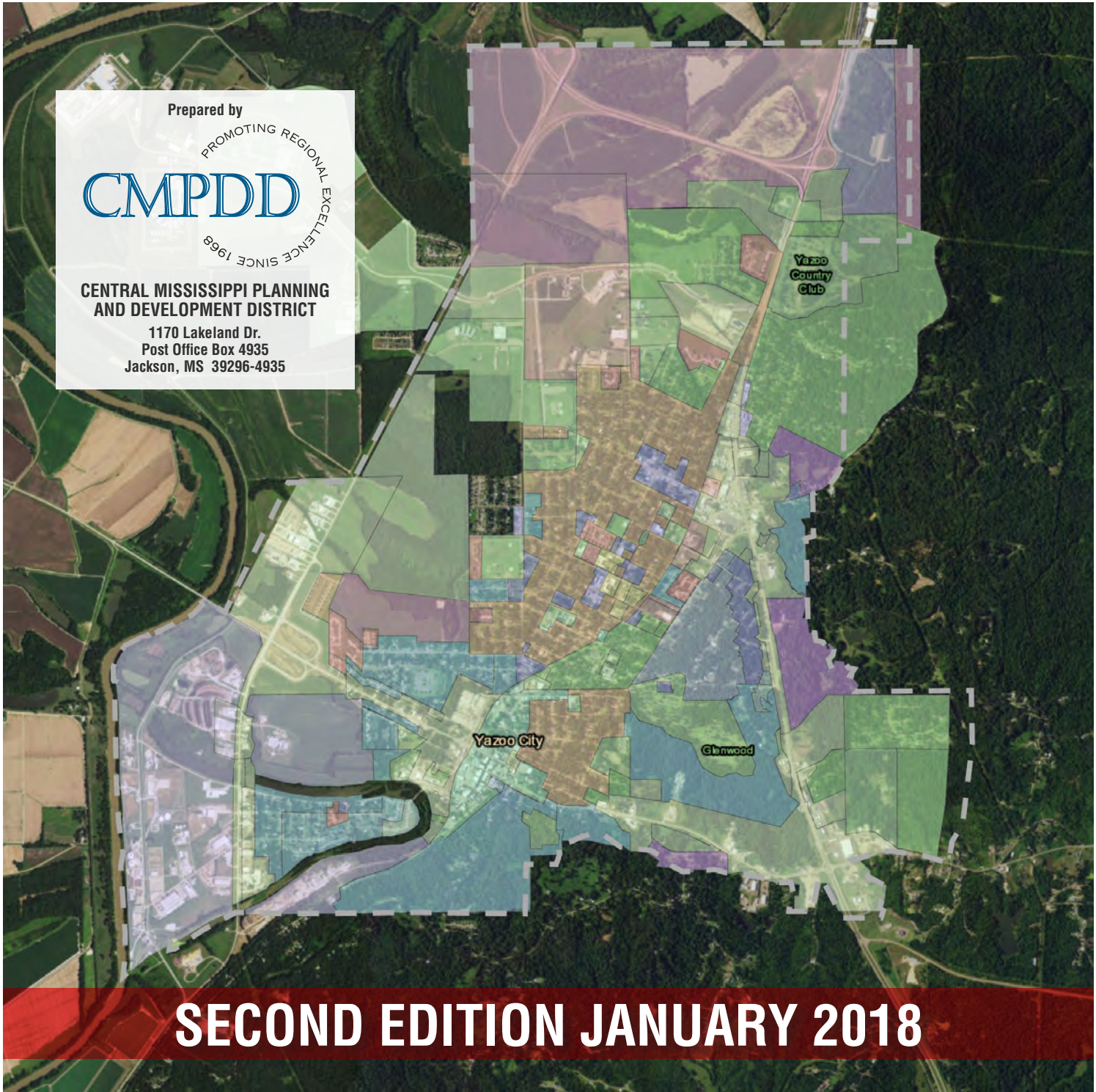




CITY OF
Yazoo City

ZONING ORDINANCE



Prepared by



**CENTRAL MISSISSIPPI PLANNING
AND DEVELOPMENT DISTRICT**

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Post Office Box 4935
Jackson, MS 39296-4935

SECOND EDITION JANUARY 2018

ZONING ORDINANCE
OF THE
CITY OF YAZOO CITY, MISSISSIPPI

Prepared By:

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ARTICLE I: GENERAL PROVISIONS

SECTION 1 - TITLE AND SHORT TITLE

THE TITLE FOR THE ORDINANCE SHALL BE: AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF YAZOO CITY, MISSISSIPPI, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH.

The short title for the Ordinance shall be: THE ZONING ORDINANCE OF THE CITY OF YAZOO CITY, MISSISSIPPI, and may be so cited, and further reference elsewhere as ZONING ORDINANCE, and herein as "the Ordinance" or "this Ordinance" shall imply the same wording and meaning as the full title.

SECTION 2 - PREAMBLE

WHEREAS, the Statutes of the State of Mississippi, Section 17-1-1 to 17-1-27, inclusive, of the

Mississippi Code of 1972, annotated, as amended, empower the CITY OF YAZOO CITY, Mississippi, to enact a zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, Sections 17-1-3, 17-1-23, 17-1-25, and 21-19-63 of the **Code** empower the Board of Mayor and Aldermen to enact subdivision regulations and provide for their administration, enforcement and amendment; and

WHEREAS, Section 17-1-9 of the **Code** states that "zoning regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, Section 17-1-1 of the **Code** defines the term "comprehensive plan" as "a statement of public policy for the physical development of the entire municipality or county adopted by resolution of the governing body, consisting of the following elements at a minimum: (1) goals and objectives for the long-range (twenty to twenty-five years) development of the county or municipality---; (2) a land use plan---; (3) a transportation plan---; and (4) a community facilities plan---"; and

WHEREAS, Section 17-1-11 of the **Code** states that "the governing authority of each municipality and county may provide for the preparation, adoption, amendment, extension and carrying out of a comprehensive plan---and may create, independently or jointly, a

local planning commission---with authority to prepare and propose (a) a comprehensive plan of physical development of the municipality or county; (b) a proposed zoning ordinance and map;" and

WHEREAS, pursuant to Section 17-1-11, the Board of Mayor and Aldermen of the City of Yazoo City have established such a Planning Commission; and

WHEREAS, the Board of Mayor and Aldermen on September 14, 2009, adopted by resolution a Comprehensive Plan, relative to the development of zoning regulations, for the City of Yazoo City following public hearings relative to same; and

WHEREAS, the Planning Commission has recommended the boundaries of the various original districts and appropriate regulations to be enforced therein and has recommended the adoption of this **Zoning Ordinance** for the City of Yazoo City and an accompanying **Official Zoning Map**; and

WHEREAS, based upon the recommendations of the Planning Commission, the Board of Mayor and Aldermen of Yazoo City have divided the City into districts and adopted regulations pertaining to such districts, and have given reasonable consideration among other things, to the character of the districts and their particular suitability for particular uses, with a view to conserving the value of property and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the **Zoning Ordinance** includes certain procedures and standards to be followed in the development or redevelopment of land subdivisions in the City of Yazoo City to assure that development of the City is orderly, healthful, efficient and economic; and

WHEREAS, the Board of Mayor and Aldermen have given due public notice of a hearing relating to said **Zoning Ordinance** and **Official Zoning Map** and have held a public hearing in accordance with the requirements of Section 17-1-15 of the **Mississippi Code**;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF YAZOO CITY, MISSISSIPPI, THAT THIS **ZONING ORDINANCE** SHALL GOVERN THE USE OF ALL LAND WITHIN THE CORPORATE LIMITS OF YAZOO CITY, MISSISSIPPI.

SECTION 3 – STATUTORY AUTHORITY

The Legislature of the State of Mississippi has in Title 17, Chapter 1, Section 17-1-1 through 17-1-27 of the Mississippi Code, annotated, 1972, as amended, delegated the responsibility to local governmental units to adopt land use and development regulations designed to promote the public health, safety, morals, and general welfare of its citizens.

SECTION 4 – STATEMENT OF PURPOSE

The purpose of this Ordinance is to preserve and promote the public health, safety, morals, and general welfare of the inhabitants of the City of Yazoo City and of the public generally through the regulation of: the location, height, number of stories, size of buildings and other structures; the density and distribution of population, size of yards and other open spaces; and the use of buildings, structures, and land for commercial, industrial, residential and other purposes.

Additionally, the further purposes of this Ordinance are as follows: to advance and implement the goals, objectives, and policies of the City's Comprehensive Plan; to classify property in a manner that reflects its suitability for specific uses; to promote orderly, sound, attractive development within the City while also conserving the values of properties throughout the City; to encourage compatibility of adjacent land uses; to encourage innovative project design in the City; and to fix penalties for the violation of these regulations.

SECTION 5 – OMISSION PROVISION

The omission of any specific use, dimension, word, phrase, or other provision from this Ordinance shall not be interpreted as permitting any variation from the general meaning and intent of this Ordinance as ordinarily construed or interpreted. If a question arises as to such intent or meaning, the interpretation of the governing authorities shall prevail.

SECTION 6 – SEPARABILITY AND VALIDITY PROVISION

Should any section, provision, or regulation of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

SECTION 7 – REPEAL OF CONFLICTING ORDINANCES OR PARTS THEREOF

All zoning ordinances or parts of zoning ordinances adopted heretofore by the City of Yazoo City, Mississippi, which are in conflict herewith or inconsistent with the provisions of this Ordinance ARE HEREBY REPEALED.

SECTION 8 – FAILURE TO ENFORCE ORDINANCE

Failure to enforce any provision or regulation of this Ordinance shall not constitute a waiver nor imply that the action is legal.

SECTION 9- ZONING CASES PRESENTLY ON APPEAL

For all zoning cases on appeal to the Circuit Court or Supreme Court at the date of adoption of this Ordinance, the zoning under the previous Zoning Ordinance or the

amendment to the Ordinance that is the subject of the appeal shall remain in effect until such time as the appeals procedures shall come to a conclusion. After the conclusion, the Board of Mayor and Aldermen shall enter an order rezoning the subject property to a classification to that district ordered by the court under the previous Ordinance.

SECTION 10 – EFFECTIVE DATE OF ORDINANCE

This Ordinance shall become effective NINETY CALENDAR DAYS FROM AND AFTER ITS ADOPTION.

SECTION 11- PARTIES AGGRIEVED

Any party feeling aggrieved by the change of zoning status of his property as reflected by the Official Zoning Map adopted herein shall have ninety days from the effective date of this Ordinance within which to petition the Board of Mayor and Aldermen for reconsideration of the zoning status of such property. After the expiration of the aforesaid ninety days, any person petitioning for a change in the zoning status of his property must base said petition upon changes taking place and public necessity taking place after the adoption of the aforesaid Official Zoning Map.

SECTION 12- ADOPTION CLAUSE

Adopted this, the 5th day of October, 2010, at the regular meeting of the Board of Mayor and Aldermen of the City of Yazoo City, Mississippi.

ATTEST:

Shirley Knight, City Clerk

MacArthur Straughter, Mayor

I, the undersigned Shirley Knight, City Clerk of the City of Yazoo City, Mississippi, hereby certify that the above and foregoing is a true copy of an Ordinance adopted by the Board of Mayor and Aldermen of the City of Yazoo City at its meeting on _____, the _____ day of _____, 2010, as the same appear in Minute Book of the City of Yazoo City at pages ____ through ____ thereof. Given under my hand and official seal, this the _____ day of _____, 2010.

Shirley Knight, City Clerk
Yazoo City, Mississippi

(SEAL)

ARTICLE II: INTERPRETATION AND DEFINITIONS

SECTION 1.20: RULES FOR WORDS AND PHRASES

For the purpose of this Ordinance, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory; the word "may" is permissive; the word "used" includes "designed" and "intended or arranged to be used or occupied"; and the word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual.

SECTION 1.21: DEFINITIONS

For the purpose of this Ordinance certain words, phrases and terms used herein shall be interpreted as stated in this Article II. Any word, phrase or term not defined herein shall be defined by the Zoning Administrator, the interpretation based on its common and ordinary usage.

Abandonment: To stop the use of property intentionally. When the use of property has ceased and the property has been vacant for 12 months, abandonment of use will be presumed unless the owner can show that a diligent effort has been made to sell, rent, or use the property for a legally permissible use.

Accessory Structure or Use: Any detached structure or use which is subordinate or incidental to the main building or dominant use of the lot or premises, excluding driveways, sidewalks and fences.

Adult Entertainment Use (or Activity or Establishment): An adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, or similar establishment which regularly features or depicts behavior which is characterized by the exposure of "specified anatomical areas" (as defined by this Ordinance), or where any employee, operator or owner exposes his/ her "specified anatomical area" for viewing of patrons. Such adult entertainment uses may further be defined as follows:

Adult Arcade: An establishment where, for any form of consideration, one or more motion picture projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" (as defined by this Ordinance) or "specified anatomical areas."

Adult Bookstore: An establishment which has as a substantial portion of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:

- I. Books, magazines, periodicals, or other printed matter, or photographs, films motion pictures, video cassettes, slide or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas", or
- II. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

Adult Cabaret: A nightclub, bar, restaurant, theater, or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities".

Adult Motel: A motel or similar establishment which includes the word "adult" in any name it uses or otherwise advertises the presentation of adult material, offering public accommodation for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities".

Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or other photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities".

Alley: A public or private right-of-way primarily designed to serve as a secondary access to the sides or rear of those properties for which principal frontage is on some other street; alleys are intended to provide access for refuse collection, loading/unloading and for fire protection.

Alternative Financial Service Providers (AFSP's): A term that describes the array of financial services offered by providers that operate outside of federally insured banks and thrifts. Check cashing businesses, pay-day loan agencies, title loan companies, pawnshops, and tax refund advance companies are AFSP's.

Apartment: A dwelling unit located in a multiple family structure for occupancy by one family only, either rented or leased to the occupants. See also "Condominium".

Arterial Street/Highway: See "Street".

Automotive Maintenance Services: Routine maintenance activities performed on a vehicle either by the owner/operator or by maintenance personnel. The following activities are considered routine: engine tune-up; changing of plugs, filters, oil, lubricants, belts; change and rotate tires; brake services; radiator flushing; battery services; muffler services; adjusting timing and fuel injector services; and top-off all fluids. It is also considered as minor repairs.

Automotive (major) Repair Services: Buildings and premises wherein major mechanical and body work is performed on vehicles. Such activities include engine overhaul or dismantling of subparts; body or frame repair; windshield or glass replacement; transmission, starter, alternator or other subpart rework service; welding or metal cutting; and any other repair other than "minor repair" or routine maintenance.

Bar: A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.

Base Flood: A flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Basement: A story wholly or partially underground. For the purpose of height regulation, a basement shall be counted as a story when more than one-half of its height is above the average grade level.

Bed and Breakfast Facility: Residential establishment wherein units are rented to transient guests on an overnight basis and wherein breakfast is the only meal served to these guests.

Block: A parcel of land intended to be used for urban purposes, which is entirely surrounded by streets, highways, railroad rights-of-way, shoreline of waterways, public parks, boundary lines of municipalities, or combinations thereof.

Boarding House: A building other than a hotel or motel, where, for compensation and by prearrangement for definite periods, meals and/or lodging are provided for three or more but not exceeding ten (10) persons (other than family members) on a weekly or monthly basis. (See also Rooming House".)

Board of Adjustment: The duly appointed members of the Yazoo City Board of Adjustment.

Bond: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Board of Mayor and

Aldermen. All bonds shall be approved by the Board of Mayor and Aldermen, whenever a bond is required by these regulations.

Bond, Performance: A bond warranting the completion of required improvements in accordance with approved construction plans and specifications within a specific period of time after approval of the final plat.

Buffer Area: An area so planned which acts as a buffer or separation area between two or more uses or structures not compatible due to design, function, use or operation.

Buildable Area, Maximum: That portion of a lot remaining after required yards have been provided.

Building: Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals, equipment, goods, or materials. The term "building" shall be construed as if followed by the words "or part thereof."

Building, Fully-Enclosed: A building having walls on all sides.

(NOTE: This definition is intended to distinguish between buildings that are "canopies", which do not have walls on all sides, from those that are fully-enclosed by walls. When the term "fully-enclosed building" is used in this Ordinance, it is intended to prevent exposure of equipment, materials, etc. to the outside world, thereby controlling some characteristics that might be objectionable, such as noise and uses that are not aesthetically appropriate for a particular zoning district.)

Building Height: The vertical distance measured from the average elevation of the finished grade within twenty feet of the structure to the highest point of the roof. See also "Height".

(NOTE: The provision for measuring the finished lot grade within 20 feet of the structure is to prevent the deliberate building up of a portion of the site on which the building will sit in order to permit an additional story to be constructed.)

Building Permit: A permit that is obtained from the Building Official granting permission to construct, build, remodel, or alter any structure.

Building, principal: A building in which is conducted the main or principal use of the lot on which the building is situated.

Building, Portable: Any building that is portable in nature, without any wheels, and built on a chassis or frame designed and constructed to be used without a permanent foundation. Building permits are required prior to the placement of such buildings on any lot.

Building Setback Line: See "Setback Line".

Building, Structural Alteration of: Any change or rearrangement in the supporting members, including bearing walls, beams, columns, or girders of a building.

Canopy: A roof-like structure which is not enclosed by walls on all sides and may or may not project from a building.

Carport: A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

Cemetery: Property used for the interring of the dead. ALL cemeteries are considered public/ quasi-public facilities, subject to the regulations of Section 1.33.

Certificate of Occupancy: A certificate issued by the city official designated by the Board of Mayor and Aldermen to ensure that new or altered buildings or structures are in conformance with the provisions of the Zoning Ordinance and any other Federal, state, city and county laws and to have a record on the point.

Change of Use: An alteration or change from a previous use of land, buildings, or structures to another use of land, buildings, or structures.

Child Care Facility: A place which provides shelter and personal care for six (6) or more children who are not related to the operator, whether such place be organized or operated for profit or not.

