

CHAPTER 13. SUPPLEMENTAL STANDARDS

PART 1. BUILDING DESIGN STANDARDS

13.1.1. Purpose and Applicability

- (1) The general appearance, style, and design of developments are of prime importance to the City of Tupelo and its citizens. The appearance of Tupelo reflects the high quality of life to be found in Tupelo and the high standards which the citizens have set for themselves and for their government. The regulations of this Part are one (1) of the important tools for ensuring that the high quality and standards for which Tupelo is known will be maintained and perpetuated. The purposes of this Part are as follows:
 - (a) To promote a community appreciation of the City of Tupelo by encouraging quality design and enhancement of the appearance of developments through the application of particular standards;
 - (b) To provide proper standards to ensure a high level of quality in the appearance of Tupelo, 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;
 - (c) To preserve and improve property values and to protect private and public investments; and,
 - (d) To preserve and protect the identity and character of Tupelo; and to enhance the business economy attracted to Tupelo by such factors.
- (2) The requirements of this Part shall apply to all uses for which site plan approval is required pursuant to Chapter 5 of this Ordinance.

13.1.2. General Provisions

- (1) 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 Ordinance. 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.
- (2) 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.
 - (a) Exterior materials: All non-residential and multi-family residential buildings, except as provided in Sections 13.1.2.(2)(b) and (d), shall have a facade of brick, stone, cementuous stucco, integrally colored unit

masonry, split face block or similar designer block, exterior insulating finish systems (EIFS), architectural glazing systems, or any combination thereof, applied to one hundred percent (100%) of the building front and of other side(s) of the building facing a street. Window and door area shall not be counted toward meeting the exterior building materials requirement. 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 allowed provided said equal or greater costs is documented. Exterior insulating finishing systems may be used only with documentation that they are installed by manufacturer-certified installers.

- (b) In the Barnes Crossing Overlay District as defined in Section 9.3.2, the Cliff Gookin Overlay District as defined in Section 9.4.2, and the South Gloster Overlay District as defined in Section 9.5.2, and the M-1 Medical zoning district, seventy five percent (75%) to one hundred percent (100%) of all non-glass wall surface(s) shall be covered with masonry or equivalent material allowing architectural detail features not exceeding twenty-five percent (25%) of the wall surface to be constructed of other materials.
- (c) Color of predominant exterior surface materials. Building colors should be subdued, with natural tones and natural colors predominating. The preferred colors are listed as follows: White, off-white, earthtones; cream; pastels of earthtones, including rose, peach, and terra cotta; dark, subdued greens; pastel colors of non-earthtone hues, yellows, greens and grayish greens; flat matte finish primary colors. Use of the following colors is strictly prohibited: high intensity colors, metallic colors, gloss colors, finish primary colors, red and black colors, fluorescent and full chroma colors. The use of uncolored precast concrete panels or tilt-up slabs is strictly prohibited.
- (d) In I-1 Light Industrial zoning districts and I-2 Heavy Industrial zoning districts, only the building front shall be at least eighty percent (80%) covered with masonry or equivalent materials. Metal veneer

- surface, exterior insulating finish systems, or similar materials may be used on other building sides.
- (e) Building massing: with the exception of industrial and wholesaling uses, the maximum unbroken façade plane shall be fifty (50) feet for multi-family residential uses and sixty (60) feet for commercial and office uses. The wall of any such building shall be interrupted through the use of projections or recesses, portals, courtyards, plazas, or other appropriate architectural conventions. The design of off-setting wall plane projections or recesses shall have a minimum depth of two (2) feet. Multi-story buildings with over twenty thousand (20,000) square feet of gross floor area shall be designed with either off-setting wall planes or upper story setbacks of at least six (6) feet in depth.
 - (f) Pitched roofs: Where pitched roofs are used slope must be sufficient to provide positive drainage and architectural design appropriate for the use and location
- (3) Discretionary design review: Cases where elements of a proposed building or site plan do not meet the standards of this Section, or of overlay districts as provided in Chapter 9, may be referred to a design review board for consideration rather than submitted to the Planning Committee for variance as provided in Chapter 6. In such cases the applicant must demonstrate that the project as proposed meets the purposes set forth in Section 13.1.1 more effectively than compliance with the stated standards, given the specific characteristics of the use, site, and surrounding area.
 - (4) Manufactured buildings: Manufactured buildings to be occupied for any non-residential purpose, other than temporary uses included in Section 12.3.2. (1) and 12.3.3. (1), may be allowed only through major conditional use approval as provided in Section 5.4.1. Manufactured buildings approved for permanent or long term use under this section must meet all building code, site plan, and building design requirements applicable to site built structures.
 - (5) 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 Planning Committee or Planning Department, 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.
 - (6) Building design standards for manufactured homes in subdivisions: All manufactured homes in subdivisions 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:
 - (a) The home has a length not exceeding four (4) times its width;
 - (b) The pitch of the home's roof has a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
 - (c) 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;
 - (d) A continuous, permanent masonry foundation with brick veneer, un-pierced except for required ventilation and access, is installed under the home; and
 - (e) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
 - (f) The front entrance of the manufactured home shall face the street, excepting manufactured homes with attached garages or carports.
 - (7) 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 slab at least four (4) inches in depth and at least large enough to cover all ground area under the home. 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.
 - (7) Building design standards for multi-family structures. Multi-family structures shall be designed to be compatible with the character of single-family residential structures within the community. Commercial and office structures shall be designed to be compatible with the character of single-

family residential structures within the community in those instances where the subject property or overall development adjoins residentially zoned land. In all such cases, the compatibility of the multi-family, commercial, or office project shall be determined by comparing the consistency of the design elements, colors, materials, and landscaping of the proposed buildings with the existing design elements, colors, materials, and landscaping of the adjoining residential structures.

