a comprehensive plan

for City of

FOREST,

MISSISSIPPI

ZONING ORDINANCE

1971
AN ORDINANCE DIVIDING THE CITY OF FOREST, MISSISSIPPI INTO ZONING DISTRICTS WHICH REGULATE THE SIZE OF YARDS AND OPEN SPACES, DENSITY AND DISTRIBUTION OF POPULATION, AND THE USES OF BUILDINGS, STRUCTURES, AND LANDS; AND PRESCRIBING PROCEDURES FOR THE ADMINISTRATION, ENFORCEMENT, AND APPEAL OF REGULATIONS CONTAINED HEREIN.

ARTICLE I
TITLE AND PURPOSE

SECTION 100. ENACTMENT CLAUSE

WHEREAS, the Mayor and Board of Aldermen of the City of Forest, Mississippi, having been authorized by the Laws of Mississippi, including among others, Chapter 197 of the Laws of Mississippi of 1956, as amended by Chapter 402 of the Laws of Mississippi of 1960, to provide for the preparation, adoption, amendment, extension, and carrying out of a Comprehensive Plan for the purpose of bringing about coordinated physical development in accordance with present and future needs and to create a Planning Commission whose authority will include the preparation and recommendation of plans which will implement these needs:

WHEREAS, the Planning Commission of the City of Forest has made recommendations to the Board, after review and modification of the Comprehensive Plan, including a proposed Zoning Ordinance and Official Zoning Map; and

WHEREAS, the Mayor and Board of Aldermen, after study and review of this Zoning Ordinance, consider the regulations contained herein to be in the best interests of the health, safety, and general welfare of the citizens of Forest;

NOW IT SHALL SO BE ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FOREST, MISSISSIPPI:

SECTION 101. TITLE

This Ordinance shall be known and may be cited as the “Forest Zoning Ordinance”.

2
SECTION 102. PURPOSE

This Ordinance has been prepared in accordance with a Comprehensive Plan and is enacted to promote the general welfare of the citizens of Forest. Specifically, this Ordinance is designed to:

1. Lessen congestion in the streets.
2. Secure safety from fire, panic, and other dangers.
3. Provide adequate light and air.
5. Facilitate the provision of transportation, public utilities and community facilities.

The regulations contained herein have been made with reasonable consideration, among other things, to the character of the zoning district and its suitability for particular uses and with the intention of conserving the values of buildings and encouraging the appropriate use of land throughout the City.

ARTICLE II
INTERPRETATION AND DEFINITIONS

SECTION 200. INTERPRETATION

In interpreting an applying the provisions of this Ordinance, the said provisions shall be held to be minimum requirements for promotion of public safety, health, and general welfare.

SECTION 201. CONFLICT

Where this Ordinance imposes greater restrictive standards than are required by other existing ordinances, the provisions of this Ordinance shall govern. Where other existing ordinances impose greater restrictive standards than are required by this Ordinance, they shall govern.

SECTION 202. VALIDITY

If, for any reason, one or more articles, sections, or subsections of this Ordinance are held invalid or unconstitutional, such judgment shall not affect, invalidate or prejudice the remaining provisions of this Ordinance.
SECTION 203. MEANING OF WORDS AND TERMS

For the purpose of this Ordinance certain words and terms shall be defined as follows:

Words used in the singular shall include the plural, words used in the present tense will include the future, the word “person” includes a firm or corporation as well as an individual, the word “lot” includes the word plot or parcel, the term “shall” is always mandatory and the word “used” or “occupied” as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

ACCESSORY BUILDING OR USE: Any building or use which is subordinate or incidental to the main building or use of a lot.

ALLEY: Any public right of way which offers a secondary means of access for properties.

BUILDABLE WIDTH: Width of the building site left after the required yards have been provided.

BUILDING: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind and which is permanently affixed to the land.

BUILDING, ALTERATION OF: Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, any addition to a building or movement of a building from one location to another.

BUILDING, FRONT LINE OF: A line intersecting the foremost portion of a building, and parallel and/or concentric to the street line.

BUILDING SETBACK LINE: The distance required by this Ordinance to be maintained between a given lot line, easement, or right-of-way line, and any structure – front, rear, or side as specified.

BUSINESS: Includes the commercial, light industrial and heavy industrial uses, and districts as herein defined.

CITY: City of Forest, Mississippi.

MAJOR THOROUGHFARES PLAN: The long-range major Thoroughfares Plan as adopted by the Planning Commission.

COMMISSION: City of Forest Planning Commission.
CONFORMING USE: Any lawful use of a building or lot which complies with provisions of the Ordinance.

DISTRICT: Zoning District.

DWELLING: A building or portion thereof, designed and used exclusively for residential occupancy.

EASEMENT: An open, unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

FLOOR AREA: The square feet of floor space within the outside line of walls and including the total of all space on all floors of a building, but not including porches, garages, or space in a basement or cellar not used for dwelling purposes.

GOVERNING AUTHORITY: Mayor and Board of Aldermen, City of Forest, Mississippi.

GARAGE, PUBLIC: A building other than a private or storage garage, used for the care, repair, or storage of self-propelled vehicles or where such vehicles are kept for remuneration, hire, or sale. This includes premises commonly known as filling stations or service stations.

JUNK YARD: An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A “junk yard” also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

LANDSCAPED BUFFER AREA: Landscaped areas which act as a buffering or separation area between two or more incompatible land uses.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the Chancery Clerk of Scott County, or a parcel of land the deed to which has been recorded, as required by law, prior to the adoption of this Ordinance.

