

## CHAPTER 8.

### ACCESSORY AND TEMPORARY STRUCTURES AND USES

#### 8.1. Purpose and Intent.

This section authorizes the establishment of accessory structures and uses that are related and subordinate to principal structures and uses. The intent of this section is to allow a broad range of accessory structures and uses, so long as they are located on the same site as the principal use, they comply with the standards set forth in this section, and they do not create adverse impacts to the surrounding community. Accessory structures include satellite dish antennae; swimming pools; fences and walls; storage buildings; storm shelters; commercial-grade playground equipment; and accessory dwelling units. Accessory uses include home occupations; home businesses; small and large day care homes; dog kennels; outdoor dining; outdoor display of merchandise; and outdoor storage of merchandise. Signs are considered accessory structures and are governed by the standards and sign permit procedures set forth in Chapter 6.

#### 8.2. Standards for Accessory Structures.

##### 8.2.1. All accessory structures shall:

- (1) Directly serve the principal use or structure;
- (2) Be accessory and clearly related to the principal structure;
- (3) Be clearly subordinate in area, extent, and purpose to the principal structure;
- (4) Be owned or operated by the same person as the principal structure;
- (5) Be located on the same lot as the principal use or structure;
- (6) Be subject to all applicable design and development standards for the zoning district and the principal use;
- (7) Be constructed on or after the date when the principal structure is constructed;
- (8) Not have any adverse impact on surrounding property;
- (9) Be maintained in a safe, sanitary, and secure fashion.

8.2.2. Residential accessory structures shall:

- (1) Be no more than 35 percent of the gross floor area (GFA) or 5,000 square feet, whichever is less;
- (2) Not exceed the height of the principal structure.
- (3) Accessory buildings to be located in a side and rear yard shall be constructed with a similar design and construction materials as the principal building or be screened from view from the front and side property lines by a solid board fence or opaque landscaping that shields the structure from view.

8.2.3. Structures accessory to non-residential uses shall:

- (1) Be no more than 40 percent of the gross floor area (GFA) of the principal building or buildings on a lot;
- (2) Not be located in front of the primary structure, except for fences meeting height and location restrictions;
- (3) Not encroach on any required setback.

8.3. Review of Accessory Structures.

Pre-manufactured storage buildings, pools, pool houses, accessory dwelling units, storm shelters, fences and walls, and any accessory structures requiring a permanent foundation shall require site plan approval prior to issuance of a permit.

#### 8.4. Fences and Walls.

##### 8.4.1. Height.

The maximum height of a fence or wall shall be as shown in the table below, unless a higher fence or wall is required by other provisions of this Ordinance or if the fence is associated with a recreational facility, such as a tennis court, or an electrical substation.

Fence Heights	Front yard	Side yard	Rear yard
Residential Zoning Districts	4 feet	8 feet	8 feet
Industrial Zoning District	6 feet	12 feet	12 feet
All Other Zoning Districts	6 feet	6 feet	8 feet

##### 8.4.1.1. [Residential lots; fences and walls.]

On residential lots, including corner lots, fences and walls between the principal structure and the side lot lines may be built to side yard height if are located no closer to the street than the closest point of the principal structure on either the same or the adjacent lot. Fences or walls closer to the street than the principal structure may not exceed front yard height, except that fences and walls on double frontage lots, between major collector or higher order streets and the rear of residential structures, may be eight feet. Fences or walls between a residential structure and the street must be of a decorative type such as picket, wrought iron, or masonry and wood; chain link fences may not be placed in these places.

##### 8.4.1.2. [Adjustments to the height limits.]

Adjustments to the height limits may be permitted by Senior Building Inspector, or designee, due to field conditions or in order to accommodate decorative features on the fence or wall.

#### 8.4.1.3. [Development Services Director may approve a compatible use permit.]

The Development Services Director may approve a compatible use permit to allow fences or walls up to eight feet in height where all of the following findings are made:

- (1) That the fence or wall does not impede the natural light from reaching the subject or surrounding properties to their detriment;
- (2) That normal circulation of air is not unreasonably impeded by the fence or wall for the subject or surrounding properties;
- (3) That the fence or wall will not hinder access to the subject or surrounding properties for emergency services;
- (4) That the fence or wall shall be reasonably compatible with the surrounding properties in that it will not adversely affect property values; and
- (5) That vision clearances for pedestrian and vehicular traffic will not be impeded. Conditions may be specified to protect the welfare of the neighborhood and adjacent properties.

#### 8.4.2. Fences.

- (1) The finished side of all fences shall face off site. If support posts are located or visible on one side only, that side shall be deemed the unfinished side.
- (2) Razor wire, concertina wire, barbed wire, and similar fencing materials shall be prohibited in all residential districts except Agriculture/Open Space or when required for protection of electrical substations.
- (3) Fences shall not be made of tin or any other pre-used materials.

#### 8.4.3. Walls.

- (1) Walls shall be constructed of one or a combination of the following materials: stucco over concrete block, exposed aggregate concrete, brick, stone, wrought iron or architectural block in a structurally safe and attractive condition. Alternative walls may be permitted with the approval of the Development Services Director, or designee, if such alternative walls provide a similar level of opacity to that of the listed materials and are in keeping with the architecture of the development. No walls of exposed, plain or painted-only concrete cinder block shall be permitted.
- (2) No wall shall be located within any required drainage, utility or similar easement.
- (3) Pedestrian connections through walls that connect to adjacent neighborhoods or other uses shall be encouraged. In addition, barbed wire may be used for additional protection of electrical substation in conjunction with other fencing materials in any residential district.

- (4) Retaining Walls may be located within required yards.

#### 8.4.4. Permits for fences and walls.

A building permit shall be required for all new fences and walls.

