

CHAPTER 7. ACCESSORY AND TEMPORARY STRUCTURES AND USES

7.1 Purpose and Intent

This section authorizes the establishment of accessory structures and uses that are incidental and subordinate to principal structures and uses. Standards for principal structures may be found in Chapters 4 and 6. The intent of this section is to allow a broad range of accessory structures and uses, so long as they are located on the same site as the principal use, they comply with the standards set forth in this section, and they do not create adverse impacts to the surrounding community. Accessory structures include satellite dish antennae; swimming pools; fences and walls; storage buildings; storm shelters; commercial-grade playground equipment; and accessory dwelling units. Accessory uses include home occupations; home businesses; small and large day care homes; dog kennels; outdoor dining; outdoor display of merchandise; and outdoor storage of merchandise. Signs are considered accessory structures and are governed by the standards and sign permit procedures set forth in Chapter 10.

7.2 Standards for Accessory Structures

7.2.1 All accessory structures shall:

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

7.2.2 Residential accessory structures shall:

- (1) Be no more than thirty-five percent (35%) of the gross floor area (GFA) or two thousand (2,000) square feet, whichever is less, when accessory to a principal residential use (the square footage of all accessory uses and structures shall be combined to determine the total);
- (2) Not exceed the height of the principal structure.

- (3) Accessory buildings to be located in a side yard shall be constructed with a similar design and construction materials as the principal building or be screened from view from the front and side property lines by a solid board fence or opaque landscaping that shields the structure from view. See Chapter 9 for standards on opaque landscaping.

7.2.3 Structures accessory to non-residential uses shall:

- (1) Be no more than forty percent (40%) of the gross floor area (GFA) of the principal building or buildings on a lot;
- (2) Not be located in front of the primary structure, except for fences meeting height and location restrictions in Section 7.5;
- (3) Not encroach on any required setback;
- (4) Not be located within the side and rear yards of lots adjacent to Low Density Residential, Medium Density Residential, and Mixed Use Residential districts.

7.3 Review of Accessory Structures

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

7.4 Accessory Dwelling Unit (ADU)

7.4.1 Accessory Dwelling Units are permitted as accessory structures to single-family dwellings. Only one ADU is permitted per lot. ADUs shall be located behind the front line of the principal structure. The ADU shall have off-street parking provided on the lot behind the front line of the principal structure. Where the structure is on a corner lot with two (2) front setbacks, the parking shall be located behind both front lines.

7.4.2 If the ADU is to be new construction rather than redevelopment of an existing structure, it shall have a roof pitch, siding, and window proportions similar to that of the principal dwelling in order to maintain the architectural design, style, appearance, and character of the main building as a single-family residence.

7.4.3 The accessory dwelling shall be connected to the central water and sewer system of the principal dwelling.

7.4.4 The property owner must occupy either the principal dwelling or the accessory dwelling as his/her permanent residence. For purposes of this section, “property owner” means the title holder and/or contract purchaser of the lot, and “owner occupancy” means that a property owner, as reflected in the title records, makes his/her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means.

7.4.5 The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the principal dwelling or the accessory dwelling. The applicant shall provide a covenant suitable for recording with the recorder of deeds providing notice to future owners or long-term lessors of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling or the principal dwelling by the person to whom the certificate of occupancy has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this section and to provide for the removal of improvements added to convert the premises to an accessory dwelling and the restoration of the site to a single-family dwelling in the event that any condition of approval is violated.

7.5 Fences and Walls

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

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

7.5.1.1 On residential lots, including corner lots, fences and walls between the principal structure and the side lot lines may be built to side yard height if are located no closer to the street than the closest point of the principal structure on either the same or the adjacent lot. Fences or walls closer to the street than the principal structure may not exceed front yard height, except that fences and walls on double frontage lots, between major collector or higher order streets and the rear of residential structures, may be eight (8) feet. Fences or walls between a residential structure and the street must be of a decorative type such as picket, wrought iron, or masonry and wood; chain link fences may not be placed in these locations.

7.5.1.2 Adjustments to the height limits may be permitted by the Development Services Director, or designee, due to field conditions or in order to accommodate decorative features on the fence or wall.

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

- (1) That the fence or wall does not impede the natural light from reaching the subject or surrounding properties to their detriment;
- (2) That normal circulation of air is not unreasonably impeded by the fence or wall for the subject or surrounding properties;
- (3) That the fence or wall will not hinder access to the subject or surrounding properties for emergency services;

- (4) That the fence or wall shall be reasonably compatible with the surrounding properties in that it will not adversely affect property values; and
- (5) That vision clearances for pedestrian and vehicular traffic will not be impeded. Conditions may be specified to protect the welfare of the neighborhood and adjacent properties.

