

SECTION 2

STRIKE (Duplicative and Conflicting with Development Ordinance)

~~2.15 Site Plan Review Required.~~

~~Any subdivision of five or more lots, tracts, sites, or parcels is required to comply with the provisions of Section 9.9 relative to site plan review. The purpose of site plan review is to ensure the congruity of the proposed development and its compatibility with the surrounding area.~~

ADD

2.15 Accessory buildings or uses shall be subject to the following requirements:

- a. No accessory building or use shall be permitted in any required yard, other than a rear yard in all districts except in the RR district, where accessory buildings shall be allowed in the required side yard. The rear yard is the area between the rear property line and the nearest vertical portion of the main building, and extending the full width of the lot.
- b. No accessory building or use shall be erected closer than five feet from the lot line or another building.
- c. The maximum size and dimensional requirements for accessory buildings are specified Table 5.1 Development Standards.

2.16 Materials and growth constituting public health and/or safety hazard prohibited.

No rubbish, salvage materials, junk or hazardous waste materials including inoperable vehicles and parts and any combustible matter, shall be openly stored, allowed to accumulate or kept in the open, and no weeds and other growth shall be allowed to go uncut within any district when the same shall be determined by the appropriate city official (the building inspector, fire chief, or other authorized city employee) or health official to constitute a menace to the public health and/or safety.

SECTION 3

ADD (Omitted from prior ordinance at adoption in error).

3.9 Nonconformities

3.9.1 Purpose of this article.

A nonconformity is any land, lot, building, structure or parts thereof, existing prior to the enactment of this ordinance, which subsequent to the enactment of this ordinance or amendment thereto, does not conform with the use regulations and/or dimensional regulations of the district in which it is situated, and/or does not comply with any other requirements herein.

It is the intent of this ordinance to permit nonconforming uses to continue until they are removed, but not to permit their expansion or encourage their survival. It is further the intent of this ordinance that nonconforming buildings, structures or parts thereof may be enlarged upon, expanded or extended provided such expansion is in conformance with this ordinance.

Nonconforming uses are declared by this ordinance to be incompatible with permitted land use in the districts involved. Therefore, a nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this ordinance by:

- (a) Attachment on a building or premises of additional signs intended to be seen from off the premises; or
- (b) By the addition or other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change of plans, construction, or designated use of any building on which actual construction was lawfully initiated prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially initiated preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

3.9.2 Types of nonconformities.

Nonconformities shall be further defined according to one of the types of nonconformities listed below, or combination thereof, for the purpose of regulation.

- 3.9.2.1 *Nonconforming undeveloped lot of record.* This type of nonconformity is an undeveloped lot of record (i.e., part of a subdivision, the map of which has been recorded in the office of the chancery clerk of Rankin County, Mississippi, or a lot described by

metes and bounds, the description of which has been recorded in said office) the dimensions of which, subsequent to the passage of this ordinance, do not meet the area or width requirements, or both, of the district wherein such lot is located.

3.9.2.2 *Nonconforming structure.* This type of nonconformity includes anything lawfully constructed or erected with a fixed location on the ground (or attached to something having a fixed location on the ground) prior to the passage of this ordinance, but which subsequently does not comply with the bulk, placement and dimensional requirements of the zoning district wherein located.

3.9.2.3 *Nonconforming use.* This type of nonconformity includes the uses of any land, lot, building, structure, or parts thereof, which lawfully existed prior to the passage of this ordinance but which subsequently does not comply with all or some part of the use requirements of the zoning district wherein located.

3.9.3 Regulations concerning nonconforming undeveloped lots of record.

Erection of one-family dwellings allowed on single nonconforming undeveloped (or vacant) lots of record in separate ownerships: In any district in which one-family dwellings are permitted, a one-family dwelling and customary accessory buildings may be erected on any single nonconforming undeveloped (or vacant) lot of record after the effective date of this ordinance notwithstanding limitations imposed by other provisions of this ordinance. This provision shall apply even though such single lot of record fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that:

- (a) The required yard dimensions and other requirements (than those applying to lot area or width, or both) of the proposed single-family residential use shall conform to the regulations in the district in which such single nonconforming lot of record is located.
- (b) Variance of yard requirements shall be obtained only through action of the mayor and board of aldermen.

3.9.4 Regulations concerning nonconforming structures.

Where a lawful structure exists before the effective date of adoption or amendment of this ordinance that could not subsequently be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its placement on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, provided that:

- (a) Should such nonconforming structure or nonconforming portions of a structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with the provisions of this ordinance.
- (b) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

3.9.5 Regulations concerning nonconforming uses of land (or land with minor structures only).

Where at the time of passage of this ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

- (a) A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
- (b) A nonconforming use shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;
- (c) If any such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located; or
- (d) An additional structure not conforming to the requirements of this ordinance shall not be erected in connection with such nonconforming use of land.

3.9.6 Regulations concerning nonconforming uses of major structures or of major structures and land in combination.

If lawful use involving individual major structures (i.e., those with a replacement cost of \$1,000.00 or more) or of such major structures and land in combination, exists prior to the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) An existing structure devoted to a use prohibited by this ordinance in the district in which it is located shall not be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- (b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but such use shall not be extended to occupy any land outside such building;
- (c) If structural alterations are not made, any nonconforming use of a structure, or structure and land, may as a conditional use be changed to another nonconforming use provided that the mayor and board of aldermen, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the mayor and board of aldermen may require appropriate conditions and safeguards in accord with the provisions of this ordinance;

(d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

(e) When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period (except when government action is impeded access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located; and

(f) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Destruction for the purpose of this subsection is defined as damage to the extent of more than 50 percent of the replacement cost at the time of destruction.

3.9.7 Structures containing a nonconforming use.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 4

4.3 Table of Uses

EDIT

Tattoo Parlor: Permitted in I-2 only.

ADD under Retail/Personal Service

Bail Bonds- Conditional Use in CC

Pawn Shops – Permitted in I-2 only.

PERMITTED USES TABLE																
Use	Zoning District															
	Residential							Commercial			Employment			Special Districts		
	RR	R-12	R-8	RM-8	RM-4	RH	MH	NC	CC	RC	I-1	I-2	ORC	VMU	PUD	TND
Retail/Personal Service																
Adult business	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-
Animal care, vet clinic	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-
Automobile, small truck sales and rental	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-
Bar, night club	-	-	-	-	-	-	-	-	P	P	-	-	-	P	P	P
Car wash	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-
Check cashing and title loan business	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-
Day care	C	C	C	C	C	C	-	P	P	P	P	P	P	P	P	P
Dry cleaner	-	-	-	-	-	-	-	P	P	P	P	-	-	P	P	P
Emergency medical facility	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P	-
Farmer's market	-	-	-	-	-	-	-	-	P	P	-	-	-	P	P	P
Financial services	-	-	-	-	-	-	-	P	P	P	-	-	P	P	P	P
Funeral home, mortuary	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-
Gas station	-	-	-	-	-	-	-	C	P	P	P	P	C	-	P	C
Motor vehicle service, minor	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-
Movie theater	-	-	-	-	-	-	-	-	P	P	-	-	P	P	P	-
Personal services	-	-	-	-	-	-	-	P	P	P	-	-	-	P	P	P
Restaurant with drive in or drive through	-	-	-	-	-	-	-	-	P	P	P	-	-	C	-	-
Restaurant without drive in or drive through	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P
Retail stores	-	-	-	-	-	-	-	P	P	P	-	-	P	P	P	P
Studios for work and/or teaching	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P
Tattoo parlor	-	-	-	-	-	-	-	-	C	P	-	-	-	C	P	C

Mobile Home: Conditional Use in RR and permitted MH.

Residential																
Duplex	-	-	-	P	P	P	-	-	-	-	-	-	-	-	P	P
Manufactured home	C	C	-	-	-	P	-	-	-	-	-	-	-	-	-	-
Multifamily, four or fewer units	-	-	-	-	P	P	-	-	-	-	-	-	-	-	P	P
Multifamily, more than four units	-	-	-	-	-	P	-	-	-	-	-	-	-	P	P	P
Upper Floor Residential	-	-	-	-	-	-	-	P	P	-	-	-	-	P	-	P
Single family	P	P	P	P	P	P	-	-	-	-	-	-	-	P	P	P
Boarding house	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-

4.1 Additional Standards (CORRECT NUMBERING IN THIS SECTION to 4.5)

ADD Section 4.1.9 and adjust numbering.

Bail bonding

- i. Definition: An establishment where pledging United States currency, United States postal money orders, cashier's checks, a surety bond or other property as bail for a person in connection with a judicial proceeding, and receiving or being promised therefore money or other things of value.
- ii. Districts permitted: Conditional Use in CC
- iii. Parking: One space per 200 square feet of floor area.
- iv. Loading: None
- v. v. Additional Standards:

Pawnshop

- i. Definition: An establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.
- ii. Districts permitted: I-2
- iii. Parking: One space per 200 square feet of floor area.
- iv. Loading: None
- v. v. Additional Standards:

EDIT

4.1.9 Retail and Personal Service Uses 21. Tattoo Parlor: Permitted in I-2 only.

4.1.2 Residential Uses 3. Manufactured Home: Permitted in MH, Conditional Use in RR

SECTION 5

Add to Development Design Standards under Accessory Uses and Equipment

5.4.65 No fence or wall shall be placed on any lot closer to the front property line than 15 feet behind the front corners of the residence or primary building, located on said lot. Fences, walls or hedges on a corner lot (a lot involving a lot abutting two or more streets at their intersections) shall not be located any closer than ten feet to the side street property line.

SECTION 8

8.1 Table of Permitted Signs by District

Temporary Banner- add "P" under VMU section.

8.9.1 Temporary Signs – Banners

For purposes of this section, a banner shall be considered one banner although both sides are used to display a message; the sign area limitations provided in this section shall be the sign area of any one side of the banner.

Commercial Banner. A person may erect or display a temporary commercial banner that advertises or calls attention to special events, promotions, sales or other commercial information associated with the business located on the premises to which the banner is attached subject to the following limitations:

A person shall not display more than one commercial banner with the following exceptions:

- A business located on a corner lot is permitted to display two commercial banners on opposite ends of the lot;
- A building with multi-businesses is permitted to display two temporary commercial banners at any time, regardless of the number of independently operated businesses located in the building.
- A commercial banner shall not be displayed for more than 30 consecutive days and no more than six times in any calendar year in all zones except VMU. A commercial banner in the VMU zone shall not be displayed for more than 10 consecutive days and no more than eight times in any calendar year. The sign must be removed from display a minimum of 15 days before obtaining another permit;
- A commercial banner shall be attached to the building or, when possible, securely attached to temporary posts in the yard. Temporary posts must be removed when the sign is removed from display;
- One or both commercial banners allowed for a building may be attached to a freestanding sign that is otherwise allowed. Such banners shall be securely attached to the freestanding sign so that the face of the banner is parallel to the face of the freestanding sign;