13.1.3. Exterior Lighting

All exterior lighting, such as that used in and around buildings, recreation areas, parking lots, and signs, shall be designed to protect against the spill over of light to adjacent properties which contain dwellings and other uses providing sleeping quarters. All exterior lighting shall be shielded from the adjacent residential and institutional uses by thick evergreen vegetated buffers, berms, walls, or fences, and/or the use of directional lighting, special fixtures, timing devices, appropriate light intensities, luminaries, and mountings at appropriate heights. All outdoor lighting shall conform to the following standards:

- (1) Outdoor lighting shall be designed, located and mounted at heights no greater than:
 - (a) Eighteen (18) feet above grade for non-cut-off lights;
 - (b) Twenty-five (25) feet above grade for cut-off lights.
- (2) All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed one and five-tenths (1.5).
- (3) All lighting units shall be of cut-off type fixtures with a cut-off angle of ninety (90) degrees or less.
- (4) No exterior lighting fixture of any kind shall so be placed or directed such that the direct or reflected light therefrom shall interfere with the operation of automotive vehicles on any adjacent street.
- (5) No exterior light shall have any blinking, flashing, or fluttering light, or other illuminating device which has a changing light intensity or brightness of color.

13.1.4. Mechanical, Utility, and Trash Containment Areas

- (1) 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.

- (2) Trash containment areas: All trash containment devices, including compactors and dumpsters, shall be located at the rear of buildings and shall be enclosed by a gated solid wall. All trash containment devices shall meet the following standards:

(a) Dumpster enclosures shall be located on a concrete pad of adequate size as recommended by the disposal company.

(b) The approach to the dumpster area shall be paved with hard surface Portland cement or asphaltic concrete, of a specification sufficient to support the weight and continual use of the garbage collection vehicle.

(c) The screening of all dumpster enclosures shall be of solid masonry construction and a minimum of two (2) feet taller than the dumpster. The use of wooden fences or chain link fences with slats as a screening device for garbage collection areas is strictly prohibited.

(d) for compaction units, a floor drain shall be provided which ties to the sanitary sewer.

(e) either the dumpster enclosure must be constructed of sufficient size to accommodate all refuse materials to be recycled, such as grease barrels for restaurants and used oil barrels for automotive uses, or a separate enclosed pad of the same specifications shall be provided for these separate materials.

13.1.5. Inspections

- (1) The Building Department shall inspect the site prior to the issuance of a permanent certificate of occupancy of the development and shall not issue the permanent certificate of occupancy if the landscaping required under this Part is not installed in accordance with the standards set forth in this Part and in accordance with the approved site plan.
- (2) The Planning and Development Department shall inspect the site one (1) year after the issuance of a permanent certificate of occupancy in order to ensure compliance with the approved site plan and to ensure that the landscape is properly maintained.

PART 2. LANDSCAPING

13.2.1. Purpose and Applicability

- (1) The purpose and intent of this article is to:

- (a) Assist in providing adequate light and air;
 - (b) Prevent erosion and siltation and aid in the absorption of air pollutants through conservation of trees and other vegetation;
 - (c) Provide visual buffering and enhance the beautification of the City of Tupelo;
 - (d) Safeguard and enhance property values and protect public and private investment;
 - (e) Provide habitat for living things that might not otherwise be found in the urban environs; and,
 - (f) Protect the quality of water resources from future degradation by maintaining vegetative cover and controlling disturbance of vegetation.
- (2) The requirements of this Part shall apply to all uses for which site plan approval is required pursuant to Chapter 5, Part 7 of this Ordinance.

13.2.2. Protection of Trees in Commercial Developments

- (1) Intent: It is the intent of this section to minimize the removal of protected trees in commercial and multi-family residential developments. It is the further intent of this section to ensure that developers take reasonable measures to design and locate proposed improvements so that the number of protected trees that may be approved for removal is minimized. The design shall especially protect and preserve historic and specimen trees.
- (2) Protected trees:
- (a) The types of trees listed in Table 13.2.2 below are considered protected trees for the Development Code.

Table 13.2.2
LIST OF PROTECTED TREES
Minimum Diameter: 8 inches

- (b) In all zoning districts where commercial or multi-family residential uses are allowed as permitted or conditional uses, no person shall remove or otherwise damage any protected tree prior to submittal of development plans, or during the development process, without submittal of a tree survey and the execution of an agreement between the property owner and/or developer and the city, stating any tree replacement requirements that may apply to future development of the property.
- (3) Historic and specimen trees:
- (a) An historic tree is one that is designated by the City of Tupelo as being of notable historical interest and value due to its association with the physical and cultural development of the City of Tupelo. Upon identification of an historic tree, the City shall

hold a public hearing for designation purposes and due notice provided to the owner of the tree.