City: The City of Yazoo City, Mississippi.

Clinic: A facility for diagnosis and treatment of medical, chiropractic, dental or psychological outpatients, provided that patients are not kept overnight, and which may be used by one or a group of medical or dental practitioners. These shall be regulated as a commercial use.

Collector Street: See "Street".

Comprehensive Plan: In accordance with Section 17-1-1 of the Mississippi Code of 1972, Annotated, As Amended, "comprehensive plan" shall be defined as "a statement of public policy for the physical development of the entire municipality---adopted by resolution of the governing body, consisting of the following elements at a minimum: (i)Goals and Objectives---; (ii) a Land Use Plan---; (iii) a Transportation Plan---; and (iv) a Community Facilities Plan---."

Community Facilities Plan: One of the elements of a Comprehensive Plan. Section 17-1-1 of the Mississippi Code of 1972, Annotated, As Amended, defines the term as follows: "a community facilities plan (serves as) a basis for a capital improvements program including, but not limited to, the following: housing; schools; parks and recreation; public buildings and facilities; and utilities and drainage."

Conditional Use: See “Special Exception.”

Condominium: Real property consisting of an undivided interest in common of a portion of a parcel of real property, plus a separate interest in space in a residential, office, commercial or other land use. (From: Mississippi Code of 1972, Annotated, Section 89-9-7.) See also Apartment”.

Conforming Use: Any lawful use of a building or lot which complies with the provisions of this Zoning Ordinance.

Construction Permit: A permit which a person is required to obtain prior to initiating construction of any improvements required by these regulations. This permit serves as a construction checklist to be signed by the Yazoo City Building Official, City Engineer, or other authorized inspectors and the subdivider's engineer after each improvement has been satisfactorily installed.

Construction Plans: The maps and drawings showing the specific location and design of improvements to be installed in accordance with these regulations.

Convalescent Home (Rest Home or Nursing Home): Those health facilities where persons are housed and furnished with meals and continuing nursing services for a fee.

Convenience Store: A retail establishment of not more than 5,000 square feet of retail sales area, not counting storage, that sells a limited line of groceries, prepackaged food items, tobacco, periodicals, and other household items for the convenience of the neighborhood.. The establishment may also sell gasoline and automotive products, hot beverages, fountain-type beverages, cold beverages, and other food items. Included in the same building, but in a separate section, may be a fast food restaurant.

Country Club: A land area and buildings containing recreational facilities, clubhouse and the usual accessory uses, open only to members and their guests for a membership fee. Country clubs are regulated as public/quasi-public facilities and are subject to the provisions of Section 1.33 of this Ordinance.

County: The county of Yazoo.

Coverage: That part of a lot covered by buildings.

Cul-De-Sac or Dead-End Street: A local street which has only one end open to vehicular traffic and the other permanently terminated by a vehicle turn-around.

Curb Radius or Curb Line Radius: The radius used to join two intersecting streets.

Density: The intensity of land use and also the maximum intensity of use of a minimum lot or land area physically possible observing all yard, height, and lot or land area coverage provisions of this Ordinance, exclusive of any publicly dedicated rights-of-way.

Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land, who seek to develop or improve a lot or group of lots or structures thereon for use or occupancy.

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.

Development Plan: A drawing or set of drawings depicting the ultimate layout and proposed land uses for a large tract of land, usually involving varying lot sizes and/or different proposed land uses. A development plan of a subdivision may be considered the "sketch plat" if a subdivision is to be constructed in phases. A development plan is sometimes referred to as a "master plan"; however, since the Comprehensive Plan for the City may also be called a "Master Plan", the term Master Plan is not used in this Ordinance.

Dimensional Variance: See "Variance".

Disabled Persons: Individuals who suffer from a permanent condition resulting from a mental or physical impairment that leaves such persons unable to perform "major life functions."=

(From: **Accommodating Disabilities: Business Management Guide**, published by the Commerce Clearing House, Inc., 1992; this publication deals with the requirements of the **Americans with Disabilities Act**).

District: Any section or sections of the City for which regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are established by this Ordinance.

Drainage Channel: A watercourse with a definite bed and banks which conduct and confine the normal continuous and intermittent flow of water.

Drinking places: Establishments primarily engaged in the retail sale of alcoholic drinks, such as beer, ale, wine, liquor, and other alcoholic beverages for consumption on the premises. The sale of food frequently accounts for a substantial portion of the receipts of these establishments.

Driveway: A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

Duplex: A residential building designed to be occupied by two families living independently of each other.

Dwelling: Any building, or portion thereof, or manufactured/ mobile home, which is designed and used for human habitation; however, a manufactured/ mobile home, as defined herein, shall not be used as a dwelling in any residential district other than Manufactured Home Park (MHP) or Manufactured Home Subdivision (MHS) residential districts or as a conditional uses (special exception) in the Agricultural (A-1) district.

Dwelling, Single-Family: A detached residential building designed for occupancy by one family.

Dwelling, Multi-Family: Any residential building or portion thereof which is occupied by three or more families living independently of each other. The term "multiple-family dwelling" shall be understood to include apartment houses or "complexes" and condominiums.

Dwelling, Patio (or House or Home): A detached single-family dwelling unit that is constructed nearer the lot line on ONE SIDE (but not directly on either lot line) of a lot than the other side.

Dwelling Unit: A room or group of rooms occupied or intended to be occupied as separate living quarters.

Dwelling, Zero Lot Line: A detached single-family dwelling on a separate lot with open space setbacks on three sides. In order to be considered a true "zero lot line dwelling" the dwelling must rest directly against a lot line on one side of the lot; otherwise, it shall be considered a patio home".

Easement: Authorizations granted by a property owner for the use of a designated part of his property by the public, a corporation or persons for specific purposes.

Eating and drinking places: Retail establishments selling prepared foods and drinks for consumption on premises, and also lunch counters and refresh stands selling prepared foods and drinks for immediate consumption.

Employee (Staff): Any person who is regularly on the premises of a business or industrial establishment for productive use on a part-time or full-time basis. For the purposes of this Ordinance the maximum number of employees on the premises of an establishment at one time shall constitute the number of employees.

Facilities and Utilities, Public/Quasi-Public: Any building, structure, system, use, or combination of uses, which is customarily and ordinarily provided by either public or private agencies, groups, societies, corporations, or organizations, whose purpose is the

provision of necessary and desirable goods and/or services for the general public health, safety, and welfare. Such uses shall include, but not be limited to:

- (a) Churches and other religious institutions.
- (b) Schools, including all private, public or parochial schools, excluding institutions of higher learning which shall be zoned "Special Use" districts only.
- (c) All governmental buildings (including municipal buildings and buildings erected by County, State or Federal governments) and major governmental facilities, such as water pumping stations, sewage treatment plants, sanitary landfills and the like. (NOTE: Public recreation and open space facilities are a land use permitted outright in ANY district, and such facilities are not subject to the regulations of Section 1.33 as special exceptions.)
- (d) All hospitals, whether public or private.
- (e) Convalescent homes or nursing homes, excluding "Comprehensive Elderly Retirement Facilities" which shall be zoned as "Special Use" districts only.
- (f) Civic organization buildings and major facilities.
- (g) Buildings and facilities erected by charitable organizations (e.g., American Red Cross, Salvation Army, etc.); (Note: When such facilities are erected as emergency measures, they shall be exempt from the Special Exception provisions of this Ordinance, including site plan review and public hearing requirements).
- (h) Country clubs and other major recreational facilities constructed by private groups.
- (i) ALL cemeteries.
- (j) Major facilities associated with privately-owned utilities (electrical, natural gas, telephone) including but not limited to electrical substations, telephone communications centers, microwave towers, cellular telephone antennas, natural gas pumping facilities and similar significant uses.

Family: One person living alone, or two or more persons living together as a single, housekeeping unit, whether related to each other legally or not, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, dormitory or similar dwelling for group use. A family shall be deemed to include domestic servants employed by said family when these servants are on-premise residents.

Fast Food Restaurant: See “Restaurant, Fast Food”.

Fill: The placing, storing or dumping of any material such as earth, clay, sand, rubble or waste of any kind upon the surface of the ground which results in increasing the natural surface elevation.

Floor Area: The sum of the gross horizontal area of all floors of a building, excluding all porches, balconies, garages or carports, measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings.

Front: The side of a lot bordering on a street right-of-way, except in the case of corner or other double-frontage lots, in which case the owner of the lot must designate in his or her application for a building permit which side bordering a street is the front.

Frontage: Property on one side of a street measured along the line of the street, or in the case of a corner lot or "through lot", the property on each street measured along the lines of both streets.

Funeral Home (or Mortuary): A building used for the preparation of deceased human bodies for burial or cremation and the display of the deceased and ceremonies connected therewith before burial or cremation.

Future Land Use Plan: See "Land Use Plan".

Garage apartment: A dwelling unit erected above a private garage.

Garage (Private): The term "garage" shall mean a private garage, which is a fully enclosed portion of a main building or a fully enclosed accessory building (i.e., detached from the main building) and used primarily for the storage of privately owned automobiles.

Garage, public: A building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor-driven vehicles.

Garage, Mechanical (Repair Shop): A building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping of motor-driven vehicles and the storage of such vehicles; also includes selling, renting, or leasing of motor-driven vehicles in conjunction with repair work.

Garage, Storage: A building or portion thereof, other than a private garage, used exclusively for the parking or storage of motor-driven vehicles, with no other facilities provided except facilities for washing. Also referred to as a "parking garage".

Goals and Objectives: One of the elements of a Comprehensive Plan. Section 17-1-1 (c)(ii) of the **Mississippi Code of 1972**, Annotated, As Amended, defines the term as follows: "goals and objectives (are a list of policies, adopted by the governing authorities) for the long-range (twenty to twenty-five years) development of the county or municipality. Required goals and objectives shall address, at a minimum, residential, commercial, and industrial development; parks, open space and recreation, street or road improvements; public schools and community facilities."

Governing body: The elected body of a unit of local government with legislative power.

Grade or Finished Grade: The finished elevation of land, either horizontal or sloping, after completion of site preparations for construction.

Health Department: The Yazoo County Health Department.

Homeowners Association: A non-profit organization (corporate or otherwise) operating under recorded land agreements through which each property owner is automatically subject to a charge for a proportionate share of expenses for maintaining common open space, other activities and facilities.

Home Occupation: An occupation for gain or support conducted only by members of a family residing in a dwelling and conducted entirely within the dwelling, provided that no article is sold or offered for sale except such as may be produced by members of the family residing in the dwelling, and further provided that the occupation is incidental to the residential use of the premises and does not utilize more than twenty-five percent (25%) of the floor area of the dwelling. A home occupation shall not be conducted in an accessory building. Home occupation shall include, in general, personal services, such as are furnished by a physician, dentist, musician, artist, hair stylist/ barber, or seamstress when performed by the person occupying the building as his or her private dwelling, and not including the employment of any additional persons in the performance of such services.

Hospital: A public or quasi-public institution where sick or injured persons are given medical care and in the course of same are housed overnight, fed and provided nursing and related services.

Hospital, Veterinary: A facility where sick or injured animals are given medical or surgical care and, in the course of same, may be housed overnight, fed, and provided related services. Such uses shall be subject to the regulations of the **Animal Control Ordinance** of the City of Yazoo City, and shall be considered a commercial use.

Hotel or Motel: A building or buildings where lodging and sometimes food and various personal services are provided for *more than twenty (20) persons*, who are usually but not always transients, for compensation. Hotels and motels shall be considered a commercial use.

Improvements: Physical changes made to raw land and structures and utilities placed on or under the land surface.

Individual Sewage Disposal System: A septic tank, seepage tile sewage disposal system, or any other sewage treatment device approved by the Yazoo County Health Department and the State Department of Natural Resources, Bureau of Pollution Control.

Industry: A facility for processing products or raw materials.

Industry, Heavy: Those industrial uses which are not fully enclosed and/or which generate substantial amounts of noise, vibration, odors or possess other objectionable characteristics. These industrial uses may also include operations that involve outdoor storage of materials and/or finished products.

Industry, Limited (Light): Those industrial uses including manufacturing activities conducted wholly within completely enclosed buildings (except for the temporary storage within adequately screened or buffered areas of articles, materials, or other matter to be processed, assembled or otherwise changed) and other industrial-related activities which do not generate objectionable odors, smoke, fumes, vibration, or excessive noise.

Industry, "Wet-Type": Those heavy industrial uses which require the discharge of by-products or processed waste water through the sewer system. Such industrial uses shall be permitted as a conditional use only in the Heavy Industrial Districts (I-2).

Inn (or "Bed and Breakfast Inn"): See "Bed and Breakfast Facility".

Internal Building Space: The required minimum space between principal or accessory buildings on the same lot.

Junk Yards (or "Salvage Yard"): A place where waste and discharged or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but EXCLUDING places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition or salvaged materials incidental to manufacturing operations.

Kennel: A facility other than a residence, where four or more dogs or cats, or a combination thereof, are boarded, whether by the owners of the animals or other persons, with or without compensation. A kennel shall be considered a commercial use.

Landscaping: The addition of lawns, trees, plants, and other natural or decorative features to land, including lakes and watercourses. Landscape treatment can include walks or patios.

Land Use Plan: One of the elements of a Comprehensive Plan, usually developed concurrently with the Transportation/ Thoroughfares Plan. Section 17-1-1 (c)(ii) of the **Mississippi Code of 1972**, Annotated, As Amended, defines the term as follows: "a land use plan designates in map or policy form the proposed general distribution and extent of the use of land for residences, commerce, industry, recreation, and open space, public/ quasi-public facilities and lands. Background information shall be provided concerning the specific meaning of land use categories depicted in the plan in terms of the following: residential densities; intensity of commercial uses; industrial and public/ quasi-public uses; and any other information needed to adequately define the meaning of such land use Ordinances. Projections of population and economic growth for the area encompassed by the plan may be the basis for quantitative recommendations for each land use category."

Loading space: An off-street space or berth on the same lot with building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials and that abuts a street, alley, or other appropriate means of access.

Local Street: See "Street".

Lodging House: See "Rooming House".

Lot: A parcel of land at least sufficient size to meet the minimum requirements for use, coverage, and area and to provide such yards and other open spaces as specified in this Ordinance. Such lot shall have frontage on an improved public (dedicated) street specifically approved by the Board of Mayor and Aldermen through the subdivision plat review process prescribed in this Ordinance or through the site plan review process required by this Ordinance for multifamily dwellings and other developments.

Lot Area: The total area of a lot included within the boundary lines of a lot.

Lot, Corner: A lot abutting upon two or more streets at their intersections.

Lot Depth: The average horizontal distance between the front and rear lot line.

Lot, Double Frontage: A lot which runs through a block from street to street (i.e., has frontage on more than one street); double frontage lots are also called "through lots".

Lot Frontage: The front of a lot shall be construed to be that dimension of a lot abutting on a street. For the purpose of determining yard requirements on corner lots or double frontage lots, *all sides of such lots abutting on public streets shall be considered lot frontage*, and yards shall be provided as indicated in this Ordinance.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The lines bounding a lot as such parcel of land is defined herein.

Lot Line, Front: In the case of an interior lot, the property boundary line separating said lot from the street. In the case of a corner lot or double frontage lot, the line separating said lot from the street on which the building will face, as determined from the application for a building permit.

Lot Line, Rear: The property boundary line opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

Lot of Record: A lot which is a part of a subdivision, the map of which is recorded in the office of the Chancery Clerk of Yazoo County, Mississippi, or a lot described by metes and bounds, the description of which has been recorded in said office.

Lot Width: The distance from side of lot to side of lot measured at the front minimum building setback line.

Manufacturing Use: A facility at which goods are made from secondary materials (previously prepared or refined materials) or raw materials (unrefined materials) through the use of machinery and labor and often employing assembly line techniques. In the case of "light" manufacturing uses, most goods are produced from secondary materials, except for processing, packaging, or canning of food products, and little or no water is used in the manufacturing process. In the case of "heavy" manufacturing, goods are often produced from raw materials and may involve the use of large amounts of water.

Manufactured Home: A single-family residential dwelling built in a factory in accordance with the **National Manufactured Home Construction and Safety Standards Act of 1974 after June 15, 1976**. Manufactured homes shall be considered structures for the purposes of this Ordinance. Recreational vehicles ("travel trailers"), as defined herein, shall not be considered manufactured homes, and they are deemed vehicles but not dwellings or structures. See also "mobile home".

Manufactured Home Park: An area, tract, site or plot of land of at least ten acres, which has been planned, improved and meets the requirements of this Ordinance, and in which spaces are provided on a rental basis or lease basis only for owner-occupied homes or in which both the space and the manufactured home are offered to the public on a rental or lease basis only.

Manufactured Home Space: A plot of ground within a manufactured home park designed for and designated as (on an approved site plan) the location of one manufactured home, and which has water, sewer and electricity at the space.

Manufactured Home Stand or "Pad": The paved runners or paved parking area in each manufactured home space upon which the manufactured home is placed, together with the paved patio and paved off-street vehicular parking area.

Major Subdivision: All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of local government facilities or the creation of any public improvements.

Minor Subdivision: Any subdivision containing *not more than three (3) lots* fronting on an existing street, not involving any new street or road, or the extension of municipal facilities or the creation of any public improvements, and not adversely affecting adjoining property, and not in conflict with any provision or portion of the City of Yazoo City **Comprehensive Plan** or these Regulations. (From: *Model Subdivision Regulations*, Freilich and Schultz.)

Mobile Home: A single-family residential dwelling unit built in a factory on or prior to June 15, 1976, and not constructed in accordance with the **National Manufactured Home and Construction Safety Standards Act of 1974**, as amended.

Mobile Home Park: An area, tract, site, or plot of land of at least ten acres that has been planned, improved, and meets the requirements of this Ordinance, and in which spaces are provided on a rental basis or lease only for owner-occupied homes, or in which both the space and the mobile home are offered to the public on a rental or lease basis only. The term "mobile home park" shall include the terms "trailer park," "trailer court," and similar terms.