7.5.2 Fences

- (1) The finished side of all fences shall face off site. If support posts are located or visible on one (1) side only, that side shall be deemed the unfinished side.
- (2) Razor wire, concertina wire, barbed wire, and similar fencing materials shall be prohibited in all residential districts except Agriculture/Open Space or when required for protection of electrical substations.

7.5.3 Walls

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

7.5.4 Permits for fences and walls

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

7.6 Swimming Pools

- (1) Swimming pools are permitted as accessory structures to residential uses and overnight accommodation facilities.
- (2) Swimming Pools at residences shall be located in the rear or side yard. Pools that are proposed to be located in the side yard must be approved as a minor conditional use and

shall be screened from view from the street. The pool shall be a minimum of five (5) feet from the side and rear property lines, as measured from the water's edge. Conditional use review and approval of a swimming pool shall include review and approval of the fence required for screening.

- (3) Construction, fence, and other regulations of the Swimming Pool Code adopted by the City shall apply.

7.7 Standards for Accessory Uses

7.7.1 Home Occupation: A home occupation may be permitted as accessory to a dwelling unit in any zoning district, provided that:

- (1) The principal person or persons providing the business or services resides in the dwelling on the premises;
- (2) The business or service is located within the dwelling or an accessory building thereto and does not exceed twenty percent (20%) of the combined floor area of the structures or five hundred (500) square feet, whichever is less;
- (3) There are no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building;
- (4) No outdoor display or storage of goods or services associated with the home occupation are or will be visible from the street or adjoining properties;
- (5) The occupations causes no change in the external appearance of the existing buildings and structures on the property or in effects such as noise, vibration, odor, glare, or other effects that can be detected from adjoin properties;
- (6) There are no employees on the premises and no more than one (1) customer or client on the premises at a time;
- (7) All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood. No more than one (1) vehicle used in connection with the home occupation may be kept on the premises.

7.7.2 Home Business: A home business may be permitted as accessory use to a dwelling unit, in certain zoning districts as provided in Chapter 4, Zoning Districts, provided that the home business shall be operated as a home occupation as defined in Chapter 2 of this ordinance, except that additional activities are allowed as specified below:

- (1) Customers are allowed on the premises of the home business, but not more than five (5) per day. An adequate number of off street parking spaces for said customers, as approved

by the city, shall be provided. This shall be in the form of a double driveway or other arrangements in character with the surrounding residential area.

- (2) The making of crafts and other similar activities, as approved by the city, may be approved in an accessory building.
- (3) No business involving the sale, repair, restoration, refinishing, or painting of vehicles, farm equipment, boats, small engines, or recreational vehicles may be approved as a home business.

7.7.3 Day Care Home, Small: A small day care home may be permitted as an accessory use to any dwelling unit. It is a home business that permits the care and keeping of fewer than six (6) unrelated persons. Such use may be permitted provided that:

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

7.7.4 Day Care Home, Large: A large day care home may be permitted as an accessory use to a single-family dwelling subject to zoning approval as provided in Chapter 4 of this ordinance. It is a home business that permits the care and keeping of more than five (5) but fewer than sixteen (16) unrelated persons. Such use may be permitted providing that:

- (1) All State and Federal regulations are satisfied;
- (2) A solid fence at least four (4) feet in height is provided around the play area;
- (3) Landscaping is provided in order to blend the home into the neighborhood, screen its purely functional aspects from the street and neighboring yards, and absorb and/or deflect any excessive noise;
- (4) Any lights used at the home will be pedestrian-scaled and shining on the premises only and not on adjacent property;
- (5) The dwelling in which the home is located is similar in appearance to the character of the neighborhood and no building modification is made to the structure to accommodate the home except those required by the Building Code;
- (6) Adequate parking and loading spaces are provided as required by Chapter 8 of this Code;
- (7) Access to the facility from nearby streets is adequate based on the projected number of participants attending the home.