#### 8.5. Swimming Pools. See swimming pool ordinance for details

#### 8.6. Standards for Accessory Uses.

##### 8.6.1. Home Occupation.

A home occupation may be permitted as accessory to a dwelling unit in any zoning district, 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) No outdoor display or storage of goods or services associated with the home occupation are or will be visible from the street or adjoining properties;
- (5) The occupation causes no change in the external appearance of the existing buildings and structures on the property or in effects such as noise, vibration, odor, glare, or other effects that can be detected from adjoining properties;
- (6) There are no employees 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. No more than one vehicle used in connection with the home occupation may be kept on the premises.

#### 8.6.3. Day Care Home, Small.

A small day care home may be permitted as an accessory use to any dwelling unit. It is a home business that permits the care and keeping of fewer than six unrelated persons. Such use may be permitted provided that:

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

#### 8.6.4. Day Care Home, Large.

A large day care home may be permitted as an accessory use to a single-family dwelling subject to zoning approval as provided in Chapter 4 of this ordinance. It is a home business that permits the care and keeping of more than five but fewer than 16 unrelated persons. Such use may be permitted providing that:

- (1) All State and Federal regulations are satisfied;
- (2) A solid fence at least four 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) Any lights used at the home will be pedestrian-scaled and shining on the premises only and not on adjacent property;
- (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 as required by Chapter 8 of this Code;
- (7) Access to the facility from nearby streets is adequate based on the projected number of participants attending the home.

#### 8.6.5. Dog Kennel. See animal control ordinance for details

#### 8.6.6. Outdoor Dining.

Restaurants may establish on-site outdoor dining areas as an accessory use. Such dining areas shall be reviewed and approved subject to the following conditions:

- (1) Outdoor dining areas shall be exempt from parking requirements unless the area is equal to 25 percent or more of the total indoor square footage.
- (2) Outdoor dining areas are permitted in the front, side, or rear of the property.
- (3) No amplified music shall be allowed within 400 feet of a residential or overnight accommodations property, except through compatible review.
- (4) The hours of operation of an outdoor cafe shall coincide with those of the associated business.
- (5) If alcohol may be served in the outdoor dining area, fencing may be required in order to comply with state and federal alcohol regulations.

#### 8.8. Temporary Structures, Use and Events.

Temporary structures, uses, and events allow property owners more flexibility with the use of their land, businesses, and structures. They may include special events provided for the enjoyment of the public, civic events in recognition of issues of public importance, sales and promotional activities intended to serve commercial interests, seasonal activities, temporary construction related activities, and similar temporary uses. Activities that support or are accessory to the primary use of the property will not normally be required to obtain a permit unless the activity is of a scope that requires public safety support or closing of a street, or involves amplified music.

- (1) Any person wanting a temporary use, structure, or event shall obtain the appropriate permit from the Department of Development Services at least two weeks in advance of the proposed date of commencement and at least four weeks prior to the proposed date if public safety support is requested. Some permits may require permission from additional city departments such as Public Works, Police Department or Fire Department. A Transient Vendors License will be required for a temporary use that is undertaken for profit by a commercial vendor that does not have a valid business license, as per Mississippi State Code.

##### 8.8.1. Construction Dumpster.

The placement of a temporary construction dumpster or other trash receptacle within a public right-of-way or other site owned by the city requires permission from the Director of Public Works and shall be subject to the standards in the Forest Code of Ordinances.

##### 8.8.1.1. Temporary Trash Receptacles or Dumpsters.

The placement of temporary trash receptacles or dumpsters located outside public rights-of-way are not required to obtain a separate permit but shall:

- (1) Not be located to the side or the rear of the site, to the maximum extent practicable;
- (2) Not be located as far as possible from lots containing existing development;
- (3) Not be located within a floodplain or otherwise obstruct drainage flow;
- (4) Not be placed within five feet of a fire hydrant or within a required landscaping area; and
- (5) Be located outside of tree protection fencing and the drip line of existing trees.

#### 8.8.4. Construction Trailer.

Construction trailers may be permitted on a construction site without site plan approval, provided that the trailer is:

- (1) Approved by the Department of Development Services;
- (2) Located on the same site or in the same development as the related construction;
- (3) Not located within a required open space set-aside or landscaping area; and
- (4) Associated with development for which a valid Building Permit has been issued.

#### 8.8.5. Real Estate Sales Office/Model Sales Home.

One temporary real estate sales office or model sales home shall be permitted in a section or phase of a new residential or nonresidential development, provided that the use:

- (1) Is approved by the Department of Development Services;
- (2) Is located on a lot approved as part of a development;
- (3) Is aesthetically compatible with the character of surrounding development in terms of exterior color, predominant exterior building materials, and landscape;
- (4) Complies with the applicable standards in the zoning district and the Development Agreement if applicable;
- (5) Is operated by a developer or builder active in the same phase or section where the use is located; and
- (6) Is removed or the model home is converted into a permanent residential use once 85 percent occupancy in the section or phase of the development is reached.



#### 8.8.6. Temporary Storage in a Portable Shipping Container.

Temporary storage in a portable shipping container or portable storage unit shall be permitted to serve an existing use, subject to the following standards. A portable shipping container requires approval from the Department of Development Services, and approval will be granted to the owner or a tenant who provides written permission from the owner. A portable shipping container shall not be located:

- (1) In the front yard;
- (2) In a right-of-way;
- (3) Within ten feet of any lot line or structure;
- (4) In a manner that impedes ingress, egress, or emergency access; and
- (5) On an individual parcel or site for more than 180 total days over any two year period except as an accessory use for a valid building permit. Parcels in the I district are exempt from this requirement.

#### 8.8.7. Garage Sales. See garage sale ordinance for more details.