Mobile Space (or "Lot"): A plot of ground within a mobile home park designed for and designated as (on an approved site plan) the location of one mobile home, and which has water, sewer, and electricity at the space.

Mobile Home Stand or "Pad": The paved runners or paved parking area in each mobile home space upon which the mobile home is placed, together with the paved patio and paved off-street vehicular parking area.

Modular Home: A residential dwelling manufactured in whole or in part in an off-site manufacturing facility designed to be transported to a building site by a trailer or other similar carrier, which is not designed to be permanently attached to the dwelling or remain with it after the structure is placed on its permanent foundation. Modular homes are not constructed with an integral chassis, permanent hitch, wheels, axles, or other device allowing transportation. Modular homes must meet the Official Building Ordinance of the City of Yazoo City and be approved by the Building Official.

Mortuary: See "Funeral Home".

Motel: See "Hotel".

Multi-Family Dwelling: See "Dwelling, Multi-Family".

Nonconformities: Any land, lot, building, structure or parts thereof, or the various uses to which are or were put, and which lawfully existed prior to the passage of this ordinance, but which subsequently does not comply with the use regulations and/or dimensional requirements of the district in which it is situated, and/or does not comply with any other requirements herein. (See Section 1.40 of this Ordinance for definitions of the various types of nonconformities, including (1) nonconforming undeveloped lots of record, (2) nonconforming structures, and (3) nonconforming uses).

Nursery, Child Care: See "Child Care Facility".

Nursery, Horticultural: Commercial uses in which flowers and plants are stored and/or cultivated for retail sale and related products are offered for retail sale.

Nursing Homes: See "Convalescent Home".

Office: A room, group of rooms or building in which commercial activities primarily involving the provision of services rather than the sale of commodities are conducted.

Office Park: A development on a tract of land, either subdivided or on a single large lot, containing a number of separate office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis.

One Hundred (100)-Year Flood: See "base flood".

Open Space or "Common Open Space": A parcel or parcels of land not occupied by dwellings or residential structures, accessory structures and yards, which may consist of jogging trails, tennis courts, a golf course, swimming pool, associated recreational buildings and the like, and which is permanently maintained in a suitable state for the shared enjoyment by the owners and/or occupants of individual dwelling units or residential structures within a particular development (such as a conventional residential subdivision, an apartment complex, a manufactured home park or a Planned Unit Development).

Overlay Zone: A district established by ordinance to prescribe special regulations to be applied to a site in combination with the regulations of the underlying or base district.

Owner: Any person having legal title to or sufficient proprietary interest in the land sought to be subdivided under this Ordinance.

Park (Public): A tract of land, designated and used by the public for active and passive recreation.

Parking Space: For the purposes of this Ordinance, the term "parking space" shall refer only to parking places not located on a public street. Each parking space shall be sufficient in size to store one full-size automobile, or 200 square feet in area for each such space, exclusive of the necessary maneuvering space providing access to each parking space, unless otherwise approved as part of the site plan review process.

Patio House or Patio Home: See "dwelling, patio (or house or home)".

Pedestrian way: A right-of-way, however designated, either across or within a block, intended for use by pedestrian traffic.

Personal Care Home: A dwelling consisting of a minimum of three bedrooms and a maximum of five bedrooms being occupied by ambulatory, semi-ambulatory, non-ambulatory, and/or chronically ill individuals who require less extensive care, with personal services such as the provision of aid in walking, climbing or descending stairs, getting in or out of bed, feeding (including the preparation of special diets), dressing, bathing or in other matters of personal hygiene, and the supervision of medication.

Planned Unit Development (PUD): An area of a minimum contiguous size, as specified by this Ordinance, to be planned and developed as a single entity containing one or more residential clusters and in which land not used for residential structures or yards but required by the basic zoning of the site shall be reserved collectively in contiguous units accessible to all building sites in the development as open space for the purpose of providing recreational facilities and pedestrian circulation. Two-family or multi-family dwellings, commercial development or public/quasi-public facilities or utilities may only be permitted in a Planned Unit Development if a Development Plan is submitted and appropriate rezoning (or a Special Exception for public/quasi-public uses) is approved by the Board of Mayor and Aldermen.

Planning Commission: The duly appointed Yazoo City Planning Commission of the City of Yazoo City, Mississippi.

Planting Screen: Densely planted vegetation used to visually shield or obscure abutting or nearby structures or uses from other uses or structures.

Plat: A map, plan or layout of a subdivision showing the information required by this Ordinance.

Portable Building: See "Building, Portable".

Principal Arterial Street/ Highway: See "Street".

Principal Structure or Use: The main building(s) or dominant use(s) of a lot. The specific primary purpose for which land or a building is intended to be used.

Private Drive (or Driveway): A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure. A “driveway” has not been dedicated or accepted by the City for public use.

Property Line: The legal boundary line separating buildings or tracts in different ownership.

Public/Quasi-Public Uses: These uses include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other activities that are strongly vested with public importance or to some degree with public importance.

Public Use: Any use of land that is owned or used exclusively by the city, county, state, or federal government, or any use of land that is maintained for or used by the general population. These uses include, but are not limited to, schools, parks, government buildings, hospitals, cemeteries, and other similar uses.

Quasi-Public Use: A use privately owned or operated by a nonprofit, religious, civic, or charitable institutions or organizations and providing educational, cultural, recreational, religious, or similar types of civic activities that resemble in some degree public programs/uses. These uses include hospitals, churches, private clubs such as a lodge or fraternity, and other similar privately owned uses.

Quarry: A lot or parcel of land or part thereof used for the purpose of extracting stone, sand, gravel, or soil for sale.

Recreational Vehicle (RV): See "Transient Trailer" or "Travel Trailer".

Registered Professional Engineer: An engineer properly licensed and registered in the State of Mississippi.

Registered Land Surveyor: A land surveyor licensed and registered in the State of Mississippi.

Rest Home: See "Convalescent Home".

Resort Area: According to Section 67-1-5 of the Mississippi Code 1972, annotated, and State Tax Commission, it “means any area or locality outside of the limits of incorporated municipalities in this state commonly known and accepted as a place that regularly and customarily attracts tourists, vacationists and other transients because of its historical, scenic or recreational facilities or attractions, or because of other attributes which regularly and customarily appeal to and attract tourists, vacationists and other transients in substantial numbers; however, no area or locality shall so qualify as a resort area until it has been duly and properly approved as such by the commission.”

Restaurants: A commercial building, structure, or portion thereof, where food is prepared and provided for sale, for consumption on the premises, or where food is prepared and sold for consumption off the premises, including a café, coffee house, lunchroom, tearoom, diner, drive-in, carryout, or other similar establishments, shall be considered as a restaurant; however, any establishment where the preparation of food is merely incidental to the sale of food products, such as grocery stores, convenience stores, and food markets, shall not be included. No place shall qualify as a restaurant under this definition unless over 50 percent of the floor area is devoted to the preparation and sale of food.

Restaurant, Fast Food: A commercial establishment whose principal business is the sale of prepared food or rapidly prepared food and beverages for consumption either within the restaurant or for carry-out, and where either: (1) customers are not served food and beverages by a restaurant employee (waiter or waitress) at the same table or counter where items are consumed; or (2) the establishment includes a drive-in or drive-through service facility or offers curb service.

Restaurant, Full Service: A commercial establishment where customers are served food and beverages by a restaurant employee (waiter or waitress) at the same table or counter where items are consumed. This term does not include “fast food restaurants” as defined herein. “Full service restaurants” may offer some “carry-out” services where food and beverages (including adult/alcoholic beverages) are consumed off the premises.

Retirement Village: Planned developments for the elderly which, because of their size, institutional nature and unique characteristics, do not fit compatibly into other zoning districts of the city; retirement villages constitute “self-contained communities” and may include: residential uses, related health-care facilities, cultural and recreational facilities, commercial outlets intended primarily for the benefit of residents and staff, and similar associated uses.

Right-of-Way: A strip of land occupied or intended to be occupied by a street or highway, pedestrian crosswalk, railroad, electric transmission line, water main, sanitary or storm sewer main, or for another special use.

Road, Public: All public property reserved or dedicated for street traffic.

Road, Private: A way open to vehicular ingress and egress established as a separate tract for the benefit of certain adjacent properties. This definition shall not apply to driveways.

Rooming House: A building or dwelling unit other than a hotel, motel, or apartment, where for compensation and by prearrangement for either definite or indefinite periods, lodging only is provided for compensation for up to twelve (12) persons. A building which has accommodations for more than twelve persons shall be defined as a "Hotel" or "Motel" under the terms of this Ordinance. Also known as a Boarding House.

Sanitary Sewer System: A public sewage disposal system or private central sewage disposal system of a type approved by the Mississippi Department of Natural Resources, Bureau of Pollution Control; or an individual disposal system of a type approved by the Yazoo County Health Department Sanitarian.

School: The term "school" as used in this Ordinance shall include public, private, and parochial institutions of learning, including trade or industrial schools" (i.e., those schools offering training to students in skills required for the practice of trades and industry), but EXCLUDING INSTITUTIONS OF HIGHER LEARNING (colleges and universities).

Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing , walls, berms or densely planted vegetation.

Service Station: Any premises that is primarily used for retail sale of gasoline and other petroleum products or automobile accessories and incidental services including facilities for lubricating, washing (either automatic or by hand) and cleaning, or otherwise servicing automobiles and light trucks. This term shall not include premises where heavy vehicular repair activities such as engine overhauls, painting or body work are conducted.

Setback: The distance between the street right-of-way line and the building setback line, excluding uncovered steps.

Setback Line or Building Setback Line: A line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed. The minimum distance is prescribed by this Ordinance. The front building setback line is parallel to or concentric with the street right-of-way line.

Shopping Center: A group, consisting of five or more commercial establishments, planned, developed and managed as a unit, with adequate off-street parking facilities provided on the property and related in its location, size, and type of stores to the trade area or neighborhood that the unit serves.

Sidewalk: A paved walk for pedestrians. When a sidewalk is to be constructed within a dedicated right-of-way, the sidewalk shall be constructed in accordance with this Ordinance.

Side Street: A street bordering the side of a lot and intersecting the street on which a structure on the lot faces, as determined by the Zoning Administrator; in the case of buildings (as opposed to other types of "structures"), the street which the building faces shall be determined by the principal entrance to the building.

Sign: Any device, structure, fixture, or placard using graphics, symbols, and/ or written copy designed specifically for the purpose of advertising or identifying any establishment,

product, services, activity, place, person or any other item of information. Signs may be further defined as to types in the Sign Chapter of this Ordinance.

Site Plan: A drawing indicating the location of existing and proposed buildings or other structures with dimensions designated thereon, topography, existing or proposed easements, rights-of-way, utilities, drainage, landscaping and planting screens, and points of access/egress and driveways on a single lot. A "site plan" differs from a "subdivision plat" in that a subdivision plat reflects certain required information for two or more lots.

Site Plan Review: The process specified under Sections 1.600.11 through 1.600.14 of this Ordinance in which site plans for certain proposed developments and/or site plans (when required by the Zoning Administrator in coordination with other City/ County officials) accompanying applications for dimensional variance, conditional use, and rezoning are reviewed by City officials, the Planning Commission and the Board of Mayor and Aldermen for conformance with this Ordinance and other applicable laws and Ordinances, and to determine what other special restrictions (if any) need to be applied if the site plan and application are approved by the Board of Mayor and Aldermen.

Specialty Shop: A store that specializes in a particular line of merchandise, such as a baked goods, candy, clothing, hardware, clothing, antiques, bicycles, etc.

Special Exception: A land use which would not generally be appropriate in a particular zoning district, but which, with certain restrictions or conditions, would in the judgement of the Board of Mayor and Aldermen promote the public health, safety, morals, or general welfare of the City and would not adversely affect adjacent properties. A building permit granted by the City for the initiation of a special exception (with the necessary restrictions included) will not change the zoning of the property involved and will allow such use to continue as long as the specific use granted by the conditional use remains the same. Also referred to as a conditional use.

Special Use District: A zoning district to provide areas for the development of special uses, which, because of their size, institutional nature, and/or unique characteristics, do not fit compatibly into other zoning districts of the city. Such uses commonly constitute "self-contained communities" with housing, dining/food services facilities, recreational uses, and commercial-type outlets provided primarily for the benefit of the staff and residents of the institution on the grounds. This district is designed in part to protect existing residential uses.

Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or less than 50% of the female breast below a point immediately above the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activity: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of

human genitals, pubic regions, buttocks or female breasts; flagellation or torture in the context of a sexual relationship; masochism, erotic or sexually oriented torture, beating or the infliction of physical pain; erotic touching, fondling or other such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in this section.

Spot Zoning: The improper zoning or rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses. While such spot zoning may not be illegal per se, it is generally regarded as an improper practice.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. For the purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average grade elevation, or when the basement is used for commercial activities (See "Basement").

Street: A publicly-owned thoroughfare which affords the principal means of access to abutting property; such thoroughfares are dedicated by a property owner for public use, accepted by the responsible political entity in which the street is located and is so dedicated, and recorded in the Office of the Yazoo County Chancery Clerk.

Street Right-of-Way Line: The legal property boundary line delineating the street right-of-way and the abutting property.

Strip Development: Commercial development, usually one store deep, that fronts on a major street.

Structure: Anything constructed or erected, the use of which requires a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences, and billboards, but shall not include "Transient Trailers (Travel Trailers)" as defined herein. The term structure shall be construed as if followed by the words "or part thereof". The term "structure" is not intended to include driveways, patios, parking lots, or utilities (i.e., utility lines running to a structure).

Structural Alteration of a Building: See "Building, Structural Alteration of".

Subdivider: Any person, firm, partnership, corporation or other entity acting as a unit, who, having an interest in land, causes it, directly or indirectly, to be divided into a subdivision.

Subdivision: The division of any lot, tract or parcel of land into two (2) or more lots for the immediate or future purpose of sale or building development by means of an appropriately recorded document. However, the term "subdivision" as used herein shall

not include the exceptions to these regulations as cited under Section 1.30. See also “Major Subdivision” and “Minor Subdivision”.

Theater, Motion Picture: A building or part of a building devoted primarily to the showing of motion pictures on a paid admission basis.

Theater, Drive-In: An open lot or part thereof, with its accessory facilities devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

Through Lot: See "Lot, Double Frontage".

Thoroughfares Plan: The primary component of the "Transportation Plan", which is one of the elements of a Comprehensive Plan, usually developed concurrently with another element, the "Land Use Plan".

Townhouse: A single-family dwelling constructed in a series or group of attached units with property lines separating each unit. (From: Standard Building Ordinance).

Townhouse Subdivision: A subdivision in which the developer proposes to partition land into individual lots and construct townhouses wherein both the dwellings and the lots will be individually owned by the residents.

"Trailer": Archaic term sometimes applied to manufactured homes. (See “manufactured home”).

Transient Trailer (Travel Trailer): A portable or mobile living unit used for temporary human occupancy away from the place or residence of the occupants. For the purposes of this Ordinance, such transient trailers shall be considered a VEHICLE AND NOT A STRUCTURE. The term transient trailer" or "travel trailer" shall include “pick-up truck campers”, "motor homes", "camping trailers" and "recreational vehicles".

Transient Trailer Park: A commercial operation where space and service accommodations for transient trailers are provided for a fee on an overnight or daily basis.

Transportation Plan: One of the elements of a Comprehensive Plan. See Section 17-1-1 (c)(ii) of the **Mississippi Code of 1972**, Annotated, As Amended.

Truck Stop: Any area of land, including the structures thereon, that is used for the servicing of heavy trucks (i.e., tractor-trailer combinations designed for transporting large cargoes), and which may offer food and beverages in addition to lodging.

Undeveloped Lot: A vacant lot or parcel of land.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include any nonconforming use.

Use, Accessory: See "Accessory Use".

Utility: See "Facilities and Utilities, Public/Quasi-Public".

Variance: A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. However, financial hardship shall not be considered justification for granting a variance. The criteria for issuance of a variance are listed under SECTION 1.600.08 of this Ordinance. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining district.

Vehicle: Any device for carrying passengers, goods, or equipment, usually moving on wheels. This definition does not include manufactured homes, which are considered structures for the purposes of this Ordinance.

Veterinary Hospital: See "Hospital, Veterinary".

Yard (or "Minimum Yard" or "Setback"): The required open space between any main building or portion thereof and the adjoining lot lines, WHICH SHALL REMAIN UNOCCUPIED AND UNOBSTRUCTED BY ANY PORTION OF A STRUCTURE, except as otherwise specifically provided herein. In measuring a lot for the purpose of determining the minimum front, side or rear yard, the shortest horizontal distance between the lot line and the nearest vertical bearing (wall, column, etc.) of a structure shall be used.

Yard, Front: The required unoccupied and unobstructed space on the same lot with a main building, extending the full width of the lot, and situated between the front property line and the nearest leading edge of the main building.

Yard, Rear: The required unoccupied and unobstructed space on the same lot with a main building, situated between the rear property line and the nearest leading edge of the main building, and extending the full width of the lot.

Yard, Side: The required unoccupied and unobstructed space on the same lot with a main building, situated between the side property line and the nearest leading edge of the main building.

Zoning Administrator: The official charged by the Board of Mayor and Aldermen with the administration and enforcement of this Ordinance, or his duly authorized representative

Zoning District: See "District".

ARTICLE III

GENERAL REGULATIONS

SECTION 1.30 - APPLICATION OF REGULATIONS

- 1.30.01 REGULATIONS ARE CONSIDERED TO BE MINIMUM:** The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.
- 1.30.02 COMPLIANCE REQUIRED:** No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered EXCEPT IN CONFORMANCE WITH ALL OF THE REGULATIONS SPECIFIED FOR THE DISTRICT IN WHICH IT IS LOCATED. Furthermore, no person shall use or occupy a building, structure, or land within the City of Yazoo City for an activity that requires a federal, State of Mississippi, and/or City license until said license is obtained from the appropriate authorities.
- 1.30.03 CONFORMANCE TO DIMENSIONAL REQUIREMENTS:** No building or other structure shall hereafter be erected or altered to exceed the height; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; or to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this ordinance.
- 1.30.04 A BUILDING'S YARDS TO BE SEPARATE FROM OTHERS:** No part of a yard, other open space, off-street parking, or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, off-street parking, or loading space similarly required for any other building.
- 1.30.05 CURRENT ZONING VIOLATIONS, NOT TO CONTINUE:** It is the intent of this ordinance not to "grandfather" or allow any zoning violations under the previous zoning ordinance to continue under this ordinance. These violations will remain violations until disposed of according to the procedures in this ordinance.