- (b) A specimen tree is one that is designated by the City of Tupelo as being of high value due to its type, size, age and other relevant criteria. Upon identification of a specimen tree, the City shall hold a public hearing for designation purposes and due notice provided to the owner of the tree.
 - (c) No historic or specimen tree shall be removed without finding by the City of Tupelo that the tree is a hazard or that it is not economically or practically feasible to develop the parcel without removing the tree.
- (4) Tree removal procedure: The procedures and standards for review of planned tree removal shall be as follows:
- (a) Site Plan requirements: Any person desiring to remove trees in connection with, or for the purpose of, the construction or development of a non-residential development including any building addition or accessory building twenty-five (25%) or greater in size of the existing principal building on the site, shall first submit a site plan to the Planning and Development Department. The site plan required by Chapter 5, Part 7 shall be sufficient to satisfy this requirement provided it contains the following additional information:
 - (i) The site plan shall include the name, address, and telephone number of the land owner and his agent.
 - (ii) Each site plan shall include a generalized tree survey based upon the most current available

Butternut Hickory	Red Oak
Shagbark Hickory	Post Oak
Shellbark Hickory	Willow Oak
Mockernut Hickory	Water Oak
Green Ash	Shumard
Sycamore	Sugar Maple
Redbud	Red Maple
Black Gum (Tupelo)	Pecan
White Oak	Southern Magnolia

information. The survey shall show the approximate location, extent and type of protected trees upon the site, including common or scientific names of the major groups of trees. The survey shall indicate which protected trees are intended for removal and/or grubbing and which will be left undisturbed. For nonresidential and multifamily

- development, the survey may be in the form of an aerial or a field survey, and shall be accompanied by photographs illustrating areas of trees. If site development plans have been prepared, the survey shall be prepared to the same scale or in some other manner which clearly illustrates the relationships between areas of protected trees and proposed site improvements. If site development plans are available, the survey shall be prepared to a convenient scale which clearly reveals the extent of protected trees upon the site.
- (iii) The site plan and accompanying documents shall be submitted in copies sufficient to administer this Section.
 - (iv) The filing of a site plan shall be deemed to extend permission to the City of Tupelo Planning Committee to inspect the subject site if necessary for purpose of evaluating the application.
- (b) Review criteria: No site plan shall be approved authorizing the removal of a protected tree unless the developer/owner demonstrates one (1) or more of the following conditions:
- (i) A permissible use of the site cannot reasonably be undertaken unless specific trees are removed or relocated;
 - (ii) The tree is located in such proximity to an existing or proposed structure that the safety, utility, or structural integrity of the structure is materially impaired;
 - (iii) The tree materially interferes with the location, servicing or functioning of existing utility lines or services;
 - (iv) The tree creates a substantial hazard to motor, bicycle, or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision;
 - (v) The tree is diseased, insect ridden, or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, buildings or other improvements;
 - (vi) The removal of the tree is necessary to promote the growth of surrounding protected trees. Under this provision, the applicant must demonstrate a preference for protecting historic and specimen trees. Trees removed pursuant to this subsection are exempt from tree replacement requirements;
 - (vii) Any law or regulation requires the removal.
- (g) Review procedures: The City of Tupelo Planning Department shall review each completed site plan and shall render a decision within fifteen (15) working days of acceptance. If no decision is made within the indicated time period, the site plan shall be deemed to have been approved in accordance with the information on the site plan. If the site plan is not approved, the Planning Department shall state in writing the reasons for denial and advise the applicant of any appeal remedies available. For good cause, the Planning and Development Department may request one extension from the applicant of an additional fifteen (15) working days in which to make a determination, provided the extension is requested prior to expiration of the initial fifteen-day period.
- (5) Replacement of removed trees:
- (a) Trees removed pursuant to Sec. 13.2.2(1) (Tree removal procedure) shall be replaced at the expense of the developer/owner.
 - (b) Each removed tree shall be replaced with a new tree(s) having a total tree caliper equivalent to that of the removed tree. Replacement trees shall be of species appropriate for mitigation of the specific function (canopy, ornamental, et cetera) of removed trees.
 - (c) Single-trunk replacement trees shall be a minimum of one and one-half (1½) inches in diameter at a point six (6) inches above the base and a minimum of six (6) feet in overall height.
 - (d) A replacement tree may be a tree moved from one (1) location to another on the site.
 - (e) If the developer/owner demonstrates to the satisfaction of the Planning and Development Department that the site cannot accommodate the total number of required replacement trees as a result of insufficient planting area, the developer/ owner shall provide the remaining replacement trees, of species approved by the city arborist, at the appropriate planting season to the City of Tupelo Public Works Department for placement on city or other public property in the City of Tupelo. Cash payment in lieu of replacement trees may be accepted with documentation of current cost of appropriate trees.
 - (f) Any replacement tree, planted for credit, which dies within one (1) year of planting shall be replaced by a tree of a minimum of one and one-half (1½) inches in diameter and a minimum of ten (10) feet in overall height at the time of planting.
- (6) Protection of trees during development activities:

- (a) Generally, to assure the health and survival of protected trees that are not to be removed, the developer shall avoid the following kinds of tree injuries during all development activities:
 - (i) Mechanical injuries to roots, trunk, and branches;
 - (ii) Injuries by chemical poisoning;
 - (iii) Injuries by grade changes;
 - (iv) Injuries by excavations; and
 - (v) Injuries by paving.
- (b) Tree protection zone: A circular tree protection zone shall be established around each protected tree as follows:
 - (i) If the drip line is less than six (6) feet from the trunk of the tree, the zone shall be that area within a radius of six (6) feet around the tree.
 - (ii) If the drip line is more than six (6) feet from the trunk of the tree, but less than twenty (20) feet, the zone shall be that area within a radius of the full drip line around the tree.
- (c) Development prohibited within the tree protection zone: All development activities except those specifically permitted by Sec. 13.3.G.5 (Permitted activities within tree protection zone) shall be prohibited within the tree protection zone provided for any protected trees, including any construction of buildings, structures, paving surfaces, and stormwater retention/detention ponds. All temporary construction activities shall also be prohibited within tree protection areas, including all digging, concrete washing, storage of construction material, and parking of construction vehicles.
- (d) Fencing of tree protection zone: Prior to the commencement of construction, the developer shall enclose the entire tree protection zone within a fence or similar barriers as follows:
 - (i) Steel "T" posts shall be implanted in the ground deep enough to be stable and with at least five (5) feet above ground;
 - (ii) The protective posts shall be placed not more than six (6) feet apart, and shall be linked together by a rope, chain, or highly visible woven fabric;
 - (iii) During construction, each tree protection zone shall be clearly identified with two (2) temporary signs that is at least four (4) feet in height and at least eighteen (18) inches by (twenty-four) 24 inches in size.
- (e) Permitted activities within tree protection zone:
 - (i) Utility excavation: Excavating or trenching by duly constituted utilities shall be permitted within the tree

protection zone, except where the trees are historic or specimen, in which case utility lines shall be tunneled beneath tree roots in order to protect feeder roots.

- (ii) Sodding and ground cover: Placement of the sod or other ground covers and the preparation of the ground surface for such covers shall be permitted within the tree protection zone.
- (7) Parking reduction for preservation of protected trees.
 - (a) A reduction of required parking spaces may be allowed or required by the Planning and Development Department when the reduction would result in the preservation of a significant tree with a trunk of twelve (12) inches in diameter or greater.
 - (b) The reduction in required parking may be granted or required only if it will prevent removal of a significant tree that is located within the area of the site designated as a parking lot area. The reduction in required parking spaces shall not exceed the number of parking spaces required to protect and maintain protected trees, or the number in the following schedule, whichever is less.

Required Parking Spaces	Maximum Reduction
1-4	0
5-9	1
10-19	2
20 or more	10 percent

(8) Existing tree credit: For every existing tree eight (8) inches in caliper or larger, maintained as part of the development, the applicant shall receive a credit on a 1:4 basis against the tree requirement of either the perimeter or interior landscaping requirements, dependent upon the location of the existing tree(s) on the site.

13.2.3. Parking Lot Landscaping and Screening

- (1) Applicability:
 - (a) Perimeter and interior landscaping requirements: The perimeter and interior parking lot landscaping requirements of this section shall apply to off-street parking facilities that :
 - (i) Have ten (10) or more parking spaces; or,
 - (ii) Are designed to accommodate vehicles that are larger or smaller

- than automobiles and are thirty-five hundred (3,500) square feet or more in area.
- (b) Perimeter landscaping requirements only. The perimeter parking lot landscaping requirements of this section shall apply to off-street parking facilities that:
- (i) Have five (5) to nine (9) parking spaces; or,
 - (ii) Are designed to accommodate vehicles that are larger or smaller than automobiles and are between seventeen hundred, fifty (1,750) and thirty-five hundred (3,500) square feet in area.
- (2) Perimeter requirements: A five (5) foot wide strip of land, located along the front property line adjacent to the street right-of-way and along all common property lines where parking lots adjoin other properties shall be landscaped. The sidewalk width shall not be counted measuring the perimeter landscape strip.
- (a) Landscape material: One (1) tree for each thirty (30) feet of linear frontage, or portion thereof, along the right-of-way shall be preserved or planted. Trees planted to meet this requirement shall measure a minimum of three (3) inches in diameter at breast height. Twenty five percent (25%) of the required landscaping area shall be covered by evergreen shrubs or plants that have a minimum mature height of one and one-half (1½) feet. The remaining area within the perimeter strip shall be landscaped with other landscape materials. A maximum of twenty (20) percent of the perimeter strip may be covered with cedar chips, gravel, or other non-living materials.
 - (b) Landscape Design: The required trees and shrubs may be clustered or grouped in a natural arrangement within the landscaped area. Depending on the size and spacing of the selected pallet of trees, trees may be located outside of, but adjacent to the landscaped area. Other areas may be included to achieve a specific design intent.
 - (c) Corner visibility: Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed corner visibility pursuant to Sec. 10.1.6.
 - (d) Where parking lots front on public rights of way, the perimeter landscaping shall be replaced by a decorative fence, wall, berm, or evergreen hedge at least three (3) feet in height.
 - (e) Industrial districts: Developments in I-1 light Industrial and I-2 Heavy Industrial districts must provide one tree per fifty (50) linear feet of right of way and twenty percent (20%) of the perimeter strip covered by evergreen shrubs or plants.
 - (f) Flex space developments and parking lots of greater than two hundred (200) parking spaces. Flex space developments and parking lots of greater than two hundred (200) parking spaces shall provide one tree per twenty five (25) linear feet of right of way and thirty percent (30%) of the perimeter area covered by evergreen shrubs or plants.
 - (g) Vehicle display and sales areas: Areas designated for display and sales of vehicles, as stated in Section 11.1.8, shall provide landscaping according to the requirements of this Chapter, except that the locations of required tree and landscape plantings may be approved on a flexible basis in order to allow visibility of displayed vehicles and to avoid sap from trees.
- (3) Interior planting area:
- (a) General requirements: At least ten percent (10%) of the gross area of the interior parking lot area shall be landscaped. Interior planting areas are to be located within or adjacent to the parking area as tree islands, at the end of parking bays, inside seven (7) foot wide or greater medians, or between rows of cars or as part of continuous landscaped buffer yards. Interior planting areas shall be located to most effectively accommodate stormwater runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.
 - (i) No more than fifteen (15) parking spaces shall be permitted in a row without being interrupted by an interior planting area.
 - (ii) All rows of parking spaces of greater than fifteen (15) parking spaces per singular row shall terminate by a tree island.
 - (iii) Trees shall be required at the minimum ratio of one (1) shade tree for every twenty-five hundred (2,500) square feet of total vehicular use area. All vehicular use areas located within the same block which serve one (1) or more businesses or uses of land or share unified ingress and egress shall be considered as a single vehicular use area for the purpose of computing the required ratio of trees, notwithstanding ownership. Required trees shall be at least ten (10) feet in height and