7.7.5 Dog Kennel: Dog kennels for five (5) or more dogs may be permitted as an accessory use to a veterinarian clinic or animal shelter. Dog kennels permitted as a home business for

grooming, day care, or a similar use shall be permitted for up to four (4) dogs per day. In addition, dog kennels shall:

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

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

- (1) Outdoor dining areas shall be exempt from parking requirements unless the area is equal to twenty-five percent (25%) or more of the total indoor square footage.
- (2) Outdoor dining areas are permitted in the front, side, or rear of the property.
- (3) An outdoor dining area located adjacent to a parcel of land zoned LDR, MDR, or MUR shall have a fence, wall, or opaque landscaping to shield the café from the adjacent parcel.
- (4) No amplified music shall be allowed within four hundred (400) feet of a residential or overnight accommodations property, except through compatible review.
- (5) The hours of operation of an outdoor café shall coincide with those of the associated business.
- (6) If alcohol may be served in the outdoor dining area, fencing may be required in order to comply with state and federal alcohol regulations.

7.7.7 Outdoor Display: Outdoor display is the display of goods accessible to the public in parking areas, sidewalks, and other locations outside of an enclosed building, and it is permitted pursuant to an approved site plan. Outdoor display shall not be permitted unless the site plan shows the location, area, and boundaries of the outdoor display. Temporary display of agricultural items shall be permitted as per Section 7.8.8, Seasonal Agricultural Sales.

- (1) Outdoor display of retail goods, wares, and merchandise including vehicles is permitted as an accessory use in the MUCC, MUAC, and RC districts. Such display shall be permitted under the same standards as for the principal use.
- (2) Outdoor display of produce and plant materials, other than as provided in Section 7.8.8, Seasonal Agricultural Sales, may be permitted as an accessory use in the MUR, MUAC, MUE, MUCC, MUD, I, and RC districts subject to the following restrictions:
 - (a) Only the business or entity occupying the principal use or structure shall sell merchandise in the outdoor display areas.

- (b) Such outdoor display is permitted in any yard, subject to a minimum setback of twenty (20) feet from the right-of-way and any adjoining property line.
- (c) Outdoor display of retail goods, wares, and merchandise shall be screened from view along any property line abutting a residential zoning district by a buffer as required by Section 9.9 of this code. Any buildings that screen views from adjacent streets and residential properties may be considered to be part of the required screening in lieu of landscaping, fences, walls, or enclosures. Produce and plant materials shall be exempt from this requirement.
- (d) The height of displayed merchandise shall not exceed ten (10) feet.
- (e) All outdoor displays permitted as accessory uses must be located on the same lot as the principal use.
- (f) Areas used for such display shall be furnished with an all-weather hard surface of a material such as asphalt or concrete paving.
- (g) Merchandise shall not be placed or located where it will interfere with vehicular or pedestrian access; parking; utilities or easements.
- (h) Outdoor display areas shall not be located on any parking spaces needed to comply with parking requirements.

7.7.8 Outdoor Storage: Outdoor storage is a permitted use for both residential and non-residential uses, subject to the following restrictions:

- (a) Residential outdoor storage may consist of typical outdoor or yard furniture and equipment. Residential outdoor storage of household appliances, discarded or indoor furniture, household wares, boxes, building materials, garbage, junk, commercial lawn maintenance equipment, or automobile parts shall be prohibited on any property with a primarily residential use because such storage may increase the likelihood of a fire, conceal dangerous conditions, be a breeding place or habitat for mosquitoes, mice, rats, or other pests, or may create an unattractive condition or visually blighted property. A dwelling unit with an attached carport may store lawn maintenance equipment for personal use in the carport. Residences are permitted temporary outdoor storage of material for garbage pick-up for up to thirty-six (36) hours at or near the front curb.
- (b) Non-residential outdoor storage areas are not normally accessible to the public. Such storage may include vehicles; retail goods, wares, and merchandise that is not displayed for sale; contractors' yards; building supply sales; coal sales and storage; scrap metal storage; and paper and rag storage. Temporary storage incidental to construction activities is permitted in all zoning districts. Outdoor storage is permitted pursuant to an approved site plan that shows the location, area, boundaries, and screening of the outdoor storage.

- (c) Outdoor storage of retail goods, wares, and merchandise including vehicles shall be permitted as an accessory use in RC, I, MUCC, MUE, and MUAC. Such storage shall be permitted under the following standards:
- i. The goods, wares, and merchandise being stored are intended for outside use.
 - ii. Storage yards shall be enclosed by a non-climbable fence or wall between six (6) and eight (8) feet in height for all outdoor storage except vehicles for sale. The Director of Development Services may allow a landscaped buffer to substitute for a fence or wall, pursuant to a site plan submitted by the applicant and as provided in Section 9.9, Project Boundary Buffers.
 - iii. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential on the Zoning Map unless the principal use is the sale of living plant material.
 - iv. The parcel proposed for outdoor storage fully conforms to all applicable landscaping requirements.
 - v. The height of non-living goods and materials stored outdoors shall not exceed eight (8) feet in RC, MUAC, and MUCC, or fifteen (15) feet in I zoning district.
 - vi. No materials shall be visible from a public right-of-way except for vehicles for sale.