Therefore, any violations of the previous zoning ordinance of which a written complaint has been received, or is under investigation by

the zoning administrator, or has been notified of such violation by the zoning administrator; must comply with the violations section of this ordinance.

- 1.30.06** **PERMITTED USES CONSTITUTE CONFORMING USES:**
Any land use which is permitted as a conditional use (also referred to herein as a “special exception”) in a particular district under the terms of this ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.
- 1.30.07** **UNIFORMITY WITHIN DISTRICTS:** The regulations and provisions established by this ordinance for each district shall apply uniformly within each district of the same name and shall apply uniformly to each class or type of building, structure, use, or land therein except as otherwise provided.
- 1.30.08** **AREAS ANNEXED AFTER ENACTMENT OF THIS ORDINANCE:** Any land annexed into the City of Yazoo City following enactment of this ordinance shall bear the zoning classification(s) that most nearly corresponds to the Land Use Plan classification covering the annexed land or the category of zoned land that it is adjacent to until due public notice of hearings is given to consider the zoning of all or part of such annexed land in accordance with the zoning regulations in this Ordinance. Following such public hearings and action by the Board of Mayor and Aldermen, the annexed land shall be subject to the regulations of the new zoning district, if any.
- 1.30.09** **PENDING APPLICATIONS FOR BUILDING PERMITS:**
Nothing in this ordinance shall require any change in the overall layout, plans, construction, size, or designated use of any development, building, structure, or part thereof for which official approvals and required building permits have been legally granted before the enactment of this ordinance. Construction shall have been started within six months of the effective date of this ordinance and completed within a subsequent two year period and not discontinued until completion except for reasons beyond the builder’s control. All permits for which construction has not begun within six months of the effective date of this ordinance are hereby revoked and void.
- 1.30.10** **CONFORMANCE WITH SUBDIVISION REGULATIONS:**
No building shall be constructed on any lot which does not conform to the provisions of the Subdivision Regulations of Yazoo City.

SECTION 1.31- DIMENSIONAL CONTROLS

- 1.31.01 REDUCTION OF YARDS AND LOTS BELOW MINIMUM REQUIREMENTS PROHIBITED:** No yard or lot of record existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots of record created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.
- 1.31.02 FRONT YARDS ON CORNER OR DOUBLE FRONTAGE LOTS:** On corner lots or double frontage lots (“through lots”), each side fronting on a street shall be considered a front yard, and the required front yard setback shall be measured from each existing or proposed (on the adopted *Thoroughfares Plan*, as part of *the Comprehensive Plan*) right-of-way upon which the lot abuts. In accordance with the *Subdivision Regulations of the City of Yazoo City*, the front yard setbacks of all lots shall be shown as a dashed line on all preliminary and final subdivision plats.
- 1.31.03 DETERMINATION OF SETBACKS:** In measuring a required front yard (i.e., setback), the minimum horizontal distance between the existing or proposed right-of-way line and the main structure shall be used. The required setback line shall be measured from the existing or proposed right-of-way line (or lines for corner lots and double frontage lots), which shall be determined by the adopted *Thoroughfares Plan*. If a proposed street is not functionally classified (as a local, collector or arterial street) by the adopted *Thoroughfares Plan*, the functional classification of said street shall be determined by the Planning Commission during the sketch plat review process for the proposed subdivision or during the site plan review process (for developments not involving a subdivision of land).
- 1.31.04 VISIBILITY AT INTERSECTIONS:** On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede the vision of motor vehicle operators between a height of two and one-half (2-1/2) and ten (10) feet above the center line grades of the intersecting streets (or the existing grades on the side of the intersecting street, whichever is greater) and within a triangular area bounded by the rights-of-way lines for a distance of twenty (20) feet from the intersection and a straight line connecting said points twenty (20) feet from the intersection of the rights-of-way lines.

- 1.31.05** **ACCESSORY BUILDINGS OR USES:** No accessory building or use shall be placed within the required front yard of any main building or **use** in ANY district. However, an accessory building or use may be placed in the required side yard of any main building or use in R- 1 and R-2 districts, provided that the accessory building or use is at least five (5) feet from the side and/or rear property line, and the accessory building shall be set back a minimum of sixty (60) feet from the street line on which the lot and main building fronts. No accessory building shall cover more than forty (40) percent of a required rear yard. No accessory building shall be used as a permanent dwelling, unless it is an accessory apartment.
- 1.31.06** **RAILROAD SETBACKS:** A setback of 100 feet shall be required between all proposed residential main buildings and railroad tracks (i.e., measured from the metal track, not the railroad right-of-way line, to the nearest exterior limits of the proposed residential building). The side or rear yard setback required within the district where residential structures are permitted may be included within this 100-foot setback. Accessory buildings, such as garages or carports where detached from the main residential buildings or laundry rooms and recreational club houses (in apartment or condominium complexes) may be located within the 100- foot setback provided that the builder of such accessory structures complies with the required side or rear yard setback within the subject district.
- 1.31.07** **EXCEPTIONS TO HEIGHT REGULATIONS:** The height regulations contained in the District Regulations of this ordinance do not apply to spires, belfries, cupolas, antennas, water tanks, ventilation chimneys, masts, towers, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. However, any person proposing to erect such an appurtenance to exceed a height of 45 feet above the finished grade shall apply for a conditional use permit (special exception) in accordance with Section 1.600.18 of this ordinance.

SECTION 1.32- PUBLIC/QUASI-PUBLIC FACILITIES AND UTILITIES

All public and quasi-public facilities and utilities, as defined under 1.33 of this ordinance, may be located in ANY district in the City, provided:

- 1.32.01** That all applicable requirements of federal, state and county or city laws shall be met.

- 1.32.02** That all such proposed uses shall be subject to the procedures stated under Section 1.600.09 relative to Special Exceptions (Conditional Uses). No public or quasi-public facility or utility shall be located in a residential district or other district where such land use would adversely affect the surrounding area. Provided, however, that all cemeteries existing prior to the adoption of this ordinance shall be permitted in any district.

SECTION 1.33 - DIMENSIONAL REQUIREMENTS FOR PUBLIC/QUASI-PUBLIC FACILITIES AND UTILITIES IN ALL DISTRICTS

Developers of churches, schools, hospitals, civic organizational buildings, country clubs, and other public/quasi-public facilities or utilities shall comply with the following dimensional requirements:

- 1.33.01** **MAXIMUM BUILDING HEIGHT:** 60 feet, unless greater height is specifically approved by the Board of Mayor and Aldermen based upon the required site plan review.
- 1.33.02** **MINIMUM LOT AREA:** Established based upon proposed use.
- 1.33.03** **MINIMUM LOT WIDTH:** Established based upon proposed use.
- 1.33.04** **MINIMUM YARDS:**
- A. Front yard: 30 feet from the existing or proposed right-of-way as shown on the adopted Yazoo City *Thoroughfares Plan* to the building setback line.
 - B. Side yard: 10 feet, unless the proposed public/quasi-public use abuts an existing single-family detached residence or a R- 1 or R-2 district in which case the side yard shall be at least 50 feet from any building to the lot line abutting the single-family detached residence or R- 1 or R-2 district.
 - C. Rear yard: 20 feet, unless the proposed public/quasi-public use abuts an existing single-family detached residence or a R- 1 or R-2 district in which case the side yard shall be at least 50 feet from any building to the lot line abutting the single-family detached residence or R-1 or R-2 district.

SECTION 1.34 - REQUIRED DEDICATIONS AND IMPROVEMENTS

See Subdivision Regulations of the City of Yazoo City.

SECTION 1.35 - HOME OCCUPATIONS

Home occupations, as defined under Article II of this ordinance, are permitted in any district where residential uses are allowed if a home occupation permit is issued, and therefore subject to the following limitations:

- 1.35.01 DISPLAY AND STORAGE:** No storage or display of materials, goods supplies, or equipment related to the operation shall be visible from the outside of any structure located on the premises.
- 1.35.02 MAXIMUM AREA:** Not more than 25 percent of the floor area of the dwelling shall be used for the conduct of the home occupation.
- 1.35.03 TRAFFIC AND PARKING RESTRICTIONS:** No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood (as determined by the Zoning Administrator), and any need for parking generated by the conduct of such home occupations shall be met off the street and other than in a required yard. Furthermore, an ample amount of such off-street parking shall be provided as determined by the Zoning Administrator at the time of the application for a building permit or change of use permit.
- 1.35.04 EXTERIOR LIGHTING:** There shall be no exterior lighting which would indicate that the dwelling and/or accessory building is being utilized in whole or in part of any purpose other than residential.
- 1.35.05 SIGNS RELATING TO HOME OCCUPATIONS:** One name plate measuring no more than one square foot in area shall be allowed for each home occupation.
- 1.35.06 NON-RESIDENT EMPLOYEES:** No more than one actively-engaged, non-resident employee (i.e., a person not residing on the same premises with the operator) shall be employed in connection with any home occupation.
- 1.35.07 ADDRESS OF CONVENIENCE:** A home occupation that is solely used for the purpose of receiving phone calls, mail, and keeping business records in connection with any profession or occupation shall be known as an “address of convenience.”
- 1.35.08 HOBBIES:** Such as boat building or repair, furniture making or repair, automobile repair and rebuilding, and other activities not normally carried on extensively in a residential district shall not be

permitted to the extent that they are annoying or harmful to nearby residential occupants. Such uses that involve the use of power tools or the creation of noise not usual to a residential district shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.

- 1.35.09** **PERMITTED ACTIVITIES:** Primary sale of goods in connection with such home occupation shall be that which is prepared, produced, or grown on the premises. Home occupations may also provide services.
- 1.35.10** **PROHIBITED ACTIVITIES:** There shall be no retail, wholesale, or warehousing activity other than that which is clearly incidental to the direct provision of the service. Auto repair on vehicles other than the vehicles of the home owner or occupant of the home is prohibited. Also prohibited are: boat repair, animal hospitals, commercial kennels, funeral parlors or undertaking establishments, antiques shops, nurseries, restaurants, rooming houses, dancing schools, tea rooms, barber shops, beauty shops, and embalming facilities.
- 1.35.11** **ON-PREMISE CLIENT CONTACT:** Customer and client contact shall be conducted primarily by telephone or mail, and not on the premises of the home occupation, except those home occupations, such as tutoring, music or swimming lessons, counseling or personal services, which cannot be conducted except by personal contact. Services or sales conducted on the premises shall be by appointment only, and shall not be oriented toward, or attract, off-the-street customer or client traffic.
- 1.35.12** **DELIVERIES:** Delivery of materials to and from the premises shall not involve the use of vehicles over two (2) ton capacity, except parcel post or other similar commercial delivery trucks.
- 1.35.13** **USES PER DWELLING UNIT:** There shall not be more than one use constituting a designated home occupation per dwelling unit.
- 1.35.14** **OTHER PROVISIONS:** No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses outside of the dwelling unit or accessory building in which the occupation is conducted. No equipment or process shall be used in any home occupation that creates visual or audible electrical interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

SECTION 1.36 - MISCELLANEOUS GENERAL REGULATIONS

- 1.36.01** **COMMON YARDS, OPEN SPACE, AND OFF-STREET PARKING OR LOADING SPACE:** No yard, other than open space, off-street parking or loading space required for any building or structure shall be included as a yard, open space or off-street parking or loading space required for any other building or structure, except where permitted through site plan review. This requirement shall not be construed to apply to planned unit developments (PUDs) approved by the Board of Mayor and Aldermen.
- 1.36.02** **STREET ACCESS REQUIRED:** Every building or structure hereafter constructed, moved, or structurally altered shall have direct access to a public (dedicated) street and shall be so located as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- 1.36.03** **FENCES, WALLS, AND HEDGES:** Except for the requirements of Section 1.31.04 regarding visibility at intersections, fences, walls, and hedges or other densely planted vegetation shall be permitted in any required yard or along the edge of any yard. However, said fences, walls, or dense vegetation shall not exceed a height of four feet in the front yards of Single-Family Residential (R-1 and R-2) and Medium Density R-3) districts. Except where such districts abut a multi-family residential use or district or a commercial or industrial use or district, in which case the fence, wall, or dense vegetation may be erected or allowed to grow to a height of eight feet in side and/or back yards.
- 1.36.04** **PARKING AND STORAGE OF VEHICLES REQUIRING LICENSES AND STATE INSPECTION STICKERS:** See Ordinance Regulating the Abatement of Inoperable Vehicles within the City of Yazoo City.
- 1.36.05** **PROHIBITED USES:** Within the City of Yazoo City, no lot, land, premises, place, or building shall be used, and no buildings or structures shall be erected or placed, which are arranged, intended, or designed for any use that generates environmental pollutants beyond a tolerable level by reason of excessive noise, odor, glare, vibration, smoke, dust, fumes, vapors, gases, liquid and solid waste, radiation, electrical emissions, danger from fire or explosion, or any other debilitating influence as defined by the U.S. Environmental Protection Agency as regulated by the Mississippi Department of

Environmental Quality, Bureau of Pollution Control and the Mississippi State Board of Health.

1.36.06

MATERIALS AND GROWTH CONSTITUTING PUBLIC HEALTH AND/OR SAFETY HAZARDS 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 or other growth shall be allowed to go uncut within any district when the same shall be determined by the appropriate City Official (the Zoning Administrator, Fire Chief, or other authorized City employee) or health official to constitute a menace to the public health and/or a safety.

1.36.07

REQUIRED ENCLOSURE OF GARBAGE DISPOSAL FACILITIES: Upon the effective date of this ordinance , all garbage disposal facilities (i.e., garbage cans, dumpsters, etc.) located on the site of existing (at the effective date of this ordinance) or new multi-family residential mobile home parks, commercial, industrial, or public/ quasi-public uses shall be enclosed at least three sides by solid fencing or other material in a manner that prevents direct visibility of the garbage cans, dumpster, etc., from the street side (or sides) of such uses. Failure to maintain such garbage disposal facilities in a neat and sanitary manner shall constitute a violation of this ordinance and be subject to the penalties imposed herein. All site plans for multi-family residential, mobile home parks, commercial, industrial, or public/quasi-public uses proposed following the effective date of this ordinance shall indicate the location of garbage disposal facilities on the site and the manner (material, etc.) to be used to enclose such facilities.

SECTION 1.37 - OFF-STREET PARKING. LOADING SPACE AND ACCESS REQUIREMENTS

The purpose of these requirements is to reduce or avoid congestion of streets and to provide a more suitable living and working environment. Such space for parking or loading of motor vehicles, provisions for ingress and egress, and required landscaping shall be provided at the time of the erection of any principal structure, or at the time any principal structure is enlarged or increased in capacity by the addition of dwelling units, guest rooms, floor area, or seats. The responsibility for meeting the requirements established by this ordinance shall be that of whoever establishes the use to which it is

appurtenant. Uses located in the Central Business District are excluded from these requirements.

1.37.02 OFF-STREET PARKING:

A. General Requirements: Off-street parking and loading space shall be provided in accordance with the following regulations:

1. Provision of Parking Space on the Same Lot with all Residential Uses: Off-street parking space for all residential land uses shall be provided on the same parcel of land as the residential use to which the parking space is accessory to.
2. Non-residential Uses and Off-site Parking: Off-street parking space for all non-residential land uses shall be provided on the same parcel of land as the use to which the parking space is appurtenant; PROVIDED, however, that, following site plan review in accordance with Section 1.600.11 of this ordinance, the Board of Mayor and Aldermen may authorize in writing an alternative off-site location to the required parking space for such non-residential land uses if:
 - a. There are practical difficulties preventing the location of parking space on the same parcel; and/or
 - b. The public safety or the public convenience or both would be better served by the location of the required space on a parcel of land other than with the use to which it is an accessory to.
3. Provision of Access and Maneuver Space: In calculating any required parking area, other than for parking spaces required for single and two-family dwellings, sufficient access and maneuver space shall be provided to permit the parking and removal of any vehicle without moving other vehicles. Furthermore, all parking spaces shall be designed and regulated so that no parking or maneuvering incidental to parking shall be on any public street, sidewalk, or alley.
4. Parking Space Near Fire Hydrants: Under no circumstances shall any parking space be provided within fifteen (15) feet of a fire hydrant.

B. Schedule of Off-Street Parking Requirements: For the purpose of this ordinance, an “off-street parking space” shall consist of a space sufficient in size to store one full size automobile (minimum of 162 square feet in area) with room for opening doors on both sides. When computing parking space requirements on the basis of the number of persons expected to be on the premises of a particular land use, the maximum number of occupants, practitioners, patrons or employees anticipated to be on the premises at any one time shall be used. When the application of the requirements of this Section would result in a fractional space, any such fraction shall be counted as one space. In the case of mixed, compatible subcategories of land use (e.g., as shopping centers containing a grocery store, a furniture store, a motion picture theater, etc.), the parking space required by the schedule below shall equal the sum of the requirements for each of the various uses (subcategories) computed separately. Off-street space for parking and storage of vehicles shall be provided in accordance with the following schedule:

1. All Residential Uses Other Than Multiple Family Residential: Two spaces per dwelling unit.
2. Multiple-Family Residential Uses: Two spaces per dwelling unit.
3. General Business, Commercial or Service Establishments Catering to the Retail Trade: One parking space for each 200 square feet of GROSS floor area, except for the following prescribed uses:
 - a. Hotels and motels: - One space for each guest room plus one space for each employee.
 - b. Restaurants and similar establishments serving food and beverages .One space for each 75 square feet of floor area devoted to patron use, plus one space for each employee.
 - c. Offices of physicians and dentists .Four spaces for each professional staff member.
 - d. Other business and professional offices (other than physicians or dentists) .One space for each 300 square feet of gross floor area.