two and one-half (2½) inches in diameter at a point six (6) inches above the base.

- (b) Minimum size of interior planting areas
 - (i) A minimum of ninety (90) square feet of planting area shall be required for each new shade tree.
 - (ii) A minimum planting area of one hundred percent (100%) of the drip line area of the tree shall be required for all existing trees. If the applicant can demonstrate that conditions allow that the tree will be preserved with an area less than one hundred percent (100%), lesser area may be negotiated between the applicant and the Planning and Development Department.
- (c) Industrial districts: parking lots in the I-1 Light Industrial and I-2 Heavy Industrial districts shall provide landscaping of eight percent (8%) of the gross area of the parking lots between the building and street, and provide one tree per thirty-five hundred (3,500) square feet of such parking lots.
- (d) Flex space developments and parking lots of greater than 200 parking spaces: Flex space developments and parking lots with more than 200 parking spaces shall provide one tree per two thousand (2,000) square feet and interior landscaping of twelve percent (12%) of the area of such parking lots, unless irrigation is provided for all interior planting areas. If irrigated, lots at flex space developments and lots with more than 200 parking spaces may provide one tree per two thousand two hundred fifty (2,250) square feet and interior landscaping of eleven percent (11%) of the area of such parking lots.

- (4) Nonconforming parking lot: When the square footage of a nonconforming parking lot is increased, compliance with this section is required as follows:
 - (a) Expansion by twenty-five percent (25%) or less: When a parking lot area is expanded by twenty-five percent (25%) or less, only the expansion area must be brought into compliance with this section.
 - (b) Expansion by more than twenty-five percent (25%): When a parking lot area is expanded by more than twenty-five percent (25%), the entire expansion area shall be brought into compliance with this section. In addition, the preexisting parking lot area shall be brought into compliance with the perimeter parking lot landscaping requirements of this section.
 - (c) Repeated expansions: Repeated expansions of a parking lot area over a period of time commencing with the effective date of this Unified Development Code shall be

combined in determining whether the twenty-five percent (25%) threshold has been reached.

13.2.4. Landscaped Buffer Requirements.

- (1) Intent: This section requires landscaped buffers to be provided and maintained when non-residential uses are being developed or expanded adjacent to residential uses and when higher density residential uses are being developed or expanded adjacent to lesser density residential uses. Landscaped buffers are also required to enhance community appearance and to protect the character of the area. The width of the buffer and the required plantings within the buffer may vary depending upon the relative intensities of the abutting or adjacent uses. The buffer requirements are intended to be flexible and the developer may choose among a number of combinations of buffer width and buffer plantings to satisfy the requirement.
- (2) General Standards: Before a Certificate of Occupancy is issued for any new building or addition or accessory building greater in size than twenty-five percent (25%) of the principal building or any renovations, improvements or repairs greater in cost than twenty-five percent (25%) of the value of the building, according to the Lee County Tax Assessor's records, and located within R-2, R-3, R-O, O, C-1, C-2, C-3, CBD, M-1, I-1 or I-2 Districts and which lies adjacent to any lot or lots which are zoned R-1E, R-1L, R-1M or R-1S, and, which are occupied or may in the future be occupied by single family dwellings, a screening barrier conforming to the design standards of Section (c) below shall be required. Exempt are schools and churches. The Director of the Planning and Development Department may waive the screening requirements for similar low impact uses. The screening requirements specified above shall also apply to construction within C-2, C-3, CBD, M-1, I-1 or I-2 Districts adjacent to R-2, R-3, R-O and O Districts. As a part of conditional and/or site plan approval, screening may also be required where construction of a high impact use, including, but not limited to, correctional facility, truck terminal, intensive amusement business, mini warehouse, warehouse, industry, resource extraction, gas station, automobile repair, wrecker service or salvage yard, is to occur adjacent to a less intensive use, particularly, bank, office, clinic, funeral home, cemetery, personal care business, restaurant, church and school.