7.7.9 Satellite Dish Antenna: Satellite Dish Antennae are permitted as accessory uses in all districts and do not require a permit. Standards for satellite dish antennae are intended to minimize any health and safety hazards created by mounting satellite dish antennae on residential buildings, to control the location and screening of satellite dish antennae to mitigate negative impacts on surrounding properties, and to preserve the City's image and character. A satellite dish antenna may temporarily exist on any property for fifteen (15) days or less without meeting the following requirements for a permanent structure. A permanent satellite dish antenna may be located in any zoning district provided that it meets the following requirements:

- (1) It may be located on the roof or the side or rear wall of a building in a non-residential district;
- (2) It may be located on the side or rear wall of a building in a residential zone if it is less than twenty-four (24) inches in diameter;
- (3) It may be located in a front yard or on the roof of a residential structure only if completely hidden from view with materials that match the structure or opaque landscaping.
- (4) It may be located in a side yard behind the front edge of the principal structure if under twenty-four (24) inches in diameter; if over twenty-four (24) inches in diameter, compatible use approval shall be required;

- (5) It shall not be located within ten (10) feet of a side or rear property line unless fully screened from view from the adjacent property to the side and rear.

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

- (1) Any person wanting a temporary use, structure, or event shall obtain the appropriate permit from the Department of Development Services at least two (2) weeks in advance of the proposed date of commencement and at least four (4) weeks prior to the proposed date if public safety support is requested. Some permits may require permission from additional city departments such as Public Works, Police Department or Fire Department. A Transient Vendors License will be required for a temporary use that is undertaken for profit by a commercial vendor that does not have a valid business license, as per Mississippi State Code.

7.8.1 Temporary Structures, Uses, and Events

- (1) Shall be compatible with the principal uses taking place on the site. They shall not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- (2) Shall have not substantial adverse effects or noise impacts on nearby residential neighborhoods;
- (3) Shall not include permanent alterations to the site;
- (4) Shall not maintain temporary signs associated with the use or structure after the activity ends;
- (5) Shall not violate the applicable conditions of approval that apply to a site or use on the site;
- (6) Shall not violate any building code, building design, zoning, parking, or setback requirements;
- (7) Shall not interfere with the normal operations of any permanent use located on the property; and
- (8) Shall contain sufficient land area as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands.

7.8.2 Temporary Events: The following uses may be established as temporary events in any district, subject to approval by the Director of Development Services: circuses, carnivals, fairs, side shows, religious services, and musical and other similar types of events; civic and cultural events.

(1) All applications for temporary events shall include the following information:

(a) The location of the property on which the proposed activity (hereafter "event") will take place, the event's starting date and time, the event's ending date and time, the date and time preparatory activities will commence on the property, and the date and time of completed cleanup of the property.

(2) A description of the proposed event, including:

(a) The type of event, and general nature of the program to be presented, if applicable;

(b) The number of persons expected to attend, and, where applicable, the number of ticket to be placed on sale or the number of invitations distributed;

(c) The planned use of sound amplification equipment.

(3) A security plan, including information regarding each of the following:

(a) The number of security guards to be provided, their duties and responsibilities;

(b) The agency providing security guards, its address and telephone number;

(c) The site supervisor designated by the security agency and contact telephone number;

(d) Public safety support requested from the City of Tupelo;

(e) Proposed means of contact between safety and security guards and City and other local emergency services during the course of the event, including cleanup;

(f) Location and description of any command center or supervisory office, and of any public safety, security, or first aid stations.

(4) A parking plan, including information shown on the sketch plan regarding each of the following:

(a) Locations of pedestrian, vehicular, and emergency ingress and egress over the entire property, including pedestrian access to streets, driveways, and parking areas, and obstructions of vehicular right-of-way;

- (b) Locations and numbers of available off-street parking spaces within five hundred (500) yards of the property available to individuals in attendance;
- (c) Locations and numbers of available on-street parking spaces within five hundred (500) yards of the property available to individuals in attendance;
- (d) Locations, numbers, and proposed pedestrian access plan for parking spaces located beyond five hundred (500) yards of the property available to individuals in attendance;
- (e) Locations of restricted parking zones within five hundred (500) yards of the property.

7.8.2.1 The Director of Development Services shall issue a temporary use permit only upon finding that the proposed temporary use satisfies the following requirements:

- (1) If the property is undeveloped, it contains sufficient open space to support the temporary use;
- (2) If the property is developed, it contains an area that is not actively used which would support the proposed temporary use without encroaching into or creating a negative impact on existing buffers, open space, landscaping, traffic movements, or parking space availability;
- (3) Tents and other temporary structures will be located so as to not interfere with the normal operations of any permanent use located on the property;
- (4) The proposed temporary use will be located no closer than two hundred (200) feet to a dwelling except by approval of compatibility;
- (5) Off-street parking is adequate to accommodate the proposed temporary use;
- (6) Where the temporary use will occupy an existing parking area, the number of parking spaces left available, will be no less than the minimum required under Chapter 9 of this Ordinance for the principal, permanent use of the property, such parking being either on-site or on nearby sites that have granted written permission for such parking;
- (7) Adequate rest room facilities, if needed, are provided;
- (8) An adequate plan for security and safety will be implemented on and around the site of the event, including sufficient staffing, provision for pedestrian safety and traffic routing;
- (9) An adequate plan for public health, safety, and welfare on and around the site of the event will be implemented;
- (10) An adequate plan for public health, safety, and welfare outside the site of the event will be implemented, including a showing that the event will not likely cause interference with the movement of emergency vehicles to such an extent that adequate police, fire, or other

emergency services cannot be provided throughout the City and will not likely cause unreasonable or unwarranted disruption to vehicular or pedestrian traffic;

- (11) Any required approval by other city, county or state officials has been obtained;
- (12) All inspections and permits required by applicable construction codes have been made and approved by the Building Department;
- (13) The use has obtained a Transient Vendors License as required by Mississippi State Code 1972, Annotated, Title 75, Chapter 85, Section 7, or has proven exemption from this provision; and,
- (14) The temporary use meets all other applicable requirements of this Ordinance.

7.8.2.2 Except for tents used exclusively for camping purposes, tents and membrane structures having an area in excess of two hundred (200) square feet and canopies in excess of four hundred (400) square feet shall be as follows:

- (1) Maintain a minimum clearance of twenty (20) feet from all other structures and tents;
- (2) Not remain in place for more than a total of thirty (30) days within a one (1) year period;
- (3) Be limited to a maximum of three (3) occurrences per parcel per year except parcels in the MUD district;
- (4) Not be placed within required landscaping areas;
- (5) Not obstruct emergency vehicle access to adjacent lots or disrupt pedestrian circulation;
- (6) Not be located in a setback; and
- (7) The lot or site shall be restored to its original condition within two (2) days of removal of the tent.

7.8.2.3 Except for tents used exclusively for camping purposes, all tents enclosed on three (3) or more sides shall be reviewed by the Fire Marshal as part of a temporary use application.

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

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

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

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

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

7.8.5 Real Estate Sales Office/Model Sales Home: One (1) temporary real estate sales office or model sales home shall be permitted in a section or phase of a new residential or nonresidential development, provided that the use:

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

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

- (1) In the front yard;
- (2) In a right-of-way;
- (3) Within ten (10) feet of any lot line or structure;
- (4) In a manner that impedes ingress, egress, or emergency access; and
- (5) On an individual parcel or site for more than thirty (30) total days over any two (2) year period except as an accessory use for a valid building permit. Parcels in the I district are exempt from this requirement.

7.8.7 Garage Sales: Regulations for garage sales may be found in the City of Tupelo Code of Ordinances Section 15-106.

7.8.8 Seasonal Agricultural Sales: Seasonal agricultural sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, may be permitted in accordance with the following standards. Persons engaged in such sales shall not be considered transient vendors and shall not be permitted to make residential door to door sales.

7.8.8.1 Location

- (1) The property contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking-space availability.
- (2) The sale of goods shall not occur within the public right-of-way or within one-hundred (100) feet of a dwelling.
- (3) A minimum pedestrian walkway of at least five (5) feet in width along the front of the display shall be maintained.

7.8.8.2 Range of Goods Limited: The range of goods or products available for sale shall be limited to products obtained primarily through farming or agricultural activities, including, but not necessarily limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, firewood, and pine straw; bees and beekeeping products; and dairy products.

7.8.8.3 Hours of Operation: The hours of operation of the seasonal sale of agricultural products shall be from no earlier than 7:00 A.M. to no later than 9:00 P.M., or the same hours of operation as a principal use on the same lot, whichever is more restrictive.

7.8.7.4 Duration: Seasonal sales shall be allowed on an individual lot for no more than one hundred-twenty (120) days per calendar year.