- e. Furniture and appliance stores .One space for each 400 square feet of gross floor area.
- f. Theaters, auditoriums and other commercial places of assembly .One space for every four fixed seats.
- g. **Gasoline service stations** .One space for each employee and five spaces for each wash rack, lubrication rack, repair bay, or similar facility for servicing and incidental repair of motor vehicles (not including said rack or bay as a space).
- h. **“Drive-in service” establishments**, such as drive-in banking, drive-in “windows” for restaurants, dry-cleaning and laundry establishments and similar uses .In addition to one parking space for every 200 square feet of gross floor area, each such establishment shall have five standing spaces (i.e., spaces for vehicles waiting in line for service) for each teller window or other facility at which customer service is provided.
- i. **Motor vehicle repair shops, body shops, etc.** .One space for each regular employee, plus one space for each 300 square feet of floor area used for mechanical or body repair.
- j. **Motor vehicle sales, machinery sales and equipment sales establishments.** Two parking spaces (one customer and one employee) for each 1,000 square feet utilized for the display of vehicles, machinery or equipment for sale, whether or not said area is enclosed. (Note: If a motor vehicle sales establishment is combined with a motor vehicle repair shop, body shop or similar use, one space shall be provided for each employee of the establishment, whether mechanic, salesman, or other, plus one space for every 1,000 square feet of sales display area and one space for every 300 square feet of floor area used for repair).
- k. **Grocery stores (excluding convenience type grocery stores)** - One parking space (for employees and customers) for each 100 square feet of non-storage floor area.

- l. **Convenience-type grocery stores** .A minimum of four parking spaces for any such use plus one space for each 400 square feet of non-storage area.
- m. **Skating rinks and other commercial places of amusement** or assembly without a fixed seating **arrangement**. One parking space for each 75 feet of floor area devoted to use by patrons.
- n. **Bowling alley** .Five spaces for each bowling lane.
- o. **Elementary and junior high schools (or those schools generally educating students through the age of 14)** - One space for every four students or one space for every four fixed seats (if provided) in any auditorium, gymnasium or other facility for public assembly, whichever is greater, to accommodate parent/visitor parking needs; PLUS one space for each staff member or other employee of the school.
- p. **High Schools (or those schools generally educating students 15 years of age or older)** .One space for every three students or one space for every three fixed seats in any auditorium, gymnasium or other facility for public assembly, whichever is greater, to accommodate student and parent/visitor parking needs; PLUS one space for each staff member or other employee of the school.
- q. **Warehouse, Wholesale and Manufacturing Uses NOT Catering to the Retail Trade:** One parking space for each 1,000 square feet of gross floor area, or one parking space for each two employees on the largest shift, whichever is greater; plus one space for each vehicle operating from the premises.
- r. **Public/Quasi-Public Facilities and Uses:** Off-street parking space requirements for public/quasi-public facilities and uses shall be determined based upon a Site Plan and in accordance with the following schedule of requirements for specific uses:
- s. **Churches:** One parking space for every five fixed seats in the principal assembly hall or one parking

space for every 90 linear inches of pew space, whichever is applicable.

- t. **Hospitals** .One space for each patient bed, plus one space for each employee determined by the number of employees on the largest shift.
- u. **Rest homes, nursing homes, sanitariums, convalescent homes, and institutions** .One space for every two patient beds, plus one space for each employee determined by the number of employees on the largest shift.
- v. **Libraries, art galleries, and museums, both public and private** .One space for each 200 square feet of floor area (excluding storage rooms).
- w. **Other public/quasi-public facilities and uses not listed above** .The off-street parking requirements for public/quasi- public uses not listed above shall be determined on the basis of a Site Plan submitted in accordance with Section 1.600.11 of this ordinance.

- C. **Design Standards for Off-Street Parking:** All off-street parking shall be provided in accordance with the design standards for off-street parking as prescribed in the latest edition of the *Traffic Engineering Handbook*, published by the Institute of Transportation Engineers (formerly the Institute of Traffic Engineers), Washington, D.C., or in accordance with other design standards adopted by the Board of Mayor and Aldermen, City of Yazoo City, Mississippi.

1.37.03 OFF-STREET LOADING SPACE REQUIREMENTS: Adequate off-street space for the loading and unloading of vehicles and for vehicles temporarily stopped (“standing”) while waiting to be loaded, unloaded, or serviced, shall be provided and maintained for all commercial and industrial uses and any other use involving the receipt or distribution by vehicles of materials, merchandise or other matter on a regular basis. Said space shall be provided and designated, so as not to be construed as the otherwise generally required parking space on the same premises with the use to which it is appurtenant, unless with a recommendation from the Public Works Director and Building Official, the Board of Mayor and Aldermen authorize in writing an alternative location for such loading or unloading. Unless otherwise specified in this ordinance, loading, unloading,

or standing space shall be provided according to the use as recommended by the Public Works Director and Building Official.

1.37.04

ACCESS WAYS: Developers of public/quasi-public uses, multi-family residential uses, all commercial uses and all industrial uses shall control access along arterial streets upon which the use abuts in accordance with the following regulations:

- A. Access Barrier:** Each lot, with its buildings, other structures and parking and loading areas shall be physically separated from each adjoining street by a curb or other suitable barrier against unchannelled motor vehicle ingress or egress. Except for the accessways permitted below, such barrier shall be continuous for the entire length of any lot line adjoining a street.
 - B. Number of Accessways Per Lot:** A minimum of one accessway per lot, or one accessway for every 100 feet of street frontage.
 - C. Width of Accessways:** The width of any accessway shall not be less than 20 feet. The alignment of accessways shall be approved in accordance with Site Plan Review procedures specified under Section 1.600.21.
 - D. Distances between Accessways and Minimum Setbacks from Street Intersections:** The spacing of accessways shall conform to the following: (1) at its intersection with the lot line, no part of any accessway shall be nearer than 20 feet to any other accessway on the same lot, nor shall any part of the accessway be nearer than ten feet to any side or rear property line; (2) at intersections with other streets, no part of an accessway shall be permitted within 50 feet of the intersecting streets right-of-way line; and (3) no part of an accessway shall be permitted within a corner radius.
 - E. Reduction of Traffic Hazards at Accessways:** Accessways shall be constructed so that vehicles will not have to back into the roadway. In addition, the location and number of accessways shall be so arranged that they will reduce the possibility of traffic hazards as much as possible.
- 3. Corridor Accessways:** Accessways along the defined corridors will be limited to rear access except for public streets. Access cannot be obtained directly from the corridor.

SECTION 1.40 - NONCONFORMITIES

1.40.01 PURPOSE OF THIS ARTICLE: It is the intent of this ordinance to permit nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

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.

1.40.02 CERTIFICATION OF NONCONFORMITIES:

A. Status for Violations of the Zoning Code: The Zoning Administrator may upon his own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Administrator, who shall maintain as a public record a file of all such certificates."

1. Illegal Zoning Code Violations. Illegal violations are subject to orders to cease, to prosecution and penalties, and to court ordered termination, without recognition of hardship to owners to cease the illegality.

2. Nonconformities are legal violations of the current zoning ordinance. A structure, building or use built or installed under the terms of a permit is legally built and conforming to the zoning ordinance in effect when the permit application was approved. Thereafter, those parts of an approved project not in compliance with changes in the ordinance become violations of the changed zoning ordinance.
3. Nonconformities Under Prior Zoning Ordinances. Nonconformities that were nonconforming under any prior zoning ordinance are lawful under the current zoning ordinance. Their rights, duties, and limitations of nonconformity are those granted or authorized by the current zoning ordinance to all nonconformities. If no zoning regulations were in effect when a use was created or a building or structure was erected or a lot was created and recorded as a lot or record and such use, building, structure or lot does not conform to the provisions of the current zoning ordinance, it is nonconforming under the current zoning code.
4. An illegality is an illegal violation of the zoning ordinance in effect at the time it occurred or was established and not when it was discovered. If the public authority has no record of its establishment or construction, the owner must prove its legality. If an illegality built under a prior zoning ordinance were to become conforming current zoning code provisions, it is still subject to prosecution under the prior zoning provisions.
5. Bona fide minor errors in mislocation of a structure that were overlooked during review of a permit application or that were discovered during or after construction creates an illegality that must be corrected by the applicant. But moving a building one foot due to insufficient width of zone yard is an impractical hardship. Thereby, a zoning ordinance might provide a special procedure that allows changes of this illegality to a legal nonconformity. If the mislocation in dimension is 10 percent or less of the requirement, it might be waived administratively by the zoning administrator; errors greater than 10 percent would be decided by the Zoning and Planning Commission after the usual public notice and hearing.

6. A lot or situation that is rendered virtually unbuildable but conforming by a change in the zoning code is allowed to seek a variance or exception from current code requirements to allow reasonable use of the lot. The deciding authority is guided by standards listed in the zoning code that avoid or minimize adverse impact on adjoining properties and on neighborhood character and that minimize environmental damage. For example, zoning code provisions that are changed to prohibit construction on slopes of greater than a specified average degree of steepness, a special exception could be sought to allow reasonable use of a specific lot now rendered unbuildable by these changes, by approval of a site plan that provides best available environmental protection of the hillside.

B. Changes That Create Nonconformities:

1. Change in the text of the zoning code in which the zoning district on the property is not changed but changes, additions or deletions are made to uses allowed and to dimensional requirements for signs, parking, loading, buffers, zone yards and setbacks, maximum height, maximum dwelling density, Floor Area Ratio or open space. Nonconformities are created where such changes apply to specific lots, tracts or parcels and any uses or structures on them.
2. Change in the zoning map can create nonconformities for lots, uses or structures existing when the change occurs, since the regulations of the new zone district differ from the prior zoning. Changes in zone district on property can take place by: a rezoning of property based on an application submitted for rezoning which application was approved in which the property is located; by creation of a new jurisdiction that imposes its own and zoning is replaced by that of another jurisdiction.
3. The cut-off step in the permit approval process after which code changes are grandfathered for a project submitted and approved for zoning permits must be identified in the zoning code nonconformity provisions. The earlier in the sequence of steps of development approval the cut-off step is established, less hardship is created to plans in progress since changes to the conforming code provisions can be less expensively made, but more nonconformities are created on

the ground. These projects thereafter are legally nonconforming for the new changed code provisions and are allowed to be built and occupied as such. Development applications that have not yet reached the cut-off step must be revised to reflect the changed zoning provisions. Recent codes accept final plan approval or use permit approval and allow the structure to be built and uses installed as a nonconformity. The cut-off must occur before expiration of the last working day prior to the effective date of the code provision at the close of business hours of the zoning office.

4. Construction of a development with an approved nonconformity in the plans must be completed within a certain time period set forth in the zoning ordinance. Many codes require a development with nonconformities to be completed within one or two years after final plan approval or within any lesser time period required for building permits for the type of structure proposed.

1.40.03

TYPES OF NONCONFORMITIES: Where the definition of a nonconformity has been given in Section 21 and under Section 40, such nonconformities shall be further defined according to one of the types of nonconformities listed below, or combination thereof, for the purpose of regulation.

- A. **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 Yazoo 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.
4. **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.
- C. **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.

D. Classification of Nonconforming Uses and Structures:

Nonconforming uses and structure are those that do not conform to a provision or requirement of this ordinance but were lawfully established prior to the time of its applicability. Upon findings that continuance thereof would not be contrary to the public health, safety or welfare, or the spirit of this ordinance, that the use or structure does not and is not likely to significantly depress the value of nearby properties, that the use or structure was lawful at the time of its inception and that no useful purpose would be served by street application of the provisions or requirements of this ordinance with which the use or structure does not conform.

1.40.04 REGULATIONS CONCERNING NONCONFORMING UNDEVELOPED LOTS OF RECORD

- 5. Erection of Single-Family Dwellings Allowed on Single Nonconforming Undeveloped (or Vacant Lots of Record in Separate Ownerships:** In any district in which single-family dwellings are permitted, a single-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. Such lots must be in SEPARATE OWNERSHIP and not of continuous frontage with other lots in the same ownership. 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:

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.

Variance of yard requirements shall be obtained only through actions of the Planning Commission and the Board of Mayor and Aldermen (See Sections 1.600.10 and 1.600.16 of this ordinance).

(NOTE: Subsection 1.40.03-A provides the explicit guarantee that a single-family dwelling can be erected on any lot of record in a district where single-family dwellings are permitted, provided that yard and other requirements NOT INVOLVING AREA OR WIDTH are met. This complies with the established legal principle that an individual must be allowed to do something with his lot. Furthermore, if such lot is too narrow to build a house and yet provide the side yards specified for a particular district, the correct

procedure would be for the individual owning the lot to apply for a building permit to the Zoning Administrator. The Zoning Administrator, however, has no discretion in the matter and must refer the request to the Board of Mayor and Aldermen for a determination as to whether a Variance should be allowed.)

- B. Two or More Nonconforming Undeveloped (or Vacant) Lots of Record with Continuous Frontage Changing Ownership After the Effective Date of This Ordinance:** If two or more undeveloped (or vacant) lots in single ownership with continuous frontage are “of record” at the time of enactment of this ordinance, and if, subsequent to the passage of this ordinance, such lots become non-conformities in the district where they are located; and if such lots change ownership (except by inheritance or as a gift) after the enactment of this ordinance, the lands involved shall be considered as UNDIVIDED PARCEL for the purposes of this ordinance; and no portion of said parcel shall be used in a manner which diminishes compliance with the lot width and/or lot area requirements established by this ordinance, nor shall any division of any parcel be made that creates a lot width or area (or both) below the requirements stated in this ordinance.

The provisions of this subsection shall not apply to two or more undeveloped lots of record in single ownership with continuous frontage which remain in the same ownership (or if the lots are conveyed by inheritance or as a gift) following enactment of this ordinance. Such lots not changing ownership shall continue to be considered divided parcels; and the owner of such lots may erect single-family dwellings on each lot in districts where single-family dwellings are permitted, subject to the regulations imposed by subsection 1.40.03-A. However, further division of such nonconforming lots of record shall be prohibited.

(NOTE: Subsection 1.40.03-B is intended to prevent the construction of dwelling units at too high a density by individuals purchasing two or more nonconforming vacant lots in continuous frontage after the effective date of this Ordinance. At the same time, it is intended to avoid undue harshness with regard to persons who owned such lots prior to the effective date of this Ordinance.)

C. AVERAGE DEPTH OF FRONT YARDS:

1. **Interior Lots** in R-1 and R-2 Residential Districts where the average depth of two or more existing front yards, on lots within 150 feet in either direction of the lot in question and within the same block front, is less than the required

minimum front yard, the depth of the front yard on such lot shall not be less than the average depth of said existing front yards or the average depth on the two lots immediately adjoining; provided, however, that the depth of a front yard in any “R” district shall be at least ten feet.

2. **Corner Lots** in R-1 and R-2 Residential Districts where the average depth of two or more existing front yards, on lots within 150 feet of the lot in question and within the same block front, is less than the required minimum front yard, the depth of the front yard on such lot shall not be less than the average depth of said existing front yards or the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard in any “R” District shall be at least ten feet and not block the line of sight for motorists.

1.40.05

REPAIRS AND MAINTENANCE OF NONCONFORMING STRUCTURES AND/OR STRUCTURES CONTAINING NONCONFORMING USE:

On any nonconforming structure and/or a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on wiring, or plumbing, to an extent not exceeding 10 percent of the current replacement cost of the nonconforming structure (to provide the normal upkeep type maintenance plus minor alterations and modernization) and/or such structure containing a nonconforming use, provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure and/or a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located. (Note: This provision is intended to reinforce the Standard Building Ordinance adopted by the City of Yazoo City.)

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.

- 1.40.06 REGULATIONS CONCERNING SIGNS AS NONCONFORMING STRUCTURES AND/OR NONCONFORMING LAND USES:** See *Sign* chapter of this ordinance for regulations concerning nonconforming signs.
- 1.40.07 PERMITTED CONDITIONAL USES CONSTITUTE CONFORMING USES:** Any land use which is permitted as a conditional use in a particular district under the terms of this ordinance (OTHER THAN APPROVAL BY ACTION OF THE BOARD OF MAYOR AND ALDERMEN ALLOWING A CHANGE FROM A NONCONFORMING LAND USE TO ANOTHER NONCONFORMING USE shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

SECTION 1.45 GENERAL REGULATIONS FOR MANUFACTURED HOMES

- 1.45.01 Purpose of Manufactured Homes:** This ordinance recognizes and declares that manufactured homes offer affordable housing opportunities for some Yazoo City residents. It is the intent of this section to allow for the provision of needed and properly planned locations for manufactured housing as defined in this ordinance. It is the purpose here to provide an alternative form of affordable housing in certain residential districts where it is determined that manufactured housing is compatible with surrounding residential areas. Manufactured housing may be allowed in certain residential district to relieve hardship situations. It also may be allowed for the replacement of dilapidated or otherwise poor housing, to place manufactured homes on vacant/undersized lots, and to provide for people needing close attention and care. Mobile homes are not permitted since they do not meet the HUD Code and present safety hazards.
- 1.45.02 Installation of Manufactured Homes:** Manufactured homes must be installed by a licensed installer/transporter licensed by the State Fire Marshal's Office and tied down properly in order to make sure that the home remains stable during a storm. All manufactured homes must be installed/tied down according to one of the following means:
- As described in the installation manual that came with the mobile home, or

- If no manual is available, then use minimum standards available from the State Fire Marshal's Office or from the Building Inspector's Office.

1.45.03 Manufactured Home Foundations: All manufactured homes shall be placed on a permanent foundation required by 42 U.S. Code 5401 et. Sec. (preferred) or by a standard blocking procedure using at least a 2 foot by 2 foot concrete pad.

1.45.04 Skirting around Manufactured Homes: Skirting shall be provided around the bottom of all sides of manufactured homes in the form of brick or stone, solid wood (not lattice work), solid metal, or vinyl.