- (3) Screening Design Standards. Screening barriers required by (2) above shall consist of a solid board fence six (6) feet in height constructed of western cedar, cypress, redwood, brick, stone or an approved equivalent erected along the entire length of the property line adjacent to the use to be screened. However, no screen shall extend along a side property line any closer to the front property line than fifteen (15) feet, except that screens required to be placed along the front property line may be placed on the front property line and may be interrupted with driveways complying with the standards of this Ordinance. Fence framing members shall not be placed adjacent to the property to be screened. Landscaping in the form of evergreen shrubs may be substituted for the fence, and, if so shall be a minimum of four (4) feet in height when planted and shall reach a minimum height of six (6) feet within three (3) years of planting. Shrubs planted on berms may have a lesser height provided the combined height of the berm and planting meets or exceeds those specified above. Shrubs shall be planted not greater than four (4) feet apart. Perimeter plantings required for parking lot landscaping may be counted towards satisfying the screening requirements of this Part. Existing trees and shrubs may also count towards satisfying the screening requirements, provided such meets or exceeds the standards specified herein. Alternative screening plans may be submitted during conditional use and/or site plan review and may be approved provided such plan meets or exceeds the standards contained herein.
- (4) Maintenance of Required Landscaping and Screening: Plant materials that have died or are no longer functional shall be replaced during the next appropriate planting season. Plant material shall be maintained in such a manner as to preserve their functional and aesthetic integrity. All landscaped areas shall be provided with an irrigation system or water source within one hundred (100) feet. All trees adjacent to pedestrian and vehicular spaces shall be maintained so that mature branching occurs at a minimum of seven (7) feet from the ground. Fences shall be properly maintained. Portions of the fence which have become damaged by reason of wind, fire, decay or for other reasons shall be replaced within thirty (30) days.

13.2.5. LANDSCAPING IN RESIDENTIAL SUBDIVISIONS

Residential subdivisions shall provide one tree of minimum three inch caliper, of a canopy type tree species approved by the City Arborist, to be planted in the street right of way, for each residential unit in the development.

PART 3. FLOOD DAMAGE PREVENTION

13.3.1. Purposes

- (1) The flood hazard areas of the City of Tupelo are subject to periodic inundation which could result in loss of life and property, hazards to public health and safety, disruption of commerce and governmental services, damage to and disruption of public utilities, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These losses and hazards are caused by the cumulative effect of obstructions in flood plains, which increase flood heights and velocities, and by the occupancy in flood-prone areas by uses which are vulnerable to floods, or hazardous to other properties, because they are inadequately elevated, flood proofed, or otherwise protected from flood damages. Therefore, the regulations set forth in this Part are designed to:
- (a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or in flood heights or velocities;
 - (b) Require that uses which are vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (c) Control the alteration of natural flood plains, stream channels, and natural protective barriers which accommodate and restrain flood waters;
 - (d) Prevent or control filling, grading, dredging, and other development which may increase erosion or flood damage;
 - (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
 - (f) To ensure that potential home buyers are notified that property is in a flood-prone area.
- (2) The degree of flood protection required by this Part is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Part does not imply that land outside the areas of special flood hazards will be free from flooding or flood damages. Neither shall this Part create liability on the part of the City of Tupelo or by any officer or employee thereof

for any flood damages that result from reliance on this Part or any administrative decision lawfully made hereunder.

- (3) In the interpretation and application of this Part, all provisions shall be considered as minimum requirements, shall be liberally construed in favor of the City, and shall be deemed neither to limit nor repeal any other powers granted to the City under state law.

13.3.2. Applicability

- (1) This Part shall apply to all areas of special flood hazard (SFHA) and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the City of Tupelo which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of Tupelo, Mississippi, and all development in and near such areas shall comply with the requirements of the Part.
- (2) Areas of special flood hazard are identified by the Federal Emergency Management Agency through a scientific and engineering report entitled "The Flood Insurance Study for the City of Tupelo, Lee County, Mississippi," dated August 1997. This Flood Insurance Study, as may be amended and updated from time to time by the Federal Emergency Management Agency, along with the accompanying Flood Insurance Rate Maps, and any revisions thereto, is hereby adopted by reference and declared to be a part of this Ordinance.

13.3.3. Development In and Near Areas of Special Flood Hazard

- (1) The following standards and restrictions shall apply in all areas of special flood hazard:
 - (a) All new construction and substantial improvements to existing non-residential construction shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
 - (b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
 - (c) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

- (d) All new construction and substantial improvements to existing non-residential construction shall be constructed by methods and practices that minimize flood damage;
- (e) All new and replacement electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities shall be designed and constructed to prevent water from entering or accumulating in or on the components;
- (f) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (g) New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters;
- (h) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;
- (i) Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance; and,
- (j) Any alteration, repair, reconstruction, or improvements to a building which is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

- (2) The following standards and restrictions shall apply in all areas of special flood hazard where base flood elevation data have been provided:
 - (a) Residential construction: New residential construction or substantial improvements to any residential structure shall be outside the area of special flood hazard or shall have the lowest floor, including basement, elevated at least one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, opening sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of 13.3.3. (2)(c).
 - (b) Non-residential construction: New construction of or substantial improvements to any commercial, industrial, or other non-residential structure shall have the lowest floor,

including basement, elevated at least one (1) foot above the base flood elevation, with attendant facilities flood proofed. Buildings located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of the subsection are satisfied. Such certification shall be provided to the Director of Planning and Development.

(c) Elevated Buildings: New construction and substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on the exterior walls by allowing for the entry and exit of flood waters.