LOT: A parcel of land suitable for a permitted use and complying with all necessary minimum yard, width, area, and off-street parking requirements and having frontage on a dedicated public street.

LOT AREA: The area of a horizontal plane bounded by the front, side, and rear lot lines of a building lot.
LOT, CORNER: A lot situated at the intersection of two or more streets.

LOT DEPTH: The average horizontal distance between the front lot line and the rear lot line.

LOT INTERIOR: A building lot other than a corner lot.

LOT LINE: The boundary of a building lot.

LOT WIDTH: The width of a lot at the building setback line.

MAIN BUILDING: The building which occupies the primary use of the lot.

NONCONFORMING USE: The use of a building or lot which does not comply with the provisions of this Ordinance.

OFFICE BUILDING: A building designed for or used as offices for professional, commercial, industrial, religious, public, or semipublic persons, or organizations, providing no produce is sold on the premises.

PREMISES: Land together with structure or structures occupying it.

PUBLIC BUILDING: A building owned and used by the City, County, State, and/or Federal Governments.

STORY: That portion of a building between the surface of a floor and the Ceiling immediately above.

STREET: A public right-of-way which affords a primary means of access to lots.

STREET LINE: Public right-of-way line of a street.

STRUCTURE: Any type of construction which requires a permanent location.

UNOBSTRUCTED OPEN SPACE: An area of land upon which no structure may be erected except those accessory structures used in connection with the movement or regulation of traffic.

VARIANCE: A modification from the literal provisions of this Ordinance in cases where a literal enforcement of its provisions would result in unnecessary hardship due to circumstances unique to the individual property or use for which the variance is granted.
YARD: Open space on a building lot unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In determining yard widths and depths, the minimum horizontal distance between the building and the respective property line, easement, or right-of-way line shall be used.

YARD, FRONT: That area of a yard which extends along the entire length of the front lot line, within the two side lot lines and the minimum horizontal distance between the street right-of-way line and building.

YARD, SIDE: That area of a yard which extends along the entire side lot lines between the front and rear lot lines and the minimum horizontal distance between the side lot line and the building setback line.

YARD, REAR: That area of a yard which extends along the entire length of the rear lot line within the two side lot lines, and the minimum horizontal distance between the rear lot line and the building setback line.

ZONING OFFICER: The person or persons designated by the Mayor and Board of Aldermen to enforce the provisions of this Ordinance.
ARTICLE III
ZONING DISTRICTS

SECTION 300. ESTABLISHMENT OF DISTRICTS

For the purpose of applying the provisions of this Ordinance, the City of Forest, Mississippi, is hereby divided into zoning districts as follows:

1. “R-1” Single-Family Residential
2. “R-2” Single-Family and/or Multi-Family Residential
3. “R-3” Multi-Family Residential
4. “C-1” Neighborhood Commercial
5. “C-2” Central Business Commercial
5A. “C-2A” Downtown Commercial
6. “C-3” General Commercial
7. “I-1” Light Industrial
8. “I-2” Heavy Industrial
9. “A” Agricultural

SECTION 301. OFFICIAL ZONING MAP

The zoning districts set forth hereinbefore are identified and delineated on a map entitled “Official Zoning Map of Forest, Mississippi”, on file in the office of the City Clerk.

The Official Zoning Map shall carry the signatures of the Mayor and the City Clerk certifying that it is the true map adopted by the Mayor and Board of Aldermen. All amendments shall be identified on the map and similarly certified.
SECTION 302. RULES FOR INTERPRETATION OF ZONING MAP

Where the boundaries of zoning districts are uncertain as shown on the Official Zoning Map, the following rules shall apply:

1. Boundary lines indicated as approximately following the center lines of streets, railroad lines, highways, or alleys shall be construed to follow such center lines.

2. Boundary lines indicated as approximately following platted lot lines or corporate limits shall be construed as following these lot lines or corporate limits.

3. Boundary lines indicated as approximately following the center lines of streams, rivers, ditches, gulleys, or other natural features shall be construed to follow such center lines.

4. Boundary lines indicated as approximately parallel to or extensions of features mentioned above shall be so construed.

5. Where streets, property lines, or other physical boundaries are not applicable, boundaries shall be determined by the scale of the certified Official Zoning Map.
ARTICLE IV
REGULATIONS

SECTION 400. APPLICATION OR REGULATIONS

400.1 Use of Property – No building or land shall hereafter be used or occupied and no building or part thereof shall be erected or altered unless in conformity with the regulations herein specified for the District in which said building or land is located.

400.2 Restrictions
1. No building or structure shall hereafter be erected or altered to occupy a greater percentage of lot area; or to have narrower or smaller rear yards, front yards, or side yards than is specified herein for the district in which such building or structure is located.

2. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

SECTION 401. ALL DISTRICTS

401.1 Uses Permitted

1. Uses by temporary permit.
   
a. Noncommercial concrete batching plant (permit not to exceed six months).

b. Temporary building. For residential use, permit not to exceed six months; for commercial use, permit not to exceed 15 days after contract completion date.

2. Churches and accessory religious buildings

3. Public uses necessary for conducting the business of operating the City, County, State and/or Federal Governments, including parks, playgrounds, schools, and utilities.
401.2 Off Street Parking and Loading Regulations

401.2.1 General Requirements – In all zoning districts the requirements for off-street parking facilities to be used for the storage or parking of motor vehicles by the employees, occupants, or patrons of a building hereafter erected, altered, or extended shall be provided and maintained as prescribed:

1. In determining the parking spaces required, if such spaces result in a fractional part, the number of spaces required shall be construed to be the next highest whole number.

2. Whenever a use is increased in floor area, units of service, or whatever base used, additional parking spaces shall be provided in amounts hereafter specified for the use if the existing parking facilities are inadequate to serve the increased activity.

3. Off-street parking facilities for single-family and two-family dwellings shall be located on the same lot or plot of ground as the building served.

4. Off-street parking facilities for multifamily dwellings containing up to and including ten (10) dwelling units shall be provided on the same lot or plot of ground as the building served.

5. Off-street parking facilities for multifamily dwellings containing in excess of ten (10) dwelling units shall be located at a distance not to exceed one hundred and fifty (150) feet from the structure served.

6. Off-street parking facilities for industrial or commercial establishments employing two hundred (200) or more employees shall be located within three hundred (300) feet of the building or buildings served. Greater distances shall be acceptable only upon the recommendation of the Planning Commission and approval by the Mayor and Board of Aldermen.

7. Collective off-street parking facilities serving one or a number of commercial or industrial establishments may be provided; however, such facilities shall contain no less parking spaces than the sum of the requirements of the individual uses. Such collective parking facilities should be located not more than two hundred (200) feet (measured along pedestrian walkways) from any of the establishments served.
8. Off-street parking requirements for uses not specifically mentioned herein shall be based upon the parking requirements for uses of a similar or related nature upon the recommendation of the Planning Commission and the approval of the Mayor and Board of Aldermen.

9. Driveway entrances and exits shall not be computed as a part of the required parking area.

10. Detailed plans of all curb cuts or driveways in commercial and industrial districts shall be submitted for approval to the Planning Commission before any building permit may be obtained for such curb cuts or driveways.
### 401.2.2 Minimum Off-Street Parking Space Requirements

The amount of off-street parking facilities, space or area, shall be determined according to the following requirements, and the space so determined shall be stated as to location, size, and configuration in the application for a building permit, and shall be reserved exclusively for the stated use.

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>PARKING SPACE REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family and Two-family Dwelling Units</td>
<td>2.0 per dwelling unit</td>
</tr>
<tr>
<td>Multifamily Dwelling Units</td>
<td>1.5 per dwelling unit</td>
</tr>
<tr>
<td>Mobile Home</td>
<td>2.0 per dwelling unit</td>
</tr>
<tr>
<td>Motel, Tourist Courts, and Boarding Houses</td>
<td>1.0 per guest room, plus 1.0 for each employee</td>
</tr>
<tr>
<td>Hospitals, Nursing Homes, Convalescent Homes, Homes for the Aged and Similar uses</td>
<td>1.0 per two beds, plus 1.0 per one and one half employees</td>
</tr>
<tr>
<td>Private Clubs and Lodges</td>
<td>10 per 1,000 square feet of floor area</td>
</tr>
<tr>
<td>Theaters and Auditoriums</td>
<td>1.0 per four seats</td>
</tr>
<tr>
<td>With fixed seating</td>
<td>16.7 per 1,000 square feet of floor area</td>
</tr>
<tr>
<td>Without fixed seating</td>
<td>3.8 per 1,000 square feet of floor area</td>
</tr>
<tr>
<td>Medical Offices</td>
<td>1.5 per 1,000 square feet of floor area</td>
</tr>
<tr>
<td>Professional Offices</td>
<td>5.4 per 1,000 square feet of floor area</td>
</tr>
<tr>
<td>Banks</td>
<td>1.0 per four seats in main auditorium</td>
</tr>
<tr>
<td>Churches</td>
<td>2.8 per 1,000 square feet of floor area</td>
</tr>
<tr>
<td>Department Stores</td>
<td>3.7 per 1,000 square feet of floor area</td>
</tr>
<tr>
<td>Grocery Stores</td>
<td>2.5 per 1,000 square feet of floor area</td>
</tr>
<tr>
<td>Clothing Stores</td>
<td>1.1 per 1,000 square feet of floor area</td>
</tr>
<tr>
<td>Variety Stores</td>
<td>2.1 per 1,000 square feet of floor area</td>
</tr>
<tr>
<td>Restaurants</td>
<td>0.6 per 1,000 square feet of floor area</td>
</tr>
<tr>
<td>Furniture Stores</td>
<td>16.7 per 1,000 square feet of floor area</td>
</tr>
<tr>
<td>Mortuaries and Funeral Homes</td>
<td>20.0 per 1,000 square feet of floor area</td>
</tr>
<tr>
<td>Dance Halls and Recreational Halls</td>
<td>5.0 per lane plus 1.0 per three spectator seats</td>
</tr>
<tr>
<td>Bowling Alleys</td>
<td>2.5 per employee</td>
</tr>
<tr>
<td>Barber Shops and Beauty Parlors</td>
<td>1.0 per two employees on the maximum shift</td>
</tr>
<tr>
<td>Industrial, Manufacturing, and Similar uses</td>
<td>1.4 per 1,000 square feet of floor area</td>
</tr>
</tbody>
</table>
PARKING AREA REQUIREMENTS

30-DEGREE ANGLE
Cars per 100 linear feet of double bay...12
Area required per car in double bay...425 sq. ft.