1.45.05 Manufactured Home Zoning District Locations Permitted: Manufactured homes are permitted outright in Manufactured Home Park Residential Districts and Mixed Use Residential Districts, but may be permitted by Special Exception in R-3 Medium-Density Residential Districts, R-4 Multi-family Residential Districts, and C-1 Neighborhood Commercial Districts.

1.45.06 Use of Manufactured Homes in Hardship, Temporary, or Emergency Situations: Special exception situations related to manufactured homes include the following:

1. Cases in which a manufactured home is needed in order for a person or family member to take care of another family member by reason of advanced age, physical disability, medical or mental problems/hardships.
2. Cases involving financial hardships. Final determination of financial hardship must be made by the Board of Mayor and Aldermen.
3. Cases in which a property owner wishes to build his home on a lot while temporarily living in a manufactured home. A one-year time limit is required on each such special exception.
4. Cases in which an owner wishes to rebuild his home damaged by fire or natural disaster while temporarily living in a manufactured home. A one-year time limit is required on each such special exception.
5. Cases where emergency housing is needed.

1.45.07 Application Procedures for Manufactured Homes by Special Exception: See Section 1.600.15 of this ordinance.

ARTICLE IV

ESTABLISHMENT OF ZONING DISTRICTS; PROVISION FOR OFFICIAL ZONING MAP; REGULATIONS FOR ZONING DISTRICTS

SECTION 1.100 - ZONING DISTRICTS

For the purpose of promoting public health, safety, morals, or general welfare, the City of Yazoo City, Mississippi, is hereby divided into the following zoning districts:

- A-1 Agricultural/ Rural District
- R-E Residential Estate
- R-1 Single-Family Residential District (12,000 sq. ft.)
- R-2 Single-Family Residential District (8,000 sq. ft.)
- R-3 Medium Density Residential District (3,500 to 6,000 sq. ft)
- R-4 Multi-Family Residential District
- RM Manufactured Home Residential District
- R-MX Mixed Use Residential District
- PUD Planned Unit Development District
- HC-1 Historic Commercial District
- C-1 Neighborhood Commercial District
- C-2 Central Business District
- C-3 General Highway Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- S-1 Special Use Retirement Village District
- S-2 Special Planned Highway Corridor District
- S-3 Special Use Medical Services District
- P-1 Public/Quasi-Public Use
- F-1 Floodplain District

SECTION 1.101 - OFFICIAL ZONING MAP

The City of Yazoo City is hereby divided into zones or districts and the aforesaid zoning districts are identified and delineated on a map entitled "Official Zoning Map: City of Yazoo City, Mississippi", together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Zoning Ordinance.

- 1.101.01 **Map Certified:** The Official Zoning Map shall be identified by the signature of the Mayor of Yazoo City, and attested by the City Clerk, and shall bear the seal of the City under the following words:

"This is to certify that this is the Official Zoning Map of the City of Yazoo City, Mississippi, as adopted by the Board of Mayor and Aldermen. (Month, Day, Year)."

- 1.101.02 **Location of Official Zoning Map:** Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be prepared or printed, the Official Zoning Map bearing the certificate specified under Section 1.101.01 and located in the Yazoo City Hall of shall be the final authority as to the zoning status of land and water areas, buildings, and other structures in the City of Yazoo City.
- 1.101.03 **Public Inspection of Map:** The Official Zoning Map shall be available for public inspection as provided by law during normal business hours of the City Hall of Yazoo City.
- 1.101.04 **Map Amendment:** If, in accordance with the provisions of this Ordinance and Statutes of the State of Mississippi, changes are made in the zoning district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made WITHIN THIRTY (30) DAYS AFTER THE AMENDMENT HAS BEEN APPROVED by the Board of Mayor and Aldermen. A record of each change or amendment shall be kept by the Zoning Official and the City Clerk
- A. Since the Official Zoning Map is part of this Ordinance, any amendments to the Official Zoning Map shall be accomplished in accordance with state statutes relating to passage of ordinances. Therefore, before the Official Map may be amended, an "Ordinance of Rezoning" shall be drafted and passed by the Board of Mayor and Aldermen in accordance with state law.
- B. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 1.600.30.

SECTION 1.102 - REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret, the Board of Mayor and Aldermen (by ordinance), shall designate a new Official Zoning Map, which shall replace the prior zoning map. The new Official Zoning Map may correct drafting errors or other omissions on the

prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the City under the following words:

"This is to certify that this Official Zoning Map replaces the Official Zoning Map adopted as part of the Zoning Ordinance of the City of Yazoo City, Mississippi, on January 5, 2011."

SECTION 1.103 - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
- D. Where the boundary of a district follows a railroad right-of-way, such boundary shall be deemed to be located on the right-of-way line to which it is closest.
- E. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines. Boundaries indicated as following banks shall be construed to follow such shorelines, and in the event of change in the shoreline, shall be construed as moving with the actual shorelines.
- F. Boundaries indicated as parallel to or extensions of features indicated in Section 1.103, Subsections (a) through (h) above shall be so construed.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Section 1.103, the Zoning Administrator shall interpret the district boundaries.
- H. Where a district boundary line divides a lot which was in a single ownership at the time of passage or amendment of this Ordinance, the

Board of Mayor and Aldermen may permit, as a special exception, the extension of the use not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

SECTION 1.150 - (A-1) AGRICULTURAL/ DISTRICT

1.150.01 PURPOSE OF THIS DISTRICT: The purpose of this district is to conserve land for agricultural use, to prevent the premature development of land, and to prevent urban and agricultural land use conflicts. It is the intent of this Ordinance that such districts be located primarily in those areas of the City of Yazoo City that are not served by the public sewer system. It is further the intent of this Ordinance to prevent disorderly scattering of residences on small lots and to prevent the establishment of other urban land uses that would require unreasonable expenditures for public improvements and services.

1.150.02 LAND USES PERMITTED:

- A. Single-family detached dwellings. Only one principal dwelling per lot may be erected in A-1 districts.
- B. Accessory buildings and structures associated with the use of the land for residential purposes. See Section 1.31.05: Accessory Buildings or Uses.
- C. Breeding, raising, and feeding of livestock (i.e., horses, cattle, sheep, goats, mules, pigs, etc.), provided that each such animal herein defined as "livestock" shall be kept on a tract or lot of three acres of land or greater for each such animal. Barns, pens, corrals, and other buildings or enclosures for the keeping of livestock are permitted accessory uses, provided that such buildings or enclosures (excluding open pastures) are located no closer than 150 feet from any adjoining property lines or existing street right-of-way line. However, in accordance with the Animal Control Ordinance of the City of Yazoo City, no hogs, pigs, or other swine shall be kept inside the City of Yazoo City.
- D. Breeding, raising and feeding of chickens, ducks, turkeys, geese, or other fowl, provided that if more than two such fowl are kept on any lot, they shall be kept at least 150 feet from any adjoining property line or existing/proposed street right-of-way line.

- E. Forestry and horticultural uses. The sale of vegetables, fruits and other plants on the premises of a lot in an A-1 zone shall only be allowed if permitted as a special exception (see Section 1.600.18).
- F. Public or private recreational or open space facilities, excluding country clubs, which shall be regulated as public/quasi-public facilities or utilities subject to the provisions of Section 1.33 of this Ordinance.
- G. Home occupations in compliance with Section 1.35 of this Ordinance.

1.150.03 SPECIAL EXCEPTIONS AS PROVIDED IN SECTION 1.600.15:

- A. Public or quasi-public facilities and utilities in compliance with Section 1.33 and other regulations of this Ordinance.
- B. Child care facilities.
- C. Inns or "bed and breakfast inns".
- D. Stables and riding academies, providing that there shall be at least three acres of land for each horse normally kept on the premises.
- E. Plant nurseries and other horticultural uses where vegetables, fruit and other plants are grown on the premises or brought to the premises and maintained there for the purpose of retail sales from said premises. Such other additional products shall be permitted to be sold from the premises as are customarily incidental to the operation of a plant nursery.
- F. Commercial catfish production.
- G. Extraction of minerals, including sand and gravel, provided that when "open-pit" operations are conducted, the operator must obtain required State of Mississippi permits and approvals and provide the Yazoo City Board of Mayor and Aldermen with written proof of same.
- H. Veterinary hospitals and kennels in compliance with the adopted Animal Control Ordinance of the City of Yazoo City.
- I. Animal cemeteries (small domestic animals such as cats and dogs).

1.150.04 DIMENSIONAL REQUIREMENTS:

- A. Maximum Building Height: There shall be no height limitations for barns and agricultural storage buildings provided they do not contain space intended for human occupancy. No habitable floor of any other building shall exceed a height of 35 feet above the finished ground elevation measured at the front line of the building.

- B. Minimum Lot Area:
 - 1. For lots where City of Yazoo City sanitary sewerage service is NOT available: three acres, subject to Yazoo County Health Department approval of all on-site wastewater disposal systems.
 - 2. For lots where City of Yazoo City sanitary sewerage service is available: one acre. However, if livestock and fowl are to be kept on the property, see Section 1.150.02 (c) and (d).

- C. Minimum Lot Width: 100 feet; however, see Section 1.150.02 (c) and (d) when livestock or fowl are to be kept on the premises.

- D. Minimum Yards:
 - 1. Front yard: 40 feet from the existing right-of-way line to the building setback line.
 - 2. Side yard and rear yards: 25 feet, except where Section 1.150.02 (c) or (d) requires a minimum yard of 150 feet from any adjoining property line.

- E. Maximum Buildable Area: No limitation on buildable area.

1.150.05 LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED:

Proposed land uses not specifically prohibited under the provisions of this subsection shall be subjected to administrative interpretation by the Zoning Administrator pursuant to section 1.600.08 of the Zoning Ordinance. A public hearing is required because Section 1.600.08 involves amending the text of the Zoning Ordinance.

SECTION 1.200 - (R-E) RESIDENTIAL ESTATE DISTRICT

1.200.01 **PURPOSE OF THIS DISTRICT:** The purpose of this district is to provide for large lot, low-density residential development for persons desiring the amenities afforded by more spacious surroundings. No R-E district shall be located in areas that do not have public sewerage.

1.200.02 **LAND USES PERMITTED:**

- A. Single-family detached dwellings with only one dwelling per lot.
- B. Accessory uses and structures associated with the use of land for residential purposes. See Section 1.31.05: Accessory Buildings or Uses.
- C. Horticultural uses not involving the sale of produce on the premises.
- D. Home occupations in compliance with Section 1.35 of this Ordinance.
- E. Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 1.33 of this Ordinance. All lakes associated with this or any other usage shall comply with the Subdivision Regulations found in this Ordinance.
- F. Breeding, raising, and feeding of grazing livestock (i.e., horses, cattle, sheep, goats, mules, etc.), provided that each such animal herein defined as “grazing livestock” shall be kept on a tract or lot of one (1) acre of land or greater (one acre of land per animal is required). Barns, pens, corrals, and other buildings or enclosures for the keeping of grazing livestock are permitted accessory uses, provided that such buildings or enclosures (excluding open pastures) are located no closer than 50 feet from any adjoining property lines or street right-of- way line. In accordance with the Animal Control Ordinance of the City of Yazoo City, no hogs, pigs, or other swine shall be kept inside the City of Yazoo City.

1.200.03 **SPECIAL EXCEPTIONS AS PROVIDED IN SECTION 1.600.15:**

- A. Public or quasi-public facilities and utilities in conformance with Section 1.33 and other regulations of this Ordinance.

- B. Child care facilities.
- C. Inns or "bed and breakfast inns."
- D. Breeding, raising and feeding of chickens, ducks, turkeys, geese, or other fowl, provided that if more than two (2) such fowl are kept on any lot, they shall be kept at least 150 feet from any adjoining property line or existing/proposed street right-of-way line.

1.200.04 DIMENSIONAL REQUIREMENTS:

- A. Maximum Building Height: 35 feet.
- B. Minimum Lot Area: One acre.
- C. Minimum Lot Width: 150 feet.
- D. Minimum Yards:
 - 1. Front yard: 35 feet from the existing or proposed street right-of-way line to the building setback line.
 - 2. Side yards: 10 feet, except where Section 1.200.03-D requires a greater setback.
 - 3. Rear yard: 25 feet, except where Section 1.200.03-D requires a greater setback.

1.200.05 SWIMMING POOLS: Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of ten feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fencing shall be at least four feet high (see Section 1.30 of this ordinance) and shall have a self-latching gate.

1.200.06 OFF-STREET PARKING REQUIREMENTS: See Section 1.37 for off-street parking and loading requirements for residential and other uses allowed in residential districts.

1.200.07 REQUIREMENTS REGARDING EXISTING NARROW STREETS AND PROPOSED NEW STREETS: See the Subdivision Regulations.

1.200.08 **SIGNS:** See the Sign Ordinance.

1.200.09 **LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED:** Proposed land uses not specifically prohibited or permitted under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 1.600.08 of the Zoning Ordinance. A public hearing is required because Section 1.600.08 involves amending the text of the Zoning Ordinance.

SECTION 1.210 - (R-1) SINGLE-FAMILY RESIDENTIAL DISTRICT

1.210.01 PURPOSE OF THIS DISTRICT: The purpose of this district is to promote the preservation and establishment of areas of low density residential development with a minimum lot size of 12,000 square feet. No R-1 districts shall be located in areas that do not have public sewer. All family dwellings shall have driveways made of concrete or asphalt.

1.210.02 LAND USES PERMITTED:

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Accessory uses and structures associated with the use of the land for residential purposes. See Section 1.31.05: Accessory Buildings or Uses.
- C. Horticultural uses not involving the sale of produce on the premises.
- D. The keeping of animals in compliance with the City of Yazoo City Animal Control Ordinance.
- E. Home occupations in compliance with Section 1.35 of this Ordinance.
- F. Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 1.33 of this Ordinance.

1.210.03 SPECIAL EXCEPTIONS AS PROVIDED IN SECTION 1.600.15:

- A. Public or private recreational or open space facilities, excluding country clubs and the like that shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 1.600.18 of this ordinance. All lakes associated with this or any other usage shall comply with the Yazoo City Subdivision Regulations.
- B. Child care facilities.
- C. Inns or “bed and breakfast inns.”

- D. Railroads and railroad spur tracks.
- E. Personal Care Homes.

1.210.04 DIMENSIONAL REQUIREMENTS:

- A. Maximum Building Height: 35 feet.
- B. Minimum Lot Width: 90 feet.
- C. Minimum Lot Area: 12,000 square feet.
- D. Minimum Yards:
 - 1. Front yard: 40 feet from the street right-of-way line to the building setback line.
 - 2. Side yard: 10 feet.
 - 3. Rear yard: 25 feet.

1.210.05 SWIMMING POOLS: Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of 5 (five) feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four feet in height and shall have a self-latching gate.

1.210.06 OFF-STREET PARKING REQUIREMENTS: See Section 1.37.

1.210.07 SIGNS: See Sign Section in this Ordinance.

1.210.08 LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED:

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 1.600.08 of the Zoning Ordinance. A public hearing is required because Section 1.600.08 involves amending the text of the Zoning Ordinance.

SECTION 1. 220 - (R-2) SINGLE- FAMILY RESIDENTIAL DISTRICT

1.220.01 PURPOSE OF THIS DISTRICT: The purpose of this district is to provide areas for the development of medium density, single-family detached dwellings and related compatible uses in relatively spacious surroundings that provide ample, usable open space for leisure time activities. No R-2 district shall be located in areas that do not have public sewerage. All family dwellings shall have a driveway made of concrete or asphalt.

1.220.02 LAND USES PERMITTED:

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Accessory uses and structures associated with the use of the land for residential purposes. See Section 1.31.05: Accessory Buildings or Uses.
- C. Horticultural uses not involving the sale of produce on the premises.
- D. The keeping of animals in compliance with the City of Yazoo City's Animal Control Ordinance.
- E. Home occupations in compliance with Section 1.35 of this ordinance.

1.220.03 SPECIAL EXCEPTIONS AS PROVIDED IN SECTION 1.600.15:

- A. Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 1.33 of this ordinance. All lakes associated with this or any other usage comply with the Yazoo City Subdivision Regulations found in this Ordinance.
- B. Child care facilities.
- C. Inns or "bed and breakfast inns."
- D. Railroads and railroad spur tracks.
- E. Personal Care Homes.

1.220.04 DIMENSIONAL REQUIREMENTS:

- A. Maximum Building Height: 35 feet.
- B. Minimum Lot Area: 8,000 square feet.
- C. Minimum Lot Width: 75 feet.
- D. Minimum Yards:
 - 1. Front yard: 30 feet from the street right-of-way line to the building setback line.
 - 2. Side yards: 10 feet.
 - 3. Rear yard: 25 feet.

1.220.05 SWIMMING POOLS: Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of five feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four feet in height and shall have a self-latching gate.

1.220.06 OFF-STREET PARKING REQUIREMENTS: See Section 1.37 for off-street parking and loading requirements for residential and other uses allowed in R-2 districts.

1.220.07 SIGNS: See Sign Ordinance

1.220.08 LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subjected to administrative interpretation by the Zoning Administrator pursuant to section 1.600.08 of the Zoning Ordinance. A public hearing is required because Section 1.600.08 involves amending the text of the Zoning Ordinance.

SECTION 1.230 - (R-3) MEDIUM DENSITY RESIDENTIAL DISTRICT

1.230.01 **PURPOSE OF THIS DISTRICT:** The purpose of this district is to provide areas for the development of single-family detached and attached (duplexes) houses on smaller lots in which site use efficiency is achieved through design and planning controls including relaxing one side yard requirement. Through design and planning controls, higher densities can be accommodated without sacrificing usable open space, privacy or environmental quality (up to eight dwelling units per acre).

This district is also designed to provide suitable areas for high density residential development where sufficient urban facilities are available or where such facilities will be available prior to development. Most generally this district will be characterized by such residential structures as single-family detached homes (zero lot line homes and patio homes) and single-family attached dwellings (duplexes, townhouses, and multi-family dwellings).

