Signs                               |
| (10) Day Care Homes, Large             | (29) Swimming Pools                      |
| (11) Day Care Homes, Small             | (30) Telecommunication Towers            |
| (12) Detention Center                  | (31) Tire Recapping                      |
| (13) Farms                             | (32) Trade Markets and Shows             |
| (14) Furniture Sales and Showroom      | (33) Trade Schools                       |
| (15) Home Occupations                  | (34) Trucking Companies                  |
| (16) Laboratories, Research            | (35) Warehousing and Distribution        |
| (17) Lumberyard – no millwork          | (36) Wholesale and Jobbing               |
| (18) Lumberyard with millwork          | (37) Woodworking and Cabinet Shops       |
| (19) Machine Shop                      |  |

### **8.9.3. Special Exception Uses**

The following uses may be established as special exception in the I-1 General Industrial District, subject to approval by the Board of Alderman in accordance with the procedures established in Chapter 5, Part 3 of this Ordinance:

- |   |                                       |
|---|---------------------------------------|
| (1) Dog Kennel  | (7) Manufacturing, Heavy              |
| (2) Flea Market, Outdoor                                    | (8) Public Utility Facilities         |
| (3) Golf Driving Range                                      | (9) Recycling Drop-off Stations       |
| (4) Home Businesses   | (10) Recycling and Salvage Operations |
| (5) Junkyard  | (11) Resource Extractions             |
| (6) Manufactured Building used for non-residential purposes | (12) Shooting Range, Indoor           |
|   | (13) Shooting Range, Outdoor          |

#### **8.9.4. Development Standards of General Applicability**

All uses and structures in the I-1 General Industrial District shall meet the following development standards, except as otherwise provided by this Ordinance.

- (1) Minimum Lot Area - 10,000 sq. ft.
- (2) Minimum Lot Width - 75 ft.
- (3) Minimum Front Yard - 30 ft.

The front yard requirement also applies to the yard between the building and the side street, in the case of a corner lot. This minimum front yard requirement is to be measured from the right-of-way line to the building at the closest point.

- (4) Minimum Side Yards - 10 ft.
- (5) Minimum Rear yard - 20 ft.
- (6) Maximum Building Height - 50 ft.
- (7) Maximum Lot Coverage - 50%

#### **8.9.5. Supplemental Development Standards.**

- (a) No adult arcade, adult book store, adult cabaret, adult motion picture theater, adult motel, adult video store, or any other adult entertainment establishment as defined in Chapter 2 shall be located within one thousand five hundred (1,500) feet of any other such use, or located within one thousand five hundred (1,500) feet of any residence or residentially zoned property, church, synagogue, regular place of worship, school, park, day care center, day care home, or playground;
- (b) For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult entertainment business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, school, or to the nearest boundary of an affected park, day care center, day care home, playground, residence, residential district, or residential lot;
- (c) For the purposes of Subsection (b) of this section, the distance between any two adult entertainment business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located;
- (d) An adult entertainment business may not be operated in the same building, structure, or portion thereof, containing another adult entertainment business.
- (e) Notwithstanding any language or definition used herein, this Part nor any other Part of this Ordinance does not permit any acts, display or distribution of materials which violate the obscenity statutes or any other laws of the State of Mississippi.

#### **8.9.6. Prohibited Uses.**

No nightclubs, bars, or brown bag establishments are permitted in the I-1 General Industrial District.

## **PART 10. PLANNED UNIT DEVELOPMENTS**

#### **8.10.1. Purpose and Intent**

- (a) The purpose and intent of these planned unit development regulations is to promote innovative design in development by providing flexibility in regard to permitted uses and bulk regulations. These regulations are designed to promote the development of attractive, desirable communities of place, where residents and visitors can work and live in a development pattern that integrates residential and non-residential uses in a design that is accessible to pedestrians and encourages the use of alternative modes of transportation and shared parking and offers greater convenience to the residents of the City of Verona.

- (b) It is in the intent and policy of the City of Verona to encourage planned unit developments because of the extensive planning that is required prior to development. Planned unit developments allow the City of Verona to plan for large areas and to manage the impacts of growth on the provision of services and infrastructure.

#### **8.10.2. Districts in Which Allowed**

Planned unit developments shall function as "overlay" districts in all districts, provided that an application for planned unit development and master land use plan is submitted, reviewed and approved in accordance with Chapter 5, Part 4 of this Ordinance.

#### **8.10.3. Allowable Uses**

- (a) Except as provided in subsection (b) below, permitted or conditional uses specified as allowed in the underlying zoning district of a planned unit development.
- (b) All uses that are set out in an approved master land use plan as not permitted, permitted, or special exception uses shall thereafter be treated as such within the planned unit development.

#### **8.10.4. Minimum Area of Development**

The parcel proposed for development, as a planned unit development shall be a minimum of three (3) acres. This minimum area requirement may be reduced by a two-thirds (2/3) vote of the Board of Aldermen.

#### **8.10.5. Density of Development**

- (a) Except as authorized pursuant to section 8.10.6., residential development within a planned unit development shall not exceed a lot coverage area of 50% per gross acre of developable acreage. Developable land shall not include right-of-way for collector or larger streets, areas of special flood hazard, areas with slopes of greater than twenty percent (20%) and non-residential land.
- (b) Except as authorized pursuant to Section 8.10.6., non-residential development within a planned unit development shall not exceed a lot coverage area of 75% per gross acre of developable acreage. Developable land shall not include rights-of-way for collector or larger streets, areas of special flood hazard, areas with slopes greater than twenty percent (20%) and residential land.

#### **8.10.6. Density Bonuses**

In approving an application for planned unit development and master land use plan approval, if the Board of Aldermen finds that an increase in density will not have an adverse impact on the public health, safety and welfare of the City of Verona, the Board of Aldermen may grant a density bonus of up to twenty-five percent (25%) of permitted gross density calculated.

#### **8.10.7. Development Standards and Improvement Requirements**

- (a) Unless approved as a deviation by the Board of Aldermen as a part of the approval of a planned unit development, all development within a planned unit development shall conform to the applicable standards and requirements of this Ordinance for underlying zoning district and any applicable overlay district in which the planned unit development is located.
- (b) The Board of Aldermen may, as a part of the approval of a planned unit development, approve the following deviations to development standards, provided that the Board of Aldermen determines that other proposed improvements and buffers will perform as well as or better than those required by minimum standards set out in this Ordinance:
  - (1) Lot dimensions;

- (2) Setbacks;
- (3) Design standards and required improvements for subdivisions;
- (4) Parking;
- (5) Interior landscaping;
- (6) Buffering

**8.10.8. Recreational and Open Space Requirements**

Each planned unit development shall provide at least 20% of the parcel proposed for passive or active recreational purposes, suitable for the proposed development, and shall be developed in accordance with the standards of this Ordinance, incorporated into a central amenities package and be contiguous except where otherwise deemed appropriate.

## CHAPTER 9. GENERAL DEVELOPMENT STANDARDS

### 9.1.1. Number of Principal Buildings Per Lot

In any district, except R-1, R-1A, and R-2, more than one structure containing a permitted or conditional principal use may be erected on a single lot, provided yard requirements are met around the group of buildings and provided the maximum lot coverage standards are not exceeded.

### 9.1.2. Minimum Lot Dimensions

Any lot that is created, developed, used or occupied shall meet the minimum lot area and lot width requirements set forth in Chapter 8 for the zoning district in which it is located, except as otherwise established in this Ordinance for particular uses. These standards are summarized in Table 9.1.1. In the event of a conflict or inconsistency between Table 9.1.1. and the standards in Chapter 8, the standards in Chapter 8 shall control.

**TABLE 9.1.1. GENERAL DEVELOPMENT STANDARDS**

District	Minimums					Maximums	
	Lot Size	Width	Yards			Coverage	Height
Front			Side	Rear			
A-1	1 acres	80 ft.	40 ft.	25 ft.	50 ft.	25%	35 ft.
R-1	12,000 sq. ft. (1 acre w/septic tank)	90 ft.	30 ft.	15 ft.	25 ft.	35%	35 ft.
R-1 A	4,000 sq. ft.	40 ft.	25 ft.	5 ft.	20 ft.	50%	35 ft.
R-2	8,500 sq. ft.	75 ft.	25 ft.	10 ft.	20 ft.	35%	35 ft.
R-3	2,500 sq. ft./unit	20/unit	25 ft.	10 ft.	20 ft.	50%	35 ft.
MH	5,000 sq. ft.	50 ft.	25 ft.	15 ft.	15 ft.	50 %	35 ft.
C-1	10,000 sq. ft.	75 ft.	30 ft.	10 ft.	20 ft.	40%	35 ft.
I-1	10,000 sq. ft.	75 ft.	30 ft.	10 ft.	20 ft.	50%	50 ft.

### 9.1.3. Required Yards; Allowable Encroachments into Required Yards.

- (a) A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum yard requirements set forth in Chapters 8 for the zoning district in which it is located, except as otherwise established in this Ordinance for particular uses. These standards are summarized in Table 9.1.1.
- (b) The front yard requirement also applies to the yard between the building and the side street, in the case of a corner lot. This minimum front yard requirement is to be measured from the right-of-way line to the building at the closest point.
- (c) The minimum front yard requirement for a lot with buildings on both sides which are less than required by this Ordinance shall be calculated by averaging the setback of said adjoining buildings. This exception to the normal front yard requirements applies only where both adjacent buildings are located within 50 ft. of the side lot line of the lots sought to be built upon.

- (d) A yard, court, or other open space required by this Ordinance shall not be included as part of a yard or other open space required by this Ordinance for another building or structure.
- (e) The buildings or structures on a lot shall not be located in whole or in part in a required yard, except as follows:
  - (1) Sills, cornices, and similar ornamental features projecting from the principal building may encroach up to 18 inches into any required yard or building restriction line shown on the subdivision plat for the property;
  - (2) Bay windows, covered porches, balconies, and similar features projecting from the principal building may encroach up to three feet into any required yard or building restriction line shown on the subdivision plat for the property;
  - (3) Decks, uncovered porches, patios, terraces, and similar features, may encroach into required yard or building restriction line shown on the subdivision plat for the property, but no closer than five feet to the property line;
  - (4) Accessory buildings and structures may encroach into the required yard or building restriction line shown on the subdivision plat for the property, but no closer than five feet to the rear lot line or side lot lines. An accessory building or structure shall be located in the rear yard or side yard and not the front yard. An accessory building or structure shall be located at least fifteen (15) feet from the principal building, otherwise, it shall be considered a part of the principal building and shall conform to the yard setback requirements of the principal building.
- (g) The Mayor may approve encroachments of a principal building into any required yard up to a maximum of ten (10) per cent of the applicable required yard setback, provided that:
  - (1) The request involves only one (1) encroachment into one required yard per lot;
  - (2) The encroachment is a result of a construction error by the property owner or a person acting on his behalf;
  - (3) The encroachment cannot be corrected without substantial hardship and expense to the property owner;
  - (4) The encroachment, if approved, will not substantially interfere with the convenient and enjoyable use of adjacent properties and will not pose any substantial danger to the public health and safety.

#### **9.1.4. Height Limits**

Buildings and structures shall not exceed the height set forth in Chapter 8 for the zoning district in which it is located, except as otherwise established in this ordinance. These standards are summarized in Table 9.1.1.

#### **9.1.5. Lot Coverage Limits**

A building, structure, or lot shall not be developed, used, or occupied in any manner which exceeds the maximum lot coverage limit set forth in Chapters 8 for the zoning district in which it is located, except as otherwise established in this Ordinance for particular uses. These standards are summarized in Table 9.1.1.

#### **9.1.6. Corner Visibility**

On a corner lot in any zoning district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 2 ½ and 10 feet above the center line grades of the intersected streets in the area bounded by the street lines of such corner lots and a line adjoining points along said street lines 50 ft. from the point of the intersection.

### **9.1.7. Required Public Water and Sanitary Systems**

- (a) All permitted and conditional uses shall be connected to and served by public water and sanitary sewer facilities; however, uses in areas with no sanitary sewer within 500 ft. may be served by private wells and/or septic systems. Where connection to public water and sanitary sewer systems is required, such systems shall be constructed to City Standards, sizes, and specifications and dedicated to the City for operation and maintenance, thus allowing for the orderly expansion of the City, its water systems, fire protection services and sanitary sewer systems which protect the health and protection of the citizens of the City and its environs.
- (b) All septic tanks or other alternate means of sewage disposal shall be approved by the required state agency. Under no terms shall septic tanks be permitted on sites of less than one acre.

## CHAPTER 10. NON-CONFORMING USES

### 10.1.1. Purpose and Scope

- (a) The purpose of this section is to regulate and limit the development and continued existence of uses, structures, and lots established prior to the effective date of this Ordinance. Many nonconformities may continue, but the provisions of this section are designed to curtail substantial investment in nonconformities and to bring about their eventual improvement or elimination in order to preserve the integrity of this Ordinance and the character of the City. Any nonconforming use, structure, or lot which lawfully existed as of the effective date of this Ordinance and which remains nonconforming, and any use, structure, or lot which has become nonconforming as a result of the adoption of this Ordinance or any subsequent rezoning or amendment to this text of this Ordinance, may be continued or maintained only in accordance with the terms of this section.
- (b) This section shall not apply, however, to any feature which is the subject of a variance or modification from particular regulations that has been granted by the Board of Alderman, subsequent to the adoption of this Ordinance. Where a variance or modification has been granted for a feature, which does not otherwise conform to the requirements of this Ordinance, that feature shall be deemed conforming.

### 10.1.2. Nonconforming Uses

- (a) *Extension of use.* A nonconforming use shall not be enlarged or extended in any way except as provided in Section 10.1.5 below.
- (b) *Continuation, maintenance, and minor repair.* The continuation of a nonconforming use and the maintenance or minor repair of a structure containing a nonconforming use are permitted, provided that the continuation, maintenance, or minor repair does not extend or expand the nonconforming use. For purposes of this Section, "maintenance or minor repair" shall mean:
  - (1) Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or interior appearance of a building or structure without expanding or altering the building or structure;
  - (2) Maintenance of land areas to protect against health hazards and promote the safety of surrounding land uses;
  - (3) Repairs which are required to remedy unsafe conditions which cause a threat to public safety; and
- (c) *Damage or destruction.* If a nonconforming use or structure containing a nonconforming use is destroyed by any means to an extent greater than 50 percent of its replacement cost at the time of destruction, then such use shall not be re-established in any way which does not conform to the requirements of this Ordinance.
- (d) *Change of use.* Any nonconforming use may be changed to a conforming use by securing all approvals and permits which this Ordinance requires for the intended or resulting use, building, structure, or lot. No nonconforming use may be changed to another nonconforming use, except as provided in Section 10.1.5 below.
- (e) *Cessation of use.* If a nonconforming use is discontinued for six consecutive months or more, then the property shall thereafter be occupied and used only for a conforming use, except as provided for re-establishments in Section 10.1.5 below. If a nonconforming use may continue, provided that the nature and degree of the nonconformity will not be changed or increased from that which existed before the nonconforming use was discontinued.

### **10.1.3. Nonconforming Structures**

- (a) *Expansion or enlargement.* A nonconforming structure shall not be enlarged or extended in any way, except as provided in Section 10.1.5 below.
- (b) *Maintenance or repair.* The maintenance or repair of a nonconforming structure is permitted, provided that it does not extend or expand the nonconforming structure.
- (c) *Damage or destruction.* If a nonconforming structure is destroyed by any means to an extent greater than 50 percent of its replacement cost at the time of destruction, then such structure shall not be restored, nor any use of the structure be re-established, in any way which does not conform to the requirements of this Ordinance.

### **10.1.4. Nonconforming Lots of Record**

- (a) *Development allowed.* Development shall be allowed on a lot of record which does not conform to the lot area and lot which requirements established in this Ordinance for the zoning district in which it is located, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in a separate ownership and not of the continuous frontage with other lots in the same ownership. Yard requirements, lot coverage and all other requirements shall be satisfied.
- (b) *Adjacent lots in single ownership.* If two or more adjacent and vacant nonconforming lots are in single ownership at any time, and such lots individually have less frontage or area than the minimum requirements of the district in which such lots are located, then such lots shall be considered and treated as a single lot or several lots which meet the minimum requirements of this Ordinance for the district in which such lots are located.

### **10.1.5. Change, Re-establishment, Expansion, Alteration or Major Repair of Nonconformities**

- (a) *Intent.* The intent of this Part is to allow the continuation of any nonconformity and the normal maintenance and repair thereof, but to require any change, re-establishment, expansion, alteration or major repair of a nonconformity to obtain a special exception approval to determine whether it will substantially injure the value, use, and enjoyment of neighboring properties.
- (b) *Special exception procedure.* Unless this Section expressly provides otherwise, change, re-establishment, expansion, alteration or major repair of any nonconformity shall be deemed a "special exception," and shall occur only as approved by the Board of Alderman in accordance with the procedures set forth in Chapter 5, Part 8 of this Ordinance.
- (c) After holding a public hearing on the special exception, the Board of Alderman shall determine whether to approve the proposed change, re-establishment, expansion, alteration or major repair. The Board of Alderman shall not approve the proposed change, re-establishment, expansion, alteration or major repair unless and until it finds, based on the evidence and testimony received at the public hearing or otherwise appearing in the record of the case, that the proposed change, re-establishment, expansion, alteration or major repair meets the standards set forth in Chapter 5, Part 8 of this Ordinance as well as the following:
  - (1) That all access roads and entrance or exit drives to the nonconformity will be adequate with respect to automotive and pedestrian safety and convenience, traffic flow, and control and access in the case of fire or other emergency;
  - (2) That all off-street parking, loading, refuse collection, and other service areas will be adequate with respect to automotive and pedestrian safety and convenience, traffic flow, economic, noise, glare, odor and other impacts on adjoining properties;
  - (3) That all water, wastewater treatment, schools, fire and police protection and other necessary public and private utilities and services will be adequate with respect to their location, availability and compatibility with adjoining properties;

- (4) That all landscaping, screening, and fencing will be adequate, with respect to the effectiveness of their type, dimensions and character; will be adequate with respect to minimizing the economic, noise, glare, odor and other impacts of the nonconformity on adjoining properties and other properties in the neighborhood;
  - (5) That the type, size and intensity of the proposed conditional use, including such considerations as storage of items and arrangement, the size of the site and the location of the use upon it, and the hours of operation and numbers of people who are likely to utilize or be attached to the use, will be adequate with respect to minimizing the impact of the nonconformity upon adjoining properties, other properties in the neighborhood, and the purposes of the use district in which the property is located;
  - (6) Surface drainage will be adequate with respect to on-site erosion, siltation, pollution, flooding or other detrimental effects of the nonconformity.
- (d) In determining whether the proposed change, re-establishment, expansion, alteration or major repair will substantially injure the value, use and enjoyment of other properties, the Board of Alderman shall also consider and balance:
- (1) The possible detriment or benefit to the owner of the nonconformity resulting from denying the approval, from approving the request;
  - (2) The possible detriment or benefit to the owner of the nonconformity resulting from denying the approval, from approving the request but requiring that the nonconformity be brought wholly or partially into compliance, or from approving the request;
  - (3) The possible detriment or benefit to the general public resulting from denying the approval, from approving the request but requiring that the nonconformity be brought wholly or partially into compliance, or from approving the request.
- (e) The Board of Alderman may impose any conditions on approval of the request, as it deems necessary to mitigate any potential hazards or problems, or to bring the nonconformity into compliance to the extent necessary to protect the rights and interests of nearby property owners and the general public.
- (f) In acting upon applications for such special exceptions, the Board of Alderman shall not order the discontinuation or termination of a nonconformity. If an applicant is denied, then the continuation, maintenance and repair of the nonconformity shall still be allowed in accordance with the terms of this section.

# CHAPTER 11. ACCESSORY USES, STRUCTURES AND SIGNS

## PART 1. ACCESSORY USES AND STRUCTURES

### 11.1.1. General Standards and Limitations

- (a) *General Standards.* All accessory uses and accessory structures shall conform to the applicable requirements of this Ordinance. The Provisions of this Chapter establish additional requirements and restrictions for particular accessory uses and structures. Except as otherwise provided in this Chapter or elsewhere in this Ordinance, any accessory use or accessory structure shall be treated as a permitted use in the zoning district in which it is located.
- (b) *Gas station canopies.* Gas station canopies either attached to the principal building or detached and gas pump islands may be erected in the required front yard but shall not extend closer to the street right-of-way than fifteen (15) feet.
- (d) *Signs.* All signs shall be governed by the standards and sign permit procedures set forth in Part 2 of this Chapter and Chapter 5, Part 10 of the Ordinance.

### 11.1.2. Home Occupations

A home occupation shall be permitted as accessory to any dwelling unit, provided that:

- (1) The principal person or persons providing the business or services resides in the dwelling on the premises;
- (2) The business or service is located within the dwelling or an accessory building thereto, and does not exceed 20 percent of the combined floor area of the structures or 500 square feet, whichever is less;
- (3) There are no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building;
- (4) The property contains no outdoor display or storage of goods or services which are associated with the home occupation;
- (5) The home occupation causes no change in the external appearance of the existing buildings and structures on the property;
- (6) There are no employees on the premises and no customers or clients on the premises;
- (7) All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood;

### 11.1.3. Home Business

Home businesses in those districts where permitted shall be subject to the following conditions:

- (1) A special exception use must be secured in accordance with Chapter 5, Part 3 of this ordinance, and;
- (2) The home business shall be operated as a home occupation as defined in Chapter 2 of this ordinance, except that additional activities are allowed as specified below:
  - (i) A sign required by state or federal law in the conduct of the business shall be allowed, provided such sign does not exceed two (2) square feet in size and is mounted flat on the wall or window of the building.
  - (ii) Customers are allowed on the premises of the home business, but not more than five (5) per day. An adequate number of parking spaces for said customers, as approved by the City, shall be provided. This shall be in the form of a double driveway or other arrangements in character with the surrounding residential area.

- (iii) The making of crafts and other similar activities, as approved by the City, may be approved in an accessory building.

#### **11.1.4. Satellite Dish Antennae**

- (a) *Purpose and intent.* To minimize any health and safety hazards created by mounting satellite dish antennae on residential buildings. To control the location and screening of satellite dish antennae to lessen any impact on surrounding properties. To preserve the City's image and character.
- (b) Except as set forth in (c) below, satellite dish antennae may be located in any zoning district listed in Chapter 8 provided that it meets the following requirements:
  - (1) It shall not be located in either a front or side yard without first obtaining special exception use approval from the Board of Aldermen;
  - (2) It shall not be located within ten (10) feet of side or rear property line, unless fully screened from view from the adjacent property to the side and rear;
  - (3) It may be located on the roof of a building;

#### **11.1.5. Swimming Pools**

- (a) Swimming Pools at residences shall be located in the rear yard. Pools may also be located in the side yard with the approval of a special exception use and provided such is screened from view from the street. The pool shall be a minimum of 5 feet from the side and rear property lines, as measured from the water's edge.
- (b) Construction, fence and other regulations of the Swimming Pool Code adopted by the City of Verona shall apply.

#### **11.1.6. Dog Kennels**

Dog kennels shall meet the following standards:

- (1) All kennel buildings shall be located at least 30 feet from all property lines;
- (2) All kennel buildings and runs or pens for dogs shall be screened from the view of all adjacent streets and properties by fencing or vegetation.

#### **11.1.7. Small Day Care Homes**

A small day care home shall be permitted as accessory to any dwelling unit, provided that:

- (1) If an outdoor play area is provided, it is fenced with a minimum 4 foot high fence;
- (2) If less than two off-street parking spaces are provided for the home, additional parking spaces are provided for customers.

#### **11.1.8. Large Day Care Homes**

A large day care home may be permitted in any residential district where accessory to a dwelling unit provided that it is reviewed and approved by the Board of Aldermen as a "special exception use" as specified by Chapters 8 and in accordance with the procedures and standards set forth in Chapter 5, Part 3 of this Ordinance and provided that:

- (1) All State and Federal regulations are satisfied;
- (2) A solid fence at least 4 feet in height is provided around the play area;
- (3) Landscaping is provided in order to blend the home into the neighborhood, screen its purely functional aspects from the street and neighboring yards, and absorb and/or deflect any excessive noise;
- (4) No excessive light will be generated at the home which will annoy neighboring residents;

- (5) The dwelling in which the home is located is similar in appearance to the character of the neighborhood and no building modification is made to the structure to accommodate the home except those required by the Building Code;
- (6) Adequate parking and loading spaces are provided; Access to the facility from nearby streets is adequate based on the projected number of participants attending the home.

## **PART 2. SIGNS**

### **11.2.1. Purpose and Scope**

- (a) The purpose of this Part is to establish standards and limitations for the fabrication, erection, use and maintenance of signs, symbols, markings, and advertising devices within the City of Verona. These regulations are designed to safeguard and enhance property values, to protect public and private investments in buildings, open spaces and property, to preserve and improve the appearance of the City of Verona and, in general, to promote the health, safety and welfare of the general public.
- (b) This Part applies to signs which are intended to be viewed from a public right-of-way such highways and streets, and to signs which are intended to be viewed from outdoor areas of public and private property used for public pedestrian purposes or vehicular access to such property.
- (d) This Part does not regulate the use of materials such as noncommercial holiday signs and decorations, signs on products, product containers or dispensers, public information and safety signs, any signs required by local State or Federal law, or building design exclusive of any commercial message.

### **11.2.2. Approval Requirements**

Except as otherwise stated in this Part, signs which are allowed under this Part shall not be erected until and unless the person erecting the sign or the property owner has obtained a Sign Permit from the Mayor pursuant to Chapter 5, Part 10 of this Ordinance.

### **11.2.3. Permanent Signs**

- (a) *Ground signs.*
  - (1) *Number.* A maximum of one ground sign shall be allowed per business with the exception of businesses with frontage on more than one (1) street, in which case one (1) shall be allowed for each section of the property's frontage which is separated from another section by property under separate ownership by a distance of at least 100 feet.
  - (2) *Separation.* Each ground sign shall be located a minimum of 100 feet from other ground signs on the same side of the street. The Board of Aldermen may grant a variance for a ground sign to be located less than 100 feet from another ground sign in accordance with Chapter 6 of this Ordinance
  - (3) *Setbacks.* All ground signs shall be a minimum of 15 feet from the edge of any curb or street upon which they are located. No ground sign shall be placed within, or project over, the right-of-way of any street. Ground signs shall be set back a sufficient distance from side lot lines so as to allow placement of ground signs on adjoining property that would meet the 100 feet separation requirements in subsection (2) above.
  - (4) *Size and height restrictions.*

<u>Districts</u>	<u>Maximum Size</u>	<u>Maximum Height</u>
A-1, and all R districts	32 sq. ft.	4 ft.
C-1& I-1	100 sq. ft.	25 ft.

(5) *Other restrictions.* For ground signs with more than two faces, the maximum size of the largest face shall not exceed 75% of the maximum sign size for the district specified in subsection (4) above.

(b) *Attached signs.*

(1) *Size.* The total surface area of an attached sign shall not exceed, in square feet, 1½ times the linear feet that is the horizontal length of the wall to which the sign is to be attached. The surface area of an attached sign shall be measured by finding the area of the minimum imaginary rectangle which fully encloses all words, copy, or messages on the sign. In the case of signs formed by individual, separate letters, the surface area shall be measured by finding the area of the minimum rectangle or square, whichever is less in size, which fully encloses each letter and then by totaling the area of each letter in the sign. An additional one square feet of surface area shall be allowed for each foot which the building on which the sign is to be located is set back beyond the front requirements specified by this Ordinance. Notwithstanding these provisions, a maximum of 3 square feet for each linear foot that is the horizontal length of the wall on which the sign is to be attached shall be permitted. For multi-tenant buildings, the total area as specified above, shall be distributed among each business therein according to the linear feet frontage occupied by each business.

(2) *Location.* An attached sign shall be no higher than the highest point of the building's roof line. Signs which hang from and under awnings, canopies, marquees or other structures shall extend no closer than 8 feet to the ground. Projecting signs shall not project from any structure a greater distance than 10 feet, shall not project into any street right-of-way, nor within 3 feet of any street, public or private, and shall be at least 8 feet above ground level.

(c) *Billboards.*

(1) *Allowable zones.* Billboards shall be allowed in C-1 and I-1 zones.

(2) *Size and height restrictions.* Billboards shall not exceed four hundred (400) square feet in size and not exceed thirty-five (35) feet in height as measured from ground level to the highest point of the sign.

(3) *Setback and separation.*

(a) The front setback, as required by the zoning ordinance for buildings, shall also apply to billboards.

(b) Billboards shall be separated from all other billboards by a minimum distance of fifteen hundred (1500) feet measured at a radius.

(c) Billboards located within 250 feet of the edge of the pavement of US Highway 45 shall be separated from all other billboards by a minimum distance of five hundred (500) feet measured at a radius.

(4) *Other restrictions.* Billboards shall be detached from all other structures and shall not be erected on or above the roof or any other part of a building. Double sided billboards shall be allowed and shall be considered as one (1) billboard, provided the nearest points of the individual sides of the structure are no more than five (5) feet apart.

(d) *Miscellaneous signs.* The following types of signs are allowed in addition to ground and attached signs permitted by Sections (a) and (b) above. Signs permits are not required for miscellaneous signs.

- (1) *Direction and instructional signs.* Signs which provide directions and instructions for the general public, including entrance and exit signs, provided such signs do not exceed 8 square feet in size or 5 feet in height.
- (2) *Menu signs.* Signs at drive-through windows of restaurants or other food service establishments, provided that such signs shall not exceed 30 square feet in size and shall not be located in any front yard.
- (3) *Name and address signs.* Name and address signs not exceeding 2 square feet in size.
- (4) *Interior signs.* Signs completely within the premises of any building, provided such signs are not attached to or painted on any windows or exterior doors of the structure.
- (5) *Window signs.* Window signs, whether painted on or attached to windows of a structure, provided the total area of any such signs does not exceed 30% of the window area in any single window.
- (6) *Incidental signs.* Signs such as credit card, rest room, public telephone and other such signs displayed primarily for the convenience or information of the general public, provided such signs are securely attached to a building or other permanent structure and do not exceed 4 square feet in size.
- (7) *Public notice bulletin boards.* Signs and bulletin boards that provide general information to the public concerning affairs of general interest to the community as a whole, provided such signs do not exceed 20 square feet in size.
- (8) *No trespassing/dumping signs.* Signs posting private property against trespassing or dumping, or for other lawful reasons, provided such signs shall not exceed 20 square feet in size.
- (9) *Home business signs.* Signs which identify home businesses as approved in accordance with this Ordinance.
- (10) *Gasoline price signs.* Signs advertising the price of gasoline, provided such signs shall not exceed 15 square feet in size per gas or service station.
- (11) *Flag signs.* Each business within a C-1 district shall be allowed up to fifty (50) square feet of flag signs per 100 feet of street frontage, provided each flag is separated by a distance of at least ten (10) feet and does not exceed twenty-five (25) feet in height. For signs attached to buildings, the height shall not exceed ten (10) feet above the highest point of the wall or roof to which they are attached. All flag signs which become faded or torn shall be removed or replaced immediately. Before any such flag signs are erected, all non-conforming streamers and banners must be removed.
- (12) *Setbacks.* No miscellaneous signs shall extend within or over any street right-of-way, or be located within 15 feet of any curb line or street edge.
- (13) *Permits not required.* Miscellaneous signs shall not be subject to the permit requirements of this Ordinance.

#### **11.2.5. Temporary Signs**

- (a) In addition to the permanent signs, which are allowed in each zoning district, the following temporary signs shall be allowed in each zoning district, in accordance with the standards set forth.
- (b) The following temporary signs are allowable, without requiring permits, provided the stated restrictions are met:

- (1) *Banners and streamers.* Banners shall not exceed 75 square feet in size. Banners or streamers shall not be located within 20 feet of any street.
  - (2) *Street banners.* Street banners extending above and across streets are allowable for official, civic, or philanthropic parades, festivals or events. Street banners should not exceed 125 square feet in size.
  - (3) *Political signs.* Signs advertising political candidates, referenda or similar issues shall not be placed or erected more than 90 days in advance of any election, referenda or similar issue and shall be removed within five days after the election and special election in which the candidate is eliminated in the case of primary elections and within five days after the general election for all other candidates, issues, and referenda.
  - (4) *Real estate signs.* Real estate signs shall not exceed 10 square feet in size or 5 feet in height in residential zones and shall not exceed 75 square feet in size or 15 feet in height in all other zones. All real estate signs shall be removed within 7 days after the closing of the sale, lease or rental of premises.
  - (5) *Construction and development signs.* Construction and development signs shall not exceed 75 feet of total signage area per construction project or development. Such signs shall be removed within one week of the substantial completion of the project or the installation of any permanent sign.
  - (6) *Carport and yard sale signs.* Signs advertising carport or yard sales should not exceed 8 square feet in size or 4 feet in height. Such signs shall be placed not more than one day in advance of the sale and shall be removed within one day of the completion of the sale.
  - (7) *Public and semi-public signs.* Signs advertising public and semi-public affairs such as civic, school, church and similar affairs and events are allowable provided they do not exceed 36 square feet in size or 10 feet in height. Such signs shall be placed a maximum of 10 days in advance of the event advertised, and shall be removed within one week of the completion of the event advertised. Not more than one such sign shall be approved per parcel of land.
- (c) *Setback requirements.* No temporary sign shall be placed or erected within the right-of-way of any street, or within 15 feet of any curb line or street edge.

#### **11.2.6. Prohibited Signs**

The following types of signs are prohibited:

- (1) *Flashing or other distracting illumination.*
  - (i) No sign shall consist of, or display, in whole or in part, any flashing lights or other illuminating devices which change in intensity, brightness or color, excepting electronic reader board signs, provided the message on such sign does not flash on and off.
  - (ii) The light for or from any illuminated sign shall be so shaded, shielded, or directed that the light intensity shall not be objectionable to surrounding areas and shall not cause unnecessary glare to be directed toward traffic lanes.
- (2) *Resemblance to traffic signs.* No sign shall resemble or conflict with any traffic control device or sign, or contain the words "stop", "caution", "go slow", "danger", "warning" or any similar words or phrases that may be construed to misdirect or confuse traffic flow.
- (3) *Vehicle signs.* No sign shall be attached to, suspended from or painted upon any vehicle or trailer which is regularly parked on any street, or on any private property which is visible from any street, which is designed to serve the purposes of a sign as defined in this Ordinance. This prohibition shall not apply to vehicles or trailers utilized on a regular basis for deliveries, maintenance and related business purposes, or to a single sign not exceeding 2 square feet displayed on or within a vehicle advertising the availability of said vehicle for sale.

- (4) *Prohibited locations.* No signs otherwise permitted by this Ordinance shall be placed on any public property, including but not limited to, utility poles, fences or trees, or within any street or other public right-of-way.
- (5) *Off Premise Signs.* No sign may be placed on a separate tract of land from the business or other use for which it provides advertisement, except as allowed by Section 11.2.4. (c) of this ordinance.
- (6) *General prohibited signs.* All other signs not specifically allowed by this Ordinance are prohibited, unless a special exception for their use can be secured in accordance with Chapter 5, Part 3 of this Ordinance.

**11.2.7. Uniform Sign Plans for Shopping Centers and Other Multi-Occupant Non-Residential Developments**

- (a) A uniform sign plan is required for all shopping centers, including any out-parcels connected thereto at the time of site plan approval and for all other multi-occupant non-residential developments, before any signs for the development, or establishments therein may be erected on the property. All owners, tenants, subtenants, and purchasers of individual units within the development shall comply with the approved uniform sign plan.
- (b) The uniform sign plan shall consist of five elements which shall govern all signs within the shopping center or development: location, materials, size, letter style, and color. The uniform sign plan shall include drawings, specifications, dimensions, and maps showing the proposed locations of signs and how such locations conform to the requirements of this Part.
- (c) The uniform sign plan shall be subject to approval by the Mayor. For shopping centers and other multi-occupant developments, the uniform sign plan must be submitted, reviewed, and approved prior to the issuance of the first sign permit for the development, including any individual establishments therein or out-parcels connected thereto.
- (d) Ground sign advertising two (2) businesses may be up to 140 square feet in size and thirty (30) feet in height. Ground signs advertising three (3) businesses or more may be up to 175 square feet in size and thirty-five (35) feet in height.
- (e) Existing shopping centers are encouraged to submit a uniform sign plan and shall be allowed the additional size and height specified by (d) above.

## CHAPTER 12. SUPPLEMENTAL STANDARDS

### PART 1. BUILDING DESIGN STANDARDS

#### 12.1.1. Purpose and Applicability

- (a) The general appearance, style, and design of developments are of prime importance to the City of Verona and its citizens. The appearance of City of Verona reflects the high quality of life and the high standards, which the citizens have set for themselves and for their government. The regulations of this Part are one of the important tools for ensuring that the high quality and standards will be maintained and perpetuated. The purposes of this Part are as follows:
  - (1) To promote a community appreciation of the City of Verona by encouraging quality design and enhancement of the appearance of developments through the application of particular standards;
  - (2) To provide proper standards to ensure a high level of quality in the appearance, without discouraging good design by setting rigid standards which stifle the developer's and/or property owner's individuality, creativity, or artistic expressions at a particular site;
  - (3) To preserve and improve property values and to protect private and public investments; and
  - (4) To preserve and protect the identity and character.
- (b) The requirements of this Part shall apply to all uses for which site plan approval is required pursuant to Chapter 5 of this Ordinance.

#### 12.1.2. General Provisions

- (a) *Building design plans.* Building Design plans shall be submitted for approval as part of each site plan required under Chapter 5, Part 7 of this Ordinances. Building design plans shall be developed by an individual, individuals, or professional firm having the competence and knowledge to satisfactorily develop the plans required by this Part.
- (b) *Building design.* Proposed building facades shall be designed to be compatible with adjacent developments in terms of architectural design, exterior building materials and colors, and arrangement of buildings and other features. All non-residential buildings shall have a facade of brick, stone, drivit®, stucco, split face block or similar designer block over a minimum of 50% of the side(s) of the building facing a street. The 50% requirement shall be calculated based on the entire area of said building side including windows, doors and gable ends. Any offset building fronts which are as close or closer to the rear of the building than the front shall not require improvements described above. Building materials with a cost equal to or greater than the materials listed above may be substituted provided said equal or greater costs is documented. Landscaping in front of the building may also serve as a substitute.
- (c) *Modifications to standards.* Where necessary to accommodate individuality and creativity in site design, or where conformance with the strict requirements of this Part are not feasible on a particular property, the Mayor or Board of Aldermen, whichever is responsible for approving the plan, may modify the requirements of this Part in reviewing and approving a site plan, provided that the features which the applicant proposes are equivalent in effectiveness given stated purposes of this Part.
- (d) *Building design standards for manufactured homes outside of parks.* All manufactured homes located outside of a manufactured and mobile home park shall meet or exceed the construction

standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- (1) The home has a length not exceeding four times its width;
  - (2) The pitch of the home's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
  - (3) The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
  - (4) The home shall be placed on a permanent concrete foundation or piers
  - (5) A continuous, permanent underpinning of brick, stone, drivit®, stucco, split face block or similar exterior siding material of the manufactured home, shall be established un-pierced except for required ventilation and access; and
  - (5) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
  - (6) The front entrance of the manufactured home shall face the street, excepting manufactured homes with attached garages or carports.
- (e) *Building design standards for manufactured and mobile homes in parks.* All manufactured homes and mobile homes placed in manufactured and mobile home parks subsequent to the effective date of this ordinance shall be underpinned and shall be provided with a solid concrete piers. Manufactured and mobile homes shall meet or exceed the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction. Homes constructed prior to July 1, 1976 shall meet the minimum standard of the building code.

### **12.1.3. Mechanical, Utility, and Trash Containment Areas**

- (a) *Mechanical and utility equipment.* Heating, ventilation, air conditioning, and other mechanical utility equipment, including but not limited to hoses, pipes, vents, fans, compressors, pumps, and heating and cooling units, which are located on, beside, or adjacent to any building or development shall be screened from the view of streets and adjacent property. The screen shall exceed the height of the equipment, shall not interfere with the operation of the equipment, and shall use building materials and design which are compatible with those used for the exterior of the principal building.
- (b) *Trash containment areas.* All trash containment devices, including compactors and dumpsters, shall be located and designed so as not to be visible from the view of adjacent streets and properties. If the device is not visible from off the site, then it need not be screened. The type of screening used shall be determined based on the proposed location of the trash containment area, existing site conditions, and the type and amount of existing and proposed vegetation on the site. All trash containment devices shall meet the following standards:
- (1) All trash containment areas shall be enclosed to contain windblown litter.
  - (2) The enclosure shall be at least as high as the highest point of the compactor or dumpster.
  - (3) The enclosure shall be made of a material that is opaque at the time of installation and compatible with the design and materials of the principal building.
  - (4) All compactors and dumpsters shall be placed on a concrete pad which is large enough to provide adequate support and allows for positive drainage.

## **PART 2. TELECOMMUNICATIONS**

### **12.2.1. Purpose and Goals**

- (a) The purpose of this ordinance is to facilitate the rapid expansion of the wireless telecommunications industry through the use of reasonable and nondiscriminatory policies designed to encourage growth and competition for the benefit of the citizens of the City of Verona, but at the same time to protect the public against any adverse impact upon the City of Verona's aesthetic resources, avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements, maximize the use of existing and approved towers and buildings through co-location and protect the public health, safety and welfare.
- (b) Furthermore, it is the goal of this ordinance to establish general guidelines for the siting of towers and antennas for wireless telecommunications and to:
  - (1) Encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community;
  - (2) Encourage strongly the joint use of new and existing tower sites;
  - (3) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
  - (4) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and to
  - (5) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

### **12.2.2. General Provisions**

- (a) All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owners expense. Any such removal by the City of Verona shall be in the manner provided.
- (b) The owner of a tower shall ensure that it is constructed and maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronics Industries Association, as amended from time to time. If, upon inspection, the City of Verona concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the City of Verona may order the removal or cause the removal of such tower at the owner's expense.
- (c) Each application for the construction of a wireless telecommunication facility shall include a certified statement that the construction of the tower, including reception and transmission functions, will not interfere with the radio, television and public safety communications devices or other services enjoyed by adjacent residential and nonresidential properties. The certificate shall be notarized and recorded by the applicant.
- (d) Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove said tower within

ninety (90) days of receipt of notice from the City of Verona notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the City of Verona may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

- (e) Towers shall not display signs or advertisements for commercial or non-commercial purposes, unless such signs are for the purpose of providing warning or specific equipment information.

### **12.2.3. Tower and Antenna Location and Development Standards**

- (a) Construction of new antennas will be considered as permitted uses under the following conditions:
  - (1) If the antenna is to be co-located on an existing tower in conformance with the conditions of this ordinance;
  - (2) If the antenna is to be located on buildings or structures in conformance with the conditions of this ordinance;
- (b) Construction of new towers and/or antennas will be considered as special exception uses in the A-1, C-1, and I-1 zones.
- (c) Applicants for the proposed construction of new towers and antennas must submit the following information with their application:
  - (1) site and landscape plans drawn to scale and indicating tower height, elevations, topographical contours, location, accessory structures, access to tower site, and proposed fencing,
  - (2) environmental analysis or statement signed by a licensed professional engineer indicating RF emissions do not exceed FCC standards,
  - (3) section 106 review if proposed tower affects National Register or National Register eligible properties,
  - (4) documentation that existing towers will not accommodate proposed antenna,
  - (5) a list of all tower owners contacted, date of contact, and the form and content of contact,
  - (6) a statement of intent to share space on the tower.
- (d) All towers greater than 75 feet in height erected, constructed, or located within the City of Verona shall comply with the following requirements:
  - (1) Any proposed tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 130 feet in height or for at least one additional user if the tower is over 75 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
  - (2) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City of Verona that no existing tower or other structure can accommodate the applicant's proposed antenna within a one mile search radius (one half mile for towers under 150 feet in height, one quarter mile for towers under 100 feet in height) of the proposed tower. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
    - (i) no existing towers or structures are located within the geographic area that meet the applicant's engineering requirements,

- (ii) existing towers or structures are not of sufficient height to meet the applicant's engineering requirements,
  - (iii) existing towers or structures do not have sufficient structural capacity to support the applicant's proposed antenna and related equipment and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost,
  - (iv) the applicant's proposed antenna would cause electromagnetic interference with an antenna on an existing towers or structures, or an antenna on the existing tower or structure would cause interference with the applicant's proposed antenna,
  - (v) the fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower construction are presumed unreasonable,
  - (vi) nothing in these rules and regulations shall obligate the owner of an existing tower to co-locate additional antennas on such tower or be construed to interfere or limit the rights of parties to set rent or establish other terms and conditions of the shared use of a tower of facility.
- (3) Any evidence submitted to the City of Verona in order to meet the above listed requirements of paragraph 2 shall be documented by a qualified and licensed professional engineer.
- (e) The following conditions apply to the location of proposed new towers:
- (1) To the greatest extent possible, all new communications towers will pursue the possibility of location on Municipal owned structures or property,
  - (2) Towers can be no less than 350 feet from schools, parks, playgrounds, or day care centers,
  - (3) Towers can be no less than 1,000 feet from any property or lands held in title or maintained by the U.S. Department of the Interior or the National Park Service,
  - (4) The distance between towers may not be closer than one-quarter (1/4) of a mile unless they meet the conditions and requirements set forth in Section 13.6.3.d.

#### **12.2.4. Setbacks**

All new towers shall be subject to the setback requirements of the zoning district they are to be located within. The Board of Aldermen may require more stringent setbacks in order to offset possible health, safety, or aesthetic concerns.

#### **12.2.5. Tower Lighting**

- (a) Towers shall not be illuminated through the use of artificial lights such as strobe lights or other lighting devices unless specifically required by the FAA or other state and federal government agencies. Light fixtures may be attached if it is part of the design incorporated into the tower structure to be used for the illumination of athletic fields, parking lots, streets or other similar areas. Lighting of the accessory buildings for basic security purposes is permissible but may not result in unnecessary glare on adjacent properties in residentially zoned areas.
- (b) Should lighting be required by state or federal law the lighting shall be placed on the tower and designed in such a way as to minimize the glare on adjacent residential properties. In these instances, dual lighting shall be used. Dual lighting is considered as strobe lighting during the daylight hours and red lighting during nighttime hours.

### **12.2.6. Landscaping and Screening**

- (a) To the greatest extent possible, towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging.
- (b) Existing on site vegetation will be preserved to the maximum extent possible.
- (c) Where the proposed tower site abuts residential zones, the site perimeter shall be landscaped with at least one row of deciduous trees, not less than 1 ½ inches in diameter at the time of planting, measured three feet above the grade not more than 20 feet apart, on-center, within 25 feet of the site boundary. The Board of Aldermen may permit alternatives such as walls or fences based on security or aesthetic reasons.
- (d) Fences, if required, shall be colored or be of a design which blends into the character of the existing environment.
- (e) Towers shall be constructed of a material with a neutral color designed to blend in with surrounding land uses. Towers 200 feet or less in height shall have a galvanized finish or a silver paint. If heavy vegetation is in the immediate area, towers shall be painted a shade of green as to match the vegetation from the base of the tower to the tree line, with the remainder painted silver or given a galvanized finish. Towers greater than 200 feet in height shall be painted according to the regulations of the FAA.
- (f) The City may require additional screening or otherwise require design modifications to insure that the attractiveness and the aesthetic quality of the area is not adversely affected.

### **12.2.7. Antennas On Structures Other Than Towers**

Antennas mounted on rooftops or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached. Antennas mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Microwave antennas exceeding twelve (12) inches in diameter shall not exceed the height of the structure to which they attached. If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character or color.