90-DEGREE ANGLE
Cars per 100 linear feet of double bay...25
Area required per car in double bay...760 sq. ft.

60-DEGREE ANGLE
Cars per 100 linear feet of double bay...20
Area required per car in double bay...330 sq. ft.

45-DEGREE ANGLE
Cars per 100 linear feet of double bay...16
Area required per car in double bay...330 sq. ft.
401.2.3 Loading Space Requirements – On the same premises with building, structures, or parts thereof erected and occupied for manufacturing, warehousing, mortuary, hospitals, or similar uses involving the receipt or distribution of materials or merchandise, there shall be provided and maintained adequate off-street space for standing, loading, and unloading to avoid undue interference with public use of streets and alleys.
SECTION 402. “R-1” SINGLE-FAMILY RESIDENTIAL DISTRICT

402.1 Uses Permitted – Single-family residential dwellings and accessory structures, except mobile homes or house trailers.

402.2 Required Lot Area and Lot Width – Every dwelling unit shall be located on a lot of not less than 15,000 square feet in area, and with a width determined at the front building setback line or not less than 100 feet.

402.3 Percentage of Lot Coverage – Buildings, including accessory buildings and structures, shall not cover more than 30 percent of the area of any lot.

402.4 Yards Required

1. Front Yard – The front yard building setback line shall be a minimum of 40 feet from any existing or proposed right-of-way line of any street or road, including those shown on the Major Thoroughfares Plan.

2. Side Yard – The side yard building setback line of each side of the lot shall not be less than 10 feet as measured from the side lot line to the nearest building or structure.

3. Rear Yard – The rear yard building setback line shall be not less than 40 feet as measured from the rear lot line to the nearest building or structure.

4. Yards for Public or Semipublic Buildings – All public or semipublic buildings, including accessory buildings and structures, shall provide the same front yard as required for all other buildings in this district. There shall be a minimum side yard and rear yard building setback of 30 feet as measured from the respective lot line to the nearest building or structure.

402.5 Building Height – No building or structure shall exceed 35 feet in height.
SECTION 403. “R-2” SINGLE-FAMILY, AND OR MULTI-FAMILY RESIDENTIAL DISTRICT

403.1 Uses Permitted – Single-family residential dwellings and accessory structures; mobile homes or house trailers, subject to the provisions of the Trailer Ordinance; two family dwellings and multi-family dwellings.

403.2 Required Lot Area and Lot Width – Every single family dwelling shall be located on a lot of not less than 9,000 square feet in area, and with a width determined at the front building setback line of not less than 85 feet.

Every two family residence shall be located on a lot of not less than 9,500 square feet in area, and with a width determined at the front building setback line of not less than 90 feet.

Every multi-family residence shall be located on a lot of not less than 12,000 square feet in area, provided that no more than three dwelling units shall be permitted on the lot. A minimum of 1,000 square feet of lot area shall be provided for every dwelling unit thereafter. The minimum lot width shall be 100 feet as determined at the front building setback line.

403.3 Percentage of Lot Coverage – Building, including accessory buildings and structures, shall not cover more than 40 percent of the area of any lot.

403.4 Yards Required
1. Front Yard – The front yard building setback line shall be a minimum of 30 feet from any existing or proposed right-of-way line of any street or road, including those shown on the Major Thoroughfares Plan.

2. Side Yard – The side yard building setback line shall not be less than 10 feet as measured from the side lot line to the nearest building or structure.

3. Rear Yard – The rear yard building setback line shall be not less than 30 feet as measured from the rear lot line to the nearest building or structure.

4. Yards for Public or Semipublic Buildings – All public or semipublic buildings, including accessory buildings and structures, shall provide the same front yard as required for all other buildings in this district. There shall be a minimum side yard and rear yard building setback line of 30 feet as measured from the respective lot line to the nearest building or structure.

403.5 Building Height – No building or structure shall exceed 35 feet in height.
SECTION 404. “R-3” MULTI-FAMILY RESIDENTIAL DISTRICT

404.1 Uses Permitted
1. All uses permitted in the “R-1” and “R-2” Residential Districts.

2. Two-family dwellings.

3. Multi-family dwellings.

4. Mobile Homes and House Trailers, subject to the provisions of the Trailer Ordinance.

5. Rooming or boarding houses.

6. Home occupations, provided that the service is being performed by the home owner and is conducted entirely within his own residence.

7. Other similar uses as determined by the Planning Commission and Mayor and Board of Aldermen.

8. Trailer Parks, subject to the provisions of the Trailer Ordinance and the approval of the Mayor and Board of Aldermen, after a review and recommendation by the Zoning Board.

404.2 Required Lot Area and Lot Width
1. Every single-family dwelling shall be located on a lot of not less than 8,500 square feet in area with a width determined at the front building setback line of not less than 70 feet.

2. Every two-family residence shall be located on a lot of not less than 9,500 square feet in area and with a width determined at the front building setback line of not less than 90 feet.

3. Every multi-family residence shall be located on a lot of not less than 12,000 square feet in area, provided that no more than three dwelling units shall be permitted on the lot. A minimum of 1,000 square feet of lot area shall be provided for every dwelling unit thereafter. The minimum lot width shall be 100 feet as determined at the front building setback line.

404.3 Building Height – No building or structure shall exceed 45 feet in height.

404.4 Percentage of Lot Coverage – Buildings, including accessory buildings and structures, shall not cover more than 40 percent of the area of any lot.
404.5 Yards Required

1. Front Yard – The front yard building setback line shall be a minimum of 25 feet from any existing or proposed right-of-way line of any street or road, including those shown on the Major Thoroughfares Plan.

2. Side Yard – For single family and two-family uses, the side yard building setback line of each side of the lot shall be not less than 10 feet as measured from the side lot line to the nearest building or structure.

3. Rear Yard – The rear yard building setback line shall be not less than 25 feet as measured from the rear lot line to the nearest building or structure. For multi family uses, the side yard shall not be less than 35 feet as measured from the side lot line to the nearest building or structure.

4. Yards for Public and Semipublic Buildings – All public or semipublic buildings, including accessory buildings and structures, shall provide the same front yard as required for all other buildings in this district. There shall be a minimum side yard and rear yard building setback line of 30 feet as measured from the respective lot line to the nearest building or structure.
SECTION 405. “C-1” NEIGHBORHOOD COMMERCIAL DISTRICT

This district is established to provide locations for establishments offering products for sale at retail and principally supplying everyday household needs. No use permitted in this district shall be dangerous, offensive, or detrimental by reasons of the emission of dust, gas, smoke, noise, fumes, glare, odor, vibration, or constitute a fire hazard.

405.1 Uses Permitted
1. Apparel stores.
2. Bakery Shops.
5. Drug Stores.
7. Grocery Stores.
8. Hardware Stores.
11. Other similar uses.
12. Customary related uses incidental to a permitted use, except that outdoor storage shall be prohibited.

405.2 Building Height – No building or structure shall exceed 35 feet in height.

405.3 Required Lot Area and Lot Width – None required.

405.4 Percentage of Lot Coverage – Buildings, including accessory building and structures, shall not cover more than 45 percent of the area of any lot.
405.5 Yards Required

1. Front Yard – The front yard building setback line shall be a minimum of 50 feet from any existing or proposed right-of-way line of any street or road, including those shown on the Major Thoroughfares Plan.

2. Side Yard – No side yards are required except in instances where a neighborhood commercial use abuts a residential district, in which case a minimum side yard of 30 feet shall be provided, as measured from the side lot line to the nearest building or structure, on the side adjacent to the residential district. A 10 foot strip of said side yard shall be maintained as a landscaped buffer area.

3. Rear Yard – The rear yard building setback line shall be not less than 25 feet. Such space shall remain open and unoccupied by any structure. Where the rear yard abuts any residential district, a rear yard of at least 30 feet shall be provided and a 10 foot strip adjoining the rear lot line shall be maintained as a landscaped buffer area.
SECTION 406. “C-2” CENTRAL BUSINESS COMMERCIAL DISTRICT

The restricted commercial district is established to provide areas for the retail and service commercial activities of the City and Region.

No use shall be permitted in this district which, in the judgement of the Planning Commission and Mayor and Board of Aldermen, is dangerous, offensive or detrimental to nearby businesses or residences by reason of the emission of dust, gas, smoke, noise, fumes, glare, odor, vibration, or fire hazards.

406.1 Uses Permitted
1. Any use permitted in the C-1 District.

2. Antique shops.
3. Apparel shops.
4. Appliance sales.
5. Auto repair shops.
6. Art studios.
7. Bakery shops (retail only).
8. Banks.
10. Drug stores.
11. Florist shops.
13. Hospitals.
15. Medical and Dental Clinics.
16. Office buildings and offices.
17. Restaurants.
18. Service Stations.

19. Printing and publishing establishments.

20. Theaters (indoor).

21. Other Similar uses, as determined by the Planning Commission and Mayor and Board of Aldermen.

406.2 Required Lot Area and Lot Width – None required.

406.3 Percentage of Lot Coverage – No requirement.

406.4 Yards Required
1. Front Yard – The front yard building setback line shall be a minimum of 30 feet from any existing or proposed right-of-way line of any street or road, including those shown on the Major Thoroughfares Plan.
2. Side Yard – No side yards are required.
3. Rear Yard – No requirements.

SECTION 406.1 “C-2A” DOWNTOWN COMMERCIAL DISTRICT
This restricted commercial district is established to provide for the continued established uses of the original downtown area. Uses permitted are the same as in C-2 District, but the C-2A District is exempt from the provisions of paragraph 406.4, as described under C-2 District. All other requirements are the same as those of the C-2 District.
SECTION 407. “C-3” GENERAL COMMERCIAL DISTRICT

The General Commercial District is established to provide areas for those heavier types of commercial uses which generate significant amounts of truck traffic, required outdoor storage, or which, because of other characteristics, are not compatible with other types of commercial activities.

No use permitted in this district shall be dangerous, offensive, or detrimental to neighboring commercial uses or residences by reason of the emission of dust, gas, smoke, excessive noise, fumes, glare, odor, vibration, or fire hazard.

407.1 Uses Permitted

1. Any use permitted in the C-1 and C-2 Districts.


3. Automobile sales, service and repairs.

4. Automatic car wash services.

5. Bakeries.


7. Construction equipment sales, repair and storage.

8. Cold storage plants.

9. Funeral homes and mortuaries.

10. Dyeing and cleaning works.

11. Farm equipment sales, service and storage.

12. Plumbing sales, retail and wholesale.


14. Warehouses for indoor storage.

15. Wholesale establishments.

16. Other similar uses, as determined by the Planning Commission and Mayor and Board of Aldermen.
407.2 Building Height - No building shall exceed 45 feet in height.