However, it is the intent of this ordinance to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. This district is intended also to permit community facility and public utility installations that are necessary to service and do service specifically the residents of the district, or which installations are benefitted by and compatible with a residential environment.

It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise. However, special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

1.230.02 **LAND USES PERMITTED:** The following uses and their accessory uses are permitted in R-3 districts:

- A. Patio home dwellings.
- B. Zero lot line dwellings.
- C. Townhouse dwellings.

- D. Duplex/two-family dwellings.
- E. Board and rooming houses.
- F. Customary accessory buildings including private garages and non-commercial workshops provided they are located in the rear yard and not closer than eight feet to any lot line. See Section 1.31.05: Accessory Buildings or Uses.
- G. Home occupations in compliance with Section 1.35 of this Ordinance.
- H. Essential public transport, communication, government, and utility services.
- I. Horticultural uses not involving the sale of produce on the premises.
- J. The keeping of animals in compliance with the City of Yazoo City's Animal Control Ordinance.
- K. Manufactured Homes are permitted if there are existing manufactured homes (two or more) within a five hundred (500) foot area around the proposed location site. Applicant must submit petition sign by surrounding property owners (including street addresses and telephone numbers. See Section 1.45 of this ordinance and City Building Official for permitting and installation instructions.

1.230.03

SPECIAL EXCEPTIONS AS PROVIDED IN SECTION

1.600.18: In the R-3, Medium-density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 1.600.09.

- A. Public or quasi-public facilities and utilities in conformance with Section 1.33 and other regulations of this Ordinance.
- B. Community Assembly.
- C. Religious Facilities.
- D. Educational Facilities.
- E. Cultural and Recreation Services.

- F. Planned developments as regulated in Section 1.275.
- G. Associations for physically or mentally handicapped persons.
- H. Family and Group Care facilities.
- I. Nursing Homes.
- J. Retirement or Rest Homes.
- K. Orphanages.
- L. Family Day Care Home.
- M. Administrative Services.
- N. Mobile home parks as regulated in Section 1.250.
- O. Radio and television towers, transmission facilities, water storage facilities, and water and sewage treatment plants.
- P. Family day care home.
- Q. Manufactured Homes under hardship situations. See Section 1.45 of this ordinance.

1.230.04 **USES PROHIBITED:** Uses not specifically permitted or uses not permitted on approval as a special exception.

1.230.05 **DIMENSIONAL REQUIREMENTS:**

- A. **Minimum Lot Size:**

Area - Patio home dwellings	6,000 sq. ft.
- Zero lot line dwellings	6,000 sq. ft.
- Duplex dwellings	12,000 sq. ft.
- Townhouse end dwellings	6,000 sq. ft.
- Townhouse interior dwellings	3,500 sq. ft.
Area Per Family - Patio home dwellings	6,000 sq. ft.
- Zero lot line dwellings	6,000 sq. ft.
- Duplex dwellings	6,000 sq. ft.
- Townhouse	3,500 sq. ft.

Lot Width at Building Setback Line

- Patio Home 60 ft.
- Zero Lot Line Dwellings/
Duplexes 75 ft./37.5 ft. for each
duplex dwelling
- Townhouse Dwellings 75 ft.

B. Minimum Size of Development: Five acres.

C. Minimum Yard Requirements:

1. Front Yard: 25 feet from the right-of-way line to the building setback line.
2. Side Yard: 7 ½ feet for patio homes, duplexes, and zero lot line homes; 15 feet for townhouses and multi-family dwellings.
3. Rear Yard: 20 feet.

D. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed 50 percent of the total area of such lot or parcel.

E. Maximum Height Requirements: No building shall exceed three stories or 35 feet in height, except as provided in Section 1.31.07. In no case shall F.A.A. glide path building height restrictions be exceeded.

1.230.05 **SWIMMING POOLS**: Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of five feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four feet in height and shall have a self-latching gate.

1.230.06 **OFF-STREET PARKING REQUIREMENTS**: See Section 1.37 for off-street parking and loading requirements for residential and other uses allowed in R-2 districts.

1.230.07 **SIGNS**: See Sign Ordinance.

1.230.08 **REQUIRED LANDSCAPING ALONG ARTERIAL STREETS**: The developer of any subdivision in an R-3 zone shall comply with the Landscaping Ordinance (if any) for the City of Yazoo City regarding the provision of landscaping along arterial streets upon

which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with SECTION 1.33.

- 1.230.09** **REQUIRED RESERVATION OR DEDICATION OF OPEN SPACE FOR PATIO HOME SUBDIVISIONS:** Where a developer proposes a patio home subdivision, the developer shall provide common open space amounting to 20 percent of the total gross area of the subdivision. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the patio home subdivision. However, public streets, parking lots and utility easements shall not be considered in meeting the open space requirements of this Section. The area from the back of curb to the right-of-way/property line can be considered green space only if the developer is providing improvements such as sidewalks, street trees, fencing, etc. The development plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.
- 1.230.10** **MAXIMUM AMOUNT OF COMMON OPEN SPACE COVERED BY WATER:** No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.
- 1.230.11** **STEEP SLOPES:** In reviewing the preliminary subdivision plat for a proposed patio home subdivision, the Planning and Zoning Board shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Planning and Zoning Board shall make a recommendation to the Mayor and Board as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.
- 1.230.12** **PHYSICAL IMPROVEMENTS:** Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Mayor and Aldermen as part of the preliminary subdivision plat review process. All open space improvements shall be shown on the sketch subdivision plat or development plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian or bicycle trails, tennis

courts, recreational buildings and swimming pools or similar facilities.

1.230.13

STAGED DEVELOPMENT OF A PATIO HOME

SUBDIVISION: If a patio home subdivision is to be developed in stages or parts, ten percent of EACH PART must be reserved for open space. However, in order to provide usable open space, the amount reserved shall not be less than three quarters (3/4) acre. Thus, if a developer proposes to ultimately develop 20 acres of land for patio homes and the first phase will only contain three acres, the developer must reserve at least (3/4) acre for open space for the first part---even though 20 percent of three acres is less than 3/4 acre.

1.230.14

PERFORMANCE BOND: Prior to the sale of any lot in a patio home subdivision, the developer may be permitted, at the discretion of the Board of Mayor and Aldermen to post with the City a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The Street Superintendent, the Building Official, and the City Engineer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

1.230.15

MAINTENANCE/LIABILITY IN THE OPERATION AND USE OF COMMON OPEN SPACE AND RECREATION AREAS NOT DEDICATED TO THE CITY OF YAZOO

CITY: Authority granted by the City of Yazoo City for the development of a patio home subdivision shall not be construed as nor constitute an obligation on the part of Yazoo City either for maintenance or liability in the operation and use of common open space and recreational facilities located in the subdivision. At the time the final subdivision plat is submitted for the patio home subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes, and maintenance of open space and other common facilities shall rest with the owners of the several lots or parcels of land located within the patio home subdivision. In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years. See also the Homeowners Association language in the PUD section.

1.230.16 **SPECIAL PROVISIONS FOR PARTY WALLS:** Within the R-3 zoning district zero-lot line dwellings may be located upon appropriate zone lots, and such dwellings may be subdivided by party wall into two separate zone lots, provided that a preliminary subdivision plat of such development or conversion is approved by the Planning and Zoning Board along with the necessary subdivision plat(s). Moreover, two separate personal, professional, and/or business service oriented land uses connected by a zero lot line may be located on two separate zone lots, being adjoined together by party wall within commercial, or professional and office zoning districts, provided that a plot plan of such development or conversion is approved by the Board of Adjustment along with the necessary subdivision plat(s). In granting approval of the plot plan, the Planning and Zoning Board shall be guided by the following criteria:

- A. Other than the zero lot line separating the two dwelling units, office units, commercial units or zone lot, all other minimum lot, yard, and density requirements of the zoning district shall be met.
- B. No zero side yards shall be adjacent to any public or private right-of-way.
- C. No portion of a dwelling or architectural features of a structure shall project over any property line.
- D. Where the same interior property line is utilized for the zero side yard construction of any dividing structure, such dividing structure shall consist of double walls separated by a minimum air space of two inches.
- E. Where the same interior property line is utilized for the construction of any zero side yard structure, all the provisions of the Building Code shall be met, and all such fire walls shall have a rating of not less than two hours duration.
- F. At all points of attachment, such buildings shall be separated from each other by firewalls extending from footings to the underside of the roof deck without openings that would permit the spread of fire.
- G. Individual water and sewer services for each zone lot shall be required.
- H. All the requirements of the Yazoo City Subdivision Regulations shall be met.

- I. All current requirements of the fire Ordinance must be satisfied.

1.230.17 DEED COVENANT REQUIREMENTS: Other information that shall be provided relating to deed covenants is as follows:

- A. An agreement covering the status, including the ownership, maintenance, etc., of the common wall separating the units or zone lots.
- B. Adequate language to assure proper maintenance etc., of any portion of the structure where maintenance must be shared (ex. common roof).

If the correction of a maintenance problem incurred in the dwelling unit or structure on the zone lot on one parcel necessitates construction work or access on the dwelling unit or structure of the other parcel, either parcel owner shall have an easement on the property of the other for the purpose of this construction. Each party shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the others under any rule or law requiring liability for negligent or willful acts or omissions.

- C. Adequate language to assure that any property divided under this provision shall be continuously subject to the unified plan under which it was originally approved. Such language shall so specifically include clear and precise statements whereby the purchaser is informed that the property may not be used in any manner that would have the effect of negating the unified plan under which original approval was granted and language indicating that the purchaser of any such parcel understands that in no instance within any R-3 zoning district will any such parcel or zone lot be viewed as a separate independent parcel for zoning purposes, other than for the purpose or specific use under which said parcel was originally approved. In relation to commercial and professional and office zero lot line developments, the variation in the setback requirements as cited within the appropriate zoning district shall apply only to the project as originally approved.
- D. Adequate language covering any and all cross access and utility easements as are necessary to assure the proper use and maintenance of all ingress and egress areas, as well as all utility services.

- E. If a fire wall is destroyed or damaged by fire or other casualty, any owner may restore it and if the other owners thereafter make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the others under any rule or law requiring liability for negligent or willful acts or omissions.

Either parcel owner shall have an easement on the property of the other for the purpose of reconstruction and protection of the remaining unity from the elements.

**1.230.18 DEVELOPMENT STANDARDS THAT APPLY TO DUPLEX
RESIDENTIAL DWELLINGS, AS WELL AS ZERO LOT
LINE TWO-FAMILY DWELLINGS:**

- A. **Purpose:** The provisions set forth herein are intended to apply to all two-family detached dwellings (duplex and zero lot line two-family dwellings) as defined by this ordinance regardless of the district in which such use may be located. It is the express purpose of these provisions to establish design criteria and to provide for the implementing of these provisions by the planning staff in the review of the plot (site) plan required in Section 1.600.11 for all zero lot line two-family dwelling developments, or by way of appropriate notations, as well as by architectural and/or perspective illustrations if required by the Zoning Administrator or Board of Adjustment, in reviewing the required building permits or subdivision plats pertaining to duplex dwellings. Provided, however, that in any instance where this use is located within a planned unit development, this requirement may be fulfilled by submission of the plans required by the requirements as cited in Section 1.600.11.

B. **Design Criteria:**

1. All two-family detached units constructed on individual lots shall be designed to closely resemble in appearance the other housing units in the neighborhood. Particular attention should be paid to locating only one entrance door servicing the front of the structure.
2. Exterior building materials shall be of the same type and quality of other dwelling units in the neighborhood or on adjoining lots.

3. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, as well as the screening of objectionable views or uses, and the reduction of noise when required by the Zoning Administrator.
 4. The appearance and character of the site shall be preserved, as appropriate, and enhanced by retaining and protecting existing trees and other site features. Additional new plant material shall be added for privacy, to enhance the beauty of buildings and grounds, and to screen objectionable features.
- C. **Lots:** The minimum lot size required for any such dwelling shall be as stipulated by the development area per dwelling unit as provided in each respective district.
- D. **Parking:**
1. These requirements shall supplement the parking provisions contained in Section 1.37.
 2. No off-street parking areas shall be located in the front of the structure. Every effort shall be made to locate some of the required off-street parking in the rear yard, as well as in the side yard.
 3. Garages/carports are required and must be located in the rear of the dwellings.

1.230.19 LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 1.600.08 of the Zoning Ordinance. A public hearing is required because Section 1.600.08 involves amending the text of the Zoning Ordinance.

SECTION 1.240 -(R-4) MULTI-FAMILY RESIDENTIAL DISTRICT

1.240.01 **PURPOSE OF THIS DISTRICT:** The purpose of this district is to provide areas for the development of higher density multi-family (i.e., three or more) residential uses with adequate, usable open space to prevent overcrowding. It is the intent of this ordinance that these districts be care-fully located only in areas where the infrastructure of the City (i.e., the street/highway system, storm drainage and water and sanitary sewer systems) is adequate to serve such higher density housing. **NO SITE PLAN FOR THE DEVELOPMENT OF HIGH DENSITY MULTI- FAMILY RESIDENTIAL USES SHALL BE APPROVED BY THE BOARD OF MAYOR AND ALDERMEN UNLESS ALL SUCH INFRA-STRUCTURE IS ACTUALLY IN PLACE AT THE TIME OF SUCH SITE PLAN APPROVAL.**

The use of this district is appropriate as a transition between low density (R-1) or moderate density (R-2 or R-3) residential districts and higher intensity uses, such as commercial uses or limited industrial (I-1) uses, that are not compatible with lower density residential environment. Multi- Family Residential districts (R-4) shall have access directly onto streets/highways that are classified as principal arterials or minor arterials on the adopted Thoroughfares Plan; such access shall not be provided by means of a driveway through land zoned for other purposes or by means of a driveway through other property that is not a part of the proposed multi-family development.

All multi-family residential uses shall be properly landscaped and screened from other uses and access/egress to apartment or condominium complexes shall be provided in accordance with the landscaping chapter of this Ordinance.

Entrances to all units must be through an interior hallway. No outside entrance will be allowed including patio entrances on ground floors.

1.240.02 **LAND USES PERMITTED:** The following uses are permitted outright in R-4 districts subject to the regulations prescribed herein.

- A. Multi-family dwellings including apartments and condominiums as defined in the Definitions Section of this ordinance.
- B. Accessory uses or structures in multi-family residential complexes, including laundromats, vending machine centers, recreational

buildings, swimming pools, tennis courts, and similar uses and structures incidental to multi-family buildings. Such uses and structures shall be reserved exclusively for use by residents and guests of residents of the multi-family complex. See also Section 1.31.05: Accessory Buildings or Uses.

- C. The keeping of animals in compliance with the City of Yazoo City's Animal Control Ordinance.
- D. Home occupations in compliance with Section 1.35 of this ordinance.

1.240.03 SPECIAL EXCEPTIONS USES AS PROVIDED IN SECTION 1.600.18:

- A. Public or quasi-public facilities and utilities in compliance with Section 1.33 and other regulations of this ordinance.
- B. Child care facilities.
- C. Railroads and railroad spur tracks.
- D. Manufactured Homes under hardship situations. See Section 1.45 of this ordinance.

1.240.04 DIMENSIONAL REQUIREMENTS FOR ALL MULTI-FAMILY USES:

- A. Maximum Height: Two stories, unless additional stories are specifically approved by the Board of Mayor and Aldermen at the time the site plan is approved.
- B. Minimum Lot Area: Five acres, but not more than 20 acres and not adjacent to existing or proposed multi-family housing.
- C. Maximum Density: Ten dwelling units per gross acre.
- D. Minimum Lot Width: 200 feet at the required building setback line.
- E. Minimum Yards:
 - 1. Front yard: 200 feet from the right-of-way line. This yard shall be a landscaped open area with no encroachments

permitted including parking lots, patios or swimming pools, or other paved areas except for entrance/exit driveways.

2. Side and rear yards: 50 feet from each side lot line or rear lot line to any building, EXCEPT where a side or rear lot line abuts an R-1, R-2 district, in which case the side yard or rear yard shall be 100 feet from any building to the lot line abutting the R-1, or R-2 district. This yard shall be a landscaped open area with no encroachments permitted including driveways, parking lots, patios or swimming pools, or other paved areas.
3. Minimum Space Between Buildings: No principal building or accessory building shall be constructed nearer than 50 feet to any other principal building or accessory building.

1.240.05 REQUIREMENTS FOR OFF-STREET PARKING, LOADING

AND ACCESS: For reasons of fire safety all proposed apartment or condominium complexes shall provide at least two separate points of ingress/egress to/from the complex. Spacing requirements for these access points are provided under Section 1.37. Developers of any proposed apartment or condominium complex or permitted special exception shall comply with parking and loading requirements included under Section 1.37. All roads and parking areas shall be curbed and guttered.

1.240.06 SIGNS: See Sign Ordinance.

1.240.07 SITE PLAN REQUIRED: The developer of any apartment or condominium complex shall submit a site plan to the Board of Adjustment in accordance with Section 1.600.11 in this ordinance.

1.240.08 REQUIRED OPEN SPACE RESERVATION FOR ALL MULTI-FAMILY RESIDENTIAL DEVELOPMENTS: A minimum of 30 percent of the gross site area to be developed for a condominium or apartment complex shall be devoted to open space. In calculating this open space requirement, the front, side, and rear yards may be included. Parking lots and driveways, however, may not be included in calculating this required open space. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the apartments or condominiums. The site plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities. On-site maintenance, management and security is also required.