(i) Designs for meeting this requirement must be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

- 1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
- 2) The bottom of all openings shall be no higher than one (1) foot above grade, and;
- 3) Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of flood waters.

(ii) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and,

(iii) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

13.3.4. Development in Floodways

The floodway, located within areas of special flood hazard for which base flood elevation data have been provided, is an extremely hazardous area due to the velocity of flood waters which carry debris, potential

projectiles, and the potential for erosion. Therefore, the following restriction shall apply within the floodway:

- (1) There shall be no encroachment, including fill, unless the developer provides certification (with supporting technical data) by a registered professional engineer that the encroachments will not result in any increase in flood levels during the base flood.
- (2) Once (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction requirements of this Part.
- (3) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided all anchoring standards are met.

13.3.5. Standards for Streams Without Established Base Flood Elevations and/or Floodways

Located within the areas of special flood hazard established in Section 13.2.2 are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements of new development shall be permitted within a distance of the stream bank equal to five (5) times the width of the stream at the top of the bank or twenty-five (25) feet each side from top of bank, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If Section 13.3.3 is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Section 13.3.3 and shall be elevated or flood proofed in accordance with elevations established in Section 13.3.2. When base elevation data is not available from a Federal, State, or other source, the lowest floor, including basement, shall be elevated at least one (1) foot above the highest adjacent grade.

13.3.6. Special Requirements for Manufactured Homes

- (1) The restrictions and standards of this Section shall apply to manufactured homes in areas of special flood hazard for which base flood elevation data have been provided.
- (2) No manufactured home shall be placed in an area of special flood hazard, except an existing manufactured home park or subdivision. In existing manufactured home parks or manufactured home subdivisions, all manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE, as indicated on the Flood Insurance Rate Map, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is two (2) feet above the base flood elevation and shall be securely anchored to an adequate foundation system in accordance with the provisions of (e) below.
- (3) Manufactured homes may not be placed in the floodway.
- (4) In the following cases, each manufactured home shall be located outside the area of special flood hazard:
 - (a) New manufactured home parks and subdivisions;
 - (b) Expansions to existing manufactured home parks and subdivisions;
 - (c) Existing manufactured home parks and subdivisions where repair, reconstruction or improvement of the streets, utilities, and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced;
 - (d) Manufactured homes not placed in a manufactured home park or subdivision.
- (5) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors as specified under the Mississippi Insurance Department's "Rules and Regulation of Mobile Home Division of State Fire Marshall's Office" as revised, Section IX entitled Minimum Standards for Blocking, Anchors and Tie-Downs. Specific minimum requirements shall be that:
 - (a) Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, and with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;
 - (b) Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points, and with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;

- (c) All components of the anchoring system shall be capable of carrying a force of forty-eight hundred (4,800) pounds.
 - (d) Where the elevation is necessary to be greater than thirty-six (36) inches in height to meet the requirements of this Part, an engineering certification is required to verify the requirements of this Section.
- (6) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantial damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the local civil defense coordinator.
- (7) Recreational Vehicles: A recreational vehicle is ready for highway use if it is on wheels or a jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attach additions. Recreation vehicles placed on sites shall either:
 - (a) Be on site for fewer than one hundred, eighty (180) days;
 - (b) Be fully licensed for highway use; or
 - (c) Meet the requirements of Chapter 5, Part 8 and Sections 13.3.3, 13.3.5, and 13.3.6.

13.3.7. Special Requirements for Development Proposals Requiring Subdivision or Site Plan Approval

In addition to satisfying the other requirements of the Ordinance, all proposals for subdivisions and site plans shall:

- (1) Be consistent with the need to minimize flood damage;
- (2) Have public utilities and facilities, such as wastewater, gas, electrical, and water systems, located and constructed so as to minimize flood damage;
- (3) Have all proposed residential structures located outside the area of special flood hazard, with the lowest floor, including basement, elevated at least one (1) foot above the base flood elevation;
- (4) Have all proposed non-residential structures located outside of the floodway, with the lowest floor, including basement, located at least one (1) foot above the base flood elevation, and with any structure or fill material stabilized to prevent erosion of the fill material or damage to the proposed structure;
- (5) Have all drainage structures located within the special flood hazard area designed to accommodate the 100-year flood without

causing increased base flood elevations on properties other than that for which development approval is being requested; and,

- (6) Shall provide base flood elevation data along with the subdivision plat or site plan which is submitted to the City for approval.

13.3.8 Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

PART 4. TELECOMMUNICATIONS

13.4.1. Purpose and Goals

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 Tupelo, but at the same time to protect the public against any adverse impact upon the City'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.

Furthermore, it is the goal of this ordinance to establish general guidelines for the siting of towers and antennas for commercial wireless telecommunications and to:

- Encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community;
- Encourage strongly the joint use of new and existing tower sites;
- Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- 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,
- Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

13.4.2. General Provisions

- (1) 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 owner's expense. Any such removal by the City of Tupelo shall be in the manner provided.
- (2) 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 Tupelo 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 Tupelo may order the removal or cause the removal of such tower at the owner's expense.
- (3) 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.
- (4) 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 Tupelo notifying the owner of such abandonment. If such antenna or tower is not removed within

said ninety (90) days, the City of Tupelo may remove such antenna or tower at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

- (5) 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.
- (6) A non-refundable application fee shall accompany the application at the rate of twenty dollars (\$20) per foot in height and/or two hundred dollars (\$200) per antenna. Such fee shall be established by the City Council and reviewed from time to time. The Planning Department may find it necessary to employ an engineer or other consultant qualified in the design and installation of wireless telecommunications facilities to assist the city in technical review of the application. In such cases, any reasonable costs incurred by the city for such review, not to exceed three thousand dollars (\$3,000), shall be reimbursed to the city by the applicant prior to final approval.
- (7) Applications for construction of new telecommunications towers shall be accompanied by a bond, letter of credit, or other acceptable financial instrument, in the amount of five hundred dollars (\$500) per foot in height, executable by the City of Tupelo in the event that the tower is to be removed under the provisions of Section 13.5.2 (4) of this code.
- (8) Applications for construction of new telecommunications towers shall also include proof of liability insurance in favor of the City of Tupelo, in the amount of five hundred thousand dollars (\$500,000).

13.4.3. Tower and Antenna Location and Development Standards

- (1) Construction of new antennas will be considered as permitted uses under the following conditions:
 - (a) If the antenna is to be co-located on an existing tower;
 - (b) If the antenna is to be located on City owned property, buildings or structures unless on a new tower.
- (2) Construction of new towers and/or antennas will be considered as "minor conditional uses" in the light industrial (I-1) and heavy industrial (I-2) zones and new towers on City owned property or right-of-way.
- (3) Construction of new towers and/or antennas will be considered as "major conditional uses" in the agricultural (A-O), residential estate (R-1E), general commercial (C-2), and heavy commercial (C-3) zones.

- (4) Applicants for the proposed construction of new towers and antennas must submit the following information with their application:
 - (a) site and landscape plans drawn to scale and indicating tower height, elevations, topographical contours, location, accessory structures, access to tower site, and proposed fencing;
 - (b) environmental analysis or statement signed by a licensed professional engineer indicating RF emissions do not exceed FCC standards;
 - (c) section 106 review if proposed tower affects National Register or National Register eligible properties;
 - (d) documentation that existing towers will not accommodate proposed antenna;
 - (e) a list of all tower owners contacted, date of contact, and the form and content of contact, (see Section 13.6.3.e.2);
 - (f) a statement of intent to share space on the tower and to construct the tower with structural capability to support multiple antennas.
- (5) All towers greater than seventy-five (75) feet in height erected, constructed, or located within the City shall comply with the following requirements:
 - (a) 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 (2) additional users if the tower is over one hundred, thirty (130) feet in height or for at least one (1) additional user if the tower is over seventy-five (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.
 - (b) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City of Tupelo that no existing tower or other structure can accommodate the applicant's proposed antenna within a one (1) mile search radius (one-half (1/2) mile for towers under one hundred, fifty (150) feet in height, one quarter (1/4) mile for towers under one hundred (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.
- (c) Any evidence submitted to the City in order to meet the above listed requirements of paragraph 2 shall be documented by a qualified and licensed professional engineer.
- (4) The following conditions apply to the location of proposed new towers:
- (a) To the greatest extent possible, all new communications towers will pursue the possibility of location on City owned structures or property;
 - (b) Towers can be no less than three hundred, fifty (350) feet from schools, parks, playgrounds, or day care centers;
 - (c) Towers can be no less than one thousand (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;
 - (d) 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(4).

13.4.4. Setbacks

All new towers shall be subject to the setback requirements of the zoning district they are to be

located within. The Planning Committee may require more stringent setbacks, up to the height of the tower plus fifty (50) feet, in order to offset possible health, safety, or aesthetic concerns.

13.4.5. Tower Lighting

- (1) 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.
- (2) 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.

13.4.6. Landscaping and Screening

- (1) To the greatest extent possible, towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging.
- (2) Existing on site vegetation will be preserved to the maximum extent possible.
- (3) Where the proposed tower site abuts residential zones, the site perimeter shall be landscaped with at least one (1) row of evergreen trees, not less than one and one-half (1½) inches in diameter at the time of planting, measured three (3) feet above the grade not more than twenty (20) feet apart, on-center, within twenty-five (25) feet of the site boundary. The Planning Committee may permit alternatives such as walls or fences based on security or aesthetic reasons.
- (4) Fences, if required, shall be colored or be of a design which blends into the character of the existing environment.
- (5) Towers shall be constructed of a material with a neutral color designed to blend in with surrounding land uses. Towers two hundred (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 two hundred (200) feet in height shall be painted according to the regulations of the FAA.

- (6) The City may require additional screening or otherwise require design modifications to insure that the attractiveness and the aesthetic quality of the area are not adversely affected.

and of repair of any damages resulting from runoff or siltation, from the builder/developer.

13.4.7. 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 on a roof or building-mounted facility shall not exceed the height of the structure to which they attached, unless fully enclosed. If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character or color.

PART 5. EROSION CONTROL

- (1) All construction, land development, and improvement activities that are regulated under this code shall comply with the requirements of the City of Tupelo Erosion Control Specifications.
- (1) Failure to install and/or to maintain adequate erosion control measures shall be a violation of this code.
- (2) The building official may issue and enforce a stop work order on projects where erosion, siltation or uncontrolled runoff resulting from construction activity affects adjoining property. The builder or developer shall be responsible for correcting the violation and removing any material carried from the construction site to other property.
- (3) If construction site material is carried from the site onto city streets or into city drainage facilities, the Public Works department may remove it and collect the cost of the clean up,