407.3 Required Lot Area and Lot Width – No restrictions.

407.4 Percentage of Lot Coverage – No restrictions.

407.5 Yards required
1. Front Yard - The front yard building setback line shall be a minimum of 50 feet from any existing or proposed right-of-way line of any street or road, including those shown on the Major Thoroughfares Plan.
2. Side Yard – The side yard building setback line on each side of the lot shall be not less than 25 feet as measured from the side lot line to the nearest building or structure except in instances where a general commercial use abuts a residential district, in which case a minimum side yard of 50 feet shall be provided on the side adjacent to the residential district. Such space shall remain open and unoccupied by any structure or use.
3. Rear Yard – The rear yard building setback shall be not less than 10 feet, except in instances where a general commercial use abuts a residential district, in which case a rear yard of not less than 50 feet shall be provided, as measured from the rear lot line to the nearest building or structure, along the boundary of the residential district. Such space shall remain open and unoccupied by any structure or use. Where a general commercial use backs upon a railroad spur, no rear yard shall be required.
SECTION 408. “I-1” LIGHT INDUSTRIAL DISTRICT

The Light Industrial District is created primarily for use in those areas of the community where it is desirable to locate manufacturing establishments that have a minimum of obnoxious effects on the surrounding area and the community as a whole.

The following uses shall be permitted provided that they, in the judgement of the Planning Commission and Mayor and Board of Aldermen, are not excessively obnoxious or offensive to neighboring uses by reason of the emission of dust, gas, smoke, noise, fumes, glare, odors, vibrations, or fire hazards.

408.1 Uses Permitted

1. Any use permitted in the C-1, C-2 and C-3 Districts, except that outdoor storage, in certain areas, is permitted (see No. 46).

2. Assembly plants.


4. Canneries.

5. Cellophane products manufacturing.


7. Refrigerating plants.


10. Creameries.

11. Dairy products, processing and manufacturing.

12. Electrical parts, assembly and manufacture.

13. Engraving plants.

14. Feed processing.

15. Fiber products manufacturing.

17. Foundry casting lightweight, nonferrous metal.
18. Fruit or vegetable canneries.
22. Ice plants.
23. Iron works, light.
25. Laboratories.
26. Laundries.
27. Leather products manufacturing.
28. Lumber yards.
29. Millwork and cabinet making.
32. Parcel delivery services.
33. Pharmaceuticals manufacturing.
34. Railroad Depot, passenger and freight.
35. Sheet metal products (light) manufacturing.
36. Television and radio broadcasting transmitters.
37. Textile products manufacturing.
38. Tire retreading, recapping and/or rebuilding.
39. Tool and machinery manufacturing.

40. Toy manufacturing.

41. Truck terminals, truck and trailer service.

42. Warehouse or storage buildings.

43. Well drilling services.

44. Wholesale business, including gasoline and oil.

45. Wood products manufacturing.

46. Outdoor storage of building materials such as lumber, coal, machinery, and pipe when enclosed by a solid fence at least six feet in height. Junk yards are specifically prohibited.

47. Other similar uses, as determined by the Planning Commission and Mayor and Board of Aldermen.

**408.2 Required Lot Area and Lot Width** – No requirements.

**408.3 Percentage of Lot Coverage** – No requirements.

**408.4 Yards required**

1. Front Yard - The front yard building setback line shall be a minimum of 50 feet from any existing or proposed right-of-way line of any street or road, including those shown on the Major Thoroughfares Plan.

2. Side Yard – The side yard building setback line on each side of the lot shall be not less than 25 feet as measured from the side lot line to the nearest building or structure except in instances where a light industrial use abuts a residential district, in which case a minimum side yard of 75 feet shall be provided on the side adjacent to the residential district. Such space shall remain open and unoccupied by any structure or use.

3. Rear Yard – The rear yard building setback shall be not less than 50 feet, except in instances where a light industrial use abuts a residential district, in which case a rear yard of not less than 100 feet shall be provided, as measured from the rear lot line to the nearest building or structure, along the boundary of the residential district. Such space shall remain open and unoccupied by any structure or use. Where a light industrial use backs upon a railroad spur, no rear yard shall be required.
SECTION 409. “I-2” HEAVY INDUSTRIAL DISTRICT

The Heavy Industrial District is created for use in those areas of the community where it is desirable to locate the types of industry which normally require larger land areas, create greater traffic volumes and have other characteristics which may be incompatible with other uses.

409.1 Uses Permitted

1. General Uses
   a) Any use permitted in the “I-1” District.
   b) Aggregate plants and batching operations.
   c) Carting, express, hauling, or storage yards.
   d) Concrete batch plants.
   e) Chemical plants.
   f) Coal, coke, or wood yards.
   g) Cotton gins.
   h) Dairy products processing plants.
   i) Egg drying plants.
   j) Food processing.
   k) Grain elevators.
   l) Metal fabricating plants.
   m) Killing, dressing and storage of poultry.
   n) Manufacturers of:
      1. Automobile, farm, or construction machinery.
      2. Brooms.
      3. Electrical equipment, machinery and supplies.
      4. Leather products.
      5. Metal fabrications.
      6. Mining equipment.
      7. Missiles and their components.
      9. Plywood, furniture and similar wood products.
      10. Rubber products.
   o) Wholesale sale and storage of any material, with or without fencing.
   p) Sawmills.
   q) Other similar uses, as determined by the Planning Commission and Mayor and Board of Aldermen.

2. Conditional Uses – No Building permit shall be issued for any of the following uses until and unless the location of such uses shall have been approved by the Planning Commission.
   a) Abattoirs or slaughter houses.
b) Acid manufacture such as hydrochloric, nitric and sulfuric acids.
c) Cement, lime, gypsum or plaster of paris manufacture.
d) Distillation of bones.
e) Explosive manufacture or storage.
f) Fat rendering.
g) Fertilizer manufacture.
h) Garbage, offals and deal animals dumping or reduction, except for municipal incinerators.
i) Gas manufacture.
j) Glue manufacture.
k) Junk yards.
l) Petroleum storage (bulk plant).
m) Refining of petroleum products.
n) Stock yards and stock auction barns.
o) Storage or baling of rags, paper, iron or junk.
p) Used care junk areas.

409.2 Required Lot Area and Lot Width – The minimum lot area for a heavy industrial use shall be one acre. There are no requirements related to lot width.

409.3 Percentage of Lot Coverage – Building, including accessory building and structures, shall not cover more than 75 percent of the area of any lot.

409.4 Yards Required
1. Front Yard – The front yard building setback line shall be a minimum of 100 feet from any existing or proposed right-of-way line of any street or road, including those shown on the Major Thoroughfares Plan.
2. Side Yard – The side yard building setback line on each side of the lot shall be not less than 25 feet as measured from the side lot line to the nearest building or structure except in instances where a heavy industrial use abuts a residential district, in which case a minimum side yard of 150 feet shall be provided on the side adjacent to the residential district. Such space shall remain open and unoccupied by any structure or use.
3. Rear Yard – The rear yard building setback line shall not be less than 50 feet except in instances where a heavy industrial use abuts a residential district, in which case a rear yard of not less than 150 feet shall be provided, as measured from the rear lot line to the nearest building or structure. Such space shall remain open and unoccupied by any structure or use.
SECTION 410. "A-1" AGRICULTURAL DISTRICT

The Agricultural District is created for use in sectors of the city which are still devoted to agricultural uses and where, generally, public sanitary sewerage service is not available.

410.1 Uses Permitted
1. Agricultural uses, subject to applicable ordinances of the city.
3. Mobile homes and house trailers, subject to the provisions of the Trailer Ordinance.
4. Mobile home parks, subject to the provisions of the Trailer Ordinance.

410.2 Required Lot Area and Width – The minimum lot area shall be one (1) acre. There are no requirements related to lot width.

410.3 Percentage of Lot Coverage – Buildings, including accessory buildings and structures, shall not cover more than 30 percent of the area of any lot.

410.4 Yards Required
1. Front Yard – The front yard building setback line shall be a minimum of 40 feet from any existing or proposed right-of-way line of any street or road, including those shown on the Major Thoroughfares Plan.
2. Side Yard – The side yard building setback line of each side of the lot shall be not less than 10 feet as measured from the side lot line to the nearest building or structure.
3. Rear Yard – The rear yard building setback line shall be not less than 40 feet as measured from the rear lot line to the nearest building or structure.
4. Yards for Public or Semipublic Buildings – All public or semipublic buildings, including accessory buildings and structures, shall provide the same front yard as required for all other buildings in this district. There shall be a minimum side yard and rear yard building setback line of 30 feet as measured from the respective lot line to the nearest building or structure.
ARTICLE V
EXCEPTIONS AND MODIFICATIONS

SECTION 500. EXCEPTIONS TO AREA REGULATIONS
For the purpose of side yard regulations, semidetached two family or multi-family dwellings with common party walls shall be considered as one building occupying one lot.

SECTION 501. SERVICE STATION REGULATIONS
Service stations or gasoline filling stations shall be so considered that, for driveways parallel to the street boundary line, the center line of the pump shall be at least 18 feet from the parallel street property line, and if on a corner lot, the end pump shall be at least 18 feet from the other street property line. For driveways built diagonally across the corner lot, the center line of pumps shall be at least 25 feet from the street corner of the lot which shall be measured along a line bisecting the angle of intersecting streets and the end pumps shall be at least 18 feet from the street property line.

ARTICLE VI
NONCONFORMING USES

SECTION 600. WHEN PERMITTED
Subject to the provisions of this section, a use or building or land existing at the time of enactment of this Ordinance may be continued, although such use does not conform with the provisions of these regulations for the district in which it is located.

SECTION 601. UNSAFE STRUCTURES
Nothing in the Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority.

SECTION 602. ALTERATIONS
A nonconforming building or structure may be altered, improved, or reconstructed provided such work is not to an extent exceeding in aggregate cost 60 percent of the fair market value of the building or structure.
SECTION 603. EXCEPTION
Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming building or structure damaged by fire, collapse, explosion, or act of God, subsequent to the date of this Ordinance wherein the expense of such work does not exceed 60 percent of the fair market value of the building or structure at the time such damage occurred.

Any person who owns property which has a nonconforming use at the time of the passage of this Ordinance shall be exempt from the provisions of this Section 603 as long as such person shall own and actually occupy the nonconforming property; but, this exemption shall terminate upon transfer of title to such property by sale or by gift or because of the death of the person owning and possessing such property and the death of his surviving spouse, if any.

SECTION 604. EXTENSION
A nonconforming use shall not be extended, but the extension of a conforming use to any portion of a nonconforming building or structure which existed prior to the enactment of this Ordinance shall not be deemed the extension of such nonconforming use.

SECTION 605. CHANGES
Nonconforming buildings, structures, or uses shall not be changed to another nonconforming use.

SECTION 606. ABANDONMENT
A nonconforming use, building, or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when:
1. The intent of the owner to discontinue the use is apparent.
2. The characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 90 days, unless other facts show intention to resume the nonconforming use;
3. A nonconforming use has been discontinued for a period of six months;
4. It has been replaced by a conforming use.

SECTION 607. DISTRICT CHANGE
Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the provisions of Section 606 shall apply to any nonconforming uses existing therein.
ARTICLE VII
ADMINISTRATION, ENFORCEMENT, AND AMENDMENTS

SECTION 700. ADMINISTRATION
The Zoning Officer shall administer and enforce this Ordinance, including the receiving of applications and inspection to assure conformity with these regulations. No building permits shall be issued hereafter by the City of Forest except where the provisions of this Ordinance have been met.

SECTION 701. AMENDMENTS

701.1 Permitted Changes – Whenever public necessity, convenience, or general welfare indicate, the Mayor and Board of Aldermen may, by Ordinance, amend, supplement, or change the regulations, restrictions, boundaries or classification of buildings, structures and land, as the same are established by this Ordinance, or may hereafter be made a part thereof.

701.2 Application or Petition – Applications or petitions for any changes or amendments to this Ordinance shall be made to the Zoning Board. The Zoning Board shall review the application or petition within 30 days, and forward same to the Mayor and Board of Aldermen with the recommendations of the Planning Commission.

701.3 Amendment – The Mayor and Board of Aldermen may, from time to time, on its own motion or from application or petition from any person, firm or corporation, after public notice and hearing, amend the regulations and districts herein established, but no amendment shall become effective unless the same shall have been first submitted to the Zoning Board for review and recommendations.

SECTION 702. BUILDING PERMIT REQUIRED

No building or structure shall be erected, added to, or structurally altered until a building permit has been issued by the City of Forest. All applications for building permits shall be in accordance with the requirement of this Ordinance and said applications shall be reviewed by the Zoning Officer prior to issuance of the permit.
Remodeling or improvement of existing buildings which does not alter the basic structure, create additional lot coverage or change the use of the building or lot is exempt from this specific requirement provided the cost of such activities does not exceed the sum of $3,000.00, unless inspection is required by the City Housing
Officer. If an inspection by the City Housing Officer is required, a permit shall be secured.

There shall be submitted with all applications for building permits, two copies of a layout or plot drawn to approximate scale, showing actual dimensions of the lot to be built upon, the exact size and location of the building on the lot and accessory building to be erected, and other such information as may be deemed necessary by the Zoning Officer to determine and provide for the enforcement of this Ordinance. One copy of the plot plan and building permit shall be returned to the applicant when approved.

SECTION 703. VARIATIONS

703.1 – Where the Mayor and Board of Aldermen find that extraordinary hardships may result from strict compliance with these regulations, they may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of these regulations.

SECTION 704. EXCEPTIONS

704.1 – It is expressly provided that the provisions hereof shall not be construed to require permits with reference to land used for agricultural purposes or for erection, maintenance, repair, or extension of farm buildings or structures.

704.2 – Lots of record existing at the time of enactment of this Ordinance shall be exempt from the area and side yard requirements of this Ordinance except that;
1. Side yards shall not be less than three feet as measured from side lot lines.
2. Front and rear yard requirements shall conform to the provisions of this Ordinance.

SECTION 705. COMPLAINTS REGARDING VIOLATIONS

705.1 – Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person, firm, or corporation may file a written complaint. Such complaint, stating fully the causes and basis thereof shall be filed with the Zoning Officer. The Zoning Officer shall record properly such complaint, immediately investigate, and take appropriate action thereon as provided by this Ordinance.
SECTION 706. PENALITIES FOR VIOLATIONS

706.1 – Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person, firm, or corporation who violates the provisions of this Ordinance’s requirements shall upon conviction thereof be fined not more than $100.00 or imprisoned not more than 30 days, or both; and in addition, shall pay all costs and expenses involved in the conviction. After conviction, the court shall have the authority to determine the length of time permissible for correction of said violation before said violation shall be considered a new and separate offense.

SECTION 707. REMEDIES

707.1 – Nothing contained herein shall prevent the City from taking other lawful action necessary to prevent or remedy any violation of the provisions of this Ordinance.

SECTION 708. APPEAL

708.1 – Any person aggrieved at the findings of the Mayor and Board of Aldermen shall have the right to appeal from the findings of said Board in the manner prescribed by Section 3596, Mississippi Code of 1942, as amended.
ARTICLE VIII
ORDINANCE IN FORCE

Section 1. This Ordinance shall be in full force and effect July 16, 1975.

Section 2. Passed and adopted by the Mayor and Board of Aldermen of the City of Forest, State of Mississippi, on the 10th day of June, 1975 by the following vote:

Ayes: Brown, Madden, May, Palmer
Abstain: Goodwin

APPROVED THIS THE 10th DAY OF JUNE, 1975.

/S/ G. B. Beard
Mayor

/S/ Bobbie S. Rester
City Clerk