- 1.240.09** **MAXIMUM AMOUNT OF COMMON OPEN SPACE COVERED BY WATER:** No more than 50 percent of the required amount of open space may be covered by lakes or ponds.
- 1.240.10** **STEEP SLOPES:** In reviewing the preliminary subdivision plat for a proposed apartment or condominium complex, the Planning and Zoning Board shall determine if any land containing slopes of 12 percent or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Planning and Zoning Board shall make a recommendation to the Mayor and Board as to whether or not any steep sloped land should be approved for use in meeting the requirements of this Section.
- 1.240.11** **PHYSICAL IMPROVEMENTS:** Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Mayor and Aldermen as part of the site plan review process. All open space improvements shall be shown on the site plan. Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.
- 1.240.12** **STAGED DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL DEVELOPMENT:** If a multi-family residential development is to be developed in stages or parts, 30 percent of the gross site area of each part shall be reserved for open space.
- 1.240.13** **PERFORMANCE BONDS:** Prior to the sale of any condominium or the rental/ lease of any apartment, the developer may be permitted, at the discretion of the Board of Mayor and Aldermen, to post with the City a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). The Street Superintendent, the Building Official, and the City Engineer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.
- 1.240.14** **REQUIRED LANDSCAPING ALONG ARTERIAL STREETS:** Developers of multi-family residential uses in R-4 zones shall comply with the Landscaping Ordinance (if any) regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities or child care facilities shall also comply with Section 1.600.09.

1.240.15 **WATER AND SEWER CONNECTIONS:** Yazoo City Municipal Utilities will notify developer of water and sewer connections and type of meters.

1.240.16 **REFUSE COLLECTION FACILITIES:** The owner, or his authorized representative, of a multi-family residential development shall provide adequate refuse collection stations approved by the City of Yazoo City for the proper storage of all refuse produced by residents of the multi-family residential development, and shall be responsible for the cleanliness of the premises. The owner shall be responsible for the removal/collection of any refuse deposited at the collection stations.

1.240.17 **LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED**

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 1.600.08 of the Zoning Ordinance. A public hearing is required because Section 1.600.08 involves amending the text of the Zoning Ordinance.

**SECTION 1.250 - (R-M) MANUFACTURED HOME PARK RESIDENTIAL
DISTRICT (R-M)**

- 1.250.01 PURPOSE OF THIS DISTRICT:** The purpose of this district is to provide for properly planned manufactured home parks on medium lots. It is the intent of this Ordinance that these districts may be located only in such areas as to not adversely affect the established residential subdivisions and residential densities in the City. Such location, however, shall have necessary public services; a healthful living environment and normal amenities associated with residential zones and comply with all the ordinances and regulations of the City of Yazoo City.

(NOTE: This zone will be considered a “floating zone” and any person desiring to establish a manufactured home district would have to locate the development in a medium density residential district according to the Land Use Plan, which currently does not specifically identify areas for this type of business, and an amendment to the Official Zoning Map.)

1.250.02 LAND USES PERMITTED:

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Single-family manufactured homes, either owner-occupied or on a rental or lease basis.
- C. Home occupations in compliance with Section 1.35 of this ordinance.
- D. Accessory uses and structures as defined under Section 1.31.05 of this ordinance.
- E. The keeping of animals in compliance with the City of Yazoo City’s Animal Control Ordinance.
- F. Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 1.33 of this ordinance. Lakes deeded to a homeowner’s association shall comply with the Yazoo City Subdivision Regulations.
- G. Horticulture uses not involving the sale of produce on the premises.

1.250.03 SPECIAL EXCEPTIONS AS PROVIDED IN SECTION 1.600.15:

- A. Public or quasi-public facilities and utilities in compliance with Section 1.33 and other regulations of this Ordinance. An example of a quasi-public building in an R-M district might involve a manufactured home park owner who wishes to allow a civic club to use a building on the same property with the manufactured home park for meetings, etc.
- B. Railroads and railroad spur tracks.
- C. Child care facilities.

1.250.04 DIMENSIONAL REQUIREMENTS:

- A. Minimum Size of Development: 5 acres.
- B. Maximum Density: The maximum density shall not exceed 5.4 manufactured homes per gross acre.
- C. Maximum Building Height Within Manufactured Home Districts: 25 feet.
- D. Minimum Manufactured Home Space (Lot) Area Within the District: 8,000 square feet.
- E. Minimum Lot Width: 75 feet measured at the front set-back line.
- F. Required Set-Backs for Individual Manufactured Home Lots Within the District:
 - 1. Front yards: There shall be a minimum distance of 35 feet between an individual manufactured home and the proposed or existing right-of-way of any street or road.
 - 2. Side yards: There shall be a minimum distance of 8 feet between all manufactured homes and the side yard lot lines of each manufactured home space (lot). On corner lots there shall be a minimum side yard of 25 feet on the corner side.
 - 3. Rear yards: There shall be a minimum distance of 25 feet between all manufactured homes and the rear yard lot lines of manufactured space (lot).

- G. Accessory Buildings or Uses: Accessory buildings shall be located in the rear yard. Accessory buildings or uses shall be located a minimum distance of 10 feet away from all manufactured homes and side and rear lot lines.

1.250.05 **OFF-STREET PARKING REQUIREMENTS:** See Section 1.37 for the off-street parking requirements of this ordinance.

1.250.06 **SIGNS:** See Sign Ordinance.

1.250.07 **BUILDING PERMIT REQUIRED:** Prior to the connection of utilities (water, sewer, gas, electricity) to serve any manufactured home located in a manufactured home district, the owner of the manufactured home, or the owner (or his authorized representative) of the manufactured home development, shall apply for a building permit. All electrical wiring, plumbing and gas connections will be performed in accordance with the adopted electrical, plumbing, and gas codes by qualified, licensed, and bonded electricians and plumbers.

Furthermore, any person responsible for placing a manufactured home in a manufactured home district shall comply with the tie down standards prescribed in the installation instructions supplied with the manufactured home or follow the instructions from the State Fire Marshall's Office.

1.250.08 **MANUFACTURED HOME STANDS OR "PADS":** Each manufactured home stand or "pad" shall be provided with permanent paved runners, patio, parking area (concrete or asphalt driveway) and a permanent skirting made of brick or stone.

1.250.09 **COMPATIBILITY REQUIREMENTS OF ALL MANUFACTURED HOMES:**

- A. **Roof Pitch:** The roof shall have a pitch of not less than five inch vertical rise for each 12 inches of horizontal run.
- B. **Roof Materials:** Wood shakes, asphalt shingles, composition or wood shingles, or tile.
- C. **Roof Overhang:** Minimum 12 inch overhang.
- D. **Siding Materials:** Exterior siding shall be made of nonreflective or nonmetallic materials; acceptable siding materials include wood,

stucco, brick, stone or other masonry materials or any combination of these materials.

- E. Skirting and Foundation Wall Materials: Materials for a foundation wall or skirting shall be made of brick or stone. All manufactured homes shall be placed on a permanent foundation required by 42 U.S. Ordinance 5401 et. sec.
- F. Driveway Materials: All manufactured homes shall have a driveway made of concrete or asphalt.
- G. Minimum Width: Double Wide.
- H. Garage: All home sites shall be required to have a rear load garage that matches the existing architectural features; including but not limited to, roof pitch, color, siding, shingles or shakes.

1.250.10 LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 1.600.08 of the Zoning Ordinance. A public hearing is required because Section 1.600.08 involves amending the text of the Zoning Ordinance.

SECTION 1.260 - (R-MX) MIXED USE RESIDENTIAL DISTRICT

1.260.01 PURPOSE OF THIS DISTRICT: The purpose of this district is to provide for an area that allows manufactured homes in the same neighborhood as site-built homes to reflect an existing situation.

1.260.02 LAND USES PERMITTED:

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Single-family manufactured homes with only one principal dwelling per lot.
- C. Home occupations in compliance with Section 1.35 of this ordinance.
- D. Accessory uses and structures as defined under Section 1.31.05 of this ordinance.
- E. The keeping of animals in compliance with the City of Yazoo City's Animal Control Ordinance.
- F. Public or private recreation or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 1.33 of this ordinance. Lakes deeded to a homeowner's association shall comply with the Yazoo City Subdivision Regulations.
- G. Horticultural uses not involving the sale of produce on the premises.

1.260.03 SPECIAL EXCEPTIONS AS PROVIDED IN SECTION 1.600.15:

- A. Child care facilities.
- B. Personal care homes.

1.260.04 DIMENSIONAL REQUIREMENTS:

- A. Maximum Building Height: 35 feet.
- B. Minimum Lot Area: 8,000 square feet.

C. Minimum Lot Width: 75 feet.

D. Minimum Yards:

1. Front yard: 30 feet from the street right-of-way line to the building setback line.
2. Side yards: 10 feet.
3. Rear yard: 25 feet.

1.260.05 SWIMMING POOLS: Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of five feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four feet in height and shall have a self-latching gate.

1.260.06 OFF-STREET PARKING REQUIREMENTS: See Section 1.37 for off-street parking and loading requirements for residential and other uses allowed in R-MX districts.

1.260.07 SIGNS: See Sign Ordinance.

1.260.08 LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED:

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subjected to administrative interpretation by the Zoning Administrator pursuant to Section 1.600.08 of the Zoning Ordinance. A public hearing is required because Section 1.600.08 involves amending the text of the Zoning Ordinance.

SECTION 1.275 - ("PUD") PLANNED UNIT DEVELOPMENT DISTRICT

- 1.275.01 PURPOSE OF THIS DISTRICT:** The purposes for establishing Planned Unit Development ("PUD") districts are: ...
- A. To provide for the development of relatively large land areas as total cohesive and coordinated units, rather than development on a lot-by-lot basis.
 - B. To permit more flexible and advantageous use of sites, especially with regard to natural features of the landscape, through the relaxation of conventional zoning requirements including minimum lot size and minimum lot width, while at the same time retaining approximately the same overall density as would ordinarily apply if the same areas were developed by conventional methods. (Note: However, minimum yard requirements are the same as for conventional districts.)
 - C. To help reduce the cost of residential development by allowing more dwelling units per gross acre than could be built in a conventional low density subdivision (due to the extensive space requirements of streets rights-of-way, utility easements, etc., in a conventional subdivision) and by reducing the length of streets and utility extensions through concentration or clustering of housing.
 - D. To provide for the development of sites in which land not used for structures and yards but not required by the basic zoning of the site shall be reserved collectively in contiguous units accessible to all dwellings within the PUD as open space; this open space will provide recreational opportunities for the residents of the PUD, and will also afford improved, safer pedestrian circulation within the PUD.
- 1.275.02 LAND USES PERMITTED:** The following uses are permitted outright in PUD districts subject to the regulations prescribed herein:
- A. Single-family detached dwellings (only one main structure per lot).
 - B. Accessory uses and structures as defined under Section 1.31.05 of this Ordinance.
 - C. Horticultural uses not involving the sale of produce on the premises.

- D. The keeping of animals in compliance with the City of Yazoo City's Animal Control Ordinance.
- E. Home occupations in compliance with Section 1.35 of this Ordinance.

1.275.03 SPECIAL EXCEPTIONS AS PROVIDED IN SECTION 1.600.15:

- A. Public or quasi-public facilities or utilities may be considered for location in a PUD district in compliance with Section 1.33 of this ordinance.
- B. Child care facilities.
- C. Railroads and railroad spur tracks.
- D. Private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 1.33 of this Ordinance. Lakes deeded to a homeowner's association or dedicated (public) to the City of Yazoo City shall comply with Yazoo City Subdivision Regulations.

1.275.04 DIMENSIONAL REQUIREMENTS:

- A. Minimum Size of PUD: The minimum size of any PUD shall be five (5) acres.
- B. Maximum Residential Development Density: The basic control of residential development density shall be the density requirement of the particular conventional district (i.e., R-1 or R-2) over which the PUD is superimposed. The maximum density shall be calculated by dividing 43,560 square feet by the minimum lot size and then multiplying that quotient by the total gross acreage to be included in the PUD. EXAMPLE: If a subdivider proposes to develop a 30 acre tract zoned "R-1" as a PUD, the basic control of density is that of the R-1 district: 43,560 square feet divided by 12,000 square feet (minimum lot size in R-1 districts), resulting in a quotient of 3.6 lots or dwelling units; 30 acres multiplied by 3.6 = 108 lots or single-family detached dwelling units.
(Note: This method for calculating residential development density can not be used for conventional subdivisions, since conventional subdivisions require more land for street rights-of-way, utility easements, etc., than do PUDs in which development is concentrated.)

- C. Minimum Lot Size: No minimum.
 - D. Minimum Lot Width: No minimum.
 - E. Maximum Height: 35 feet, unless greater height is specifically approved by the Board of Mayor and Aldermen.
- 1.275.05** **SWIMMING POOLS**: Swimming Pools shall meet the requirements of R-1 or R-2 zoning, whichever the property is zoned.
- 1.275.06** **REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL**: See Section 1.37 Regarding parking, loading and access control requirements.
- 1.275.07** **SIGNS**: See Sign Ordinance.
- 1.275.08** **PLANNED UNIT DEVELOPMENTS SHALL BE SUPERIMPOSED DISTRICTS**: A Planned Unit Development shall be a superimposed designation on an existing low density residential district (R-1, or R-2), thereby providing a broader latitude of design of design to achieve the purposes stated under Section 1.275.01. As a superimposed designation, Planned Unit Developments shall be subject to the overall density requirements of the low density residential district over which they are superimposed. The maximum residential density shall be calculated as prescribed under Section 1.275.04-A.
- 1.275.09** **PRELIMINARY SUBDIVISION PLAT APPROVAL REQUIRED PRIOR TO DESIGNATION OF PLANNED UNIT DEVELOPMENT ON OFFICIAL ZONING MAP**: Any person desiring to subdivide land for purposes of creating a PUD shall first prepare and submit a sketch plat (or “Development Plan” if the PUD is proposed to contain uses other than single-family detached residences) to the Director of Building and Development in accordance with the Subdivision Regulations. All sketch plats for proposed PUD shall be reviewed by the Planning and Zoning Board as well as the Street Superintendent and the City Engineer.
- 1.275.10** **REZONING REQUIRED FOR DEVELOPMENT OF PORTION OF PUD FOR TOWNHOUSES, PATIO HOMES, MULTI-FAMILY RESIDENTIAL OR COMMERCIAL USES**: If a person desires to reserve a portion of a proposed Planned Unit Development for townhouses, patio homes, or multi-family

residential uses (condominiums or apartments), and such areas are not zoned appropriately for such densities, he shall submit an application for rezoning in accordance with Section 1.600.19 of this ordinance indicating which areas he desires to be rezoned to R-3, R-4.

Likewise, portions of a PUD may be reserved for commercial use by applying for the appropriate commercial zoning if the subject land is not zoned commercial on the official Zoning Map.

If the sub-divider wishes to reserve portions of the proposed PUD for moderate density or high density residential development or commercial use, such areas shall be shown on a sketch plat or "Development Plan," which shall be submitted with an application for rezoning. A rezoning to permit such residential densities or commercial uses shall only be approved upon the condition that the preliminary plat and individual site plans (for the high density residential or commercial development) substantially conform to the sketch plat or development plan.

- 1.275.11 DIMENSIONAL REQUIREMENTS FOR TOWNHOUSES, PATIO HOMES, MULTI-FAMILY RESIDENTIAL AND COMMERCIAL PORTIONS OF A PUD:** If an application for rezoning is approved to allow portions of a PUD to be used for townhouses, patio homes, condominiums or apartments, or some commercial classification, the dimensional requirements of the appropriate district shall apply.
- 1.275.12 REQUIRED LANDSCAPING ALONG ARTERIAL STREETS:** Landscaping along arterial streets upon which the Planned Unit Development abuts is required.
- 1.275.13 COMMON OPEN SPACE REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS:** Common open space shall be provided as a condition to the approval of a Planned Unit Development. Such common open space shall consist of land reserved exclusively for the recreational or environmental amenity for collective enjoyment by the PUD residents and owned and maintained by the residents through a Homeowner's Association. Common open space shall be integrated throughout the PUD, easily accessible to all the residents. The sketch plat or Development Plan shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.
- A. Minimum Percentage of Land Reserved as Common Open Space: In any PUD the amount of land not used by residential buildings,

accessory structures and yards, but required by the residential zoning of the site shall be reserved as common open space. Common open space shall comprise at least twenty-five percent (25%) of the gross area (total acreage) of the PUD as shown on the required development plan. Public or private streets, driveways, parking lots (for example, a parking lot for a PUD recreational building), or utility easements shall not be considered in meeting the open space requirements of this Section.

- B. Maximum Amount of Common Open Space Covered By Water: No more than fifty percent (50%) of the required amount of open space may be covered by water (lakes, ponds, streams, etc.)
- C. Steep Slopes: In reviewing the preliminary subdivision plat for a proposed Planned Unit Development, the Planning and Zoning Board shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Planning and Zoning Board shall make a recommendation to the Mayor and Board as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.
- D. Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Mayor and Aldermen as part of the preliminary subdivision plat review process.

All open space improvements shall be shown on the sketch subdivision plat or Development Plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian (nature trails) trails, tennis courts, include or bicycle recreational buildings and swimming pools or similar facilities.

- E. Staged Development of a Planned Unit Development: If a Planned Unit Development is to be developed in stages or parts and the first part is to consist of the minimum of 5 acres, 20 percent must be reserved for open space, or 1.0 acres. The open space requirements for subsequent parts or phases shall be calculated based upon the total open space requirement for the entire subdivision, including the initial phase or phases. Thus, if a developer proposes to ultimately develop 40 acres of land for a Planned Unit Development

and the first phase will only contain 5 acres, the developer must reserve a total of at least 8 acres for the entire subdivision, which may include the 1.0 acres reserved for the first part.

- F. Performance Bond Required: Prior to the sale of any lot in a Planned Unit Development, the developer shall post with the City a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). The Street Superintendent and the City Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.
- G. Areas Not Dedicated to the City of Yazoo City: Authority granted by the City of Yazoo City for the development of a PUD shall not be construed as nor constitute an obligation on the part of Yazoo City either for maintenance or liability in the operation and use of common open space and recreational facilities located in the PUD.

At the time the final subdivision plat is submitted for a PUD, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes and maintenance of open space and other common facilities shall rest with the owners of the several lots or parcels of land located within the PUD. In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.

- H. Maintenance of Common Open Space: As a part of the plans proposed for the PUD, the developer shall submit a set of covenants running with the land providing for a Maintenance Organization to maintain the common open space. The provisions establishing the Maintenance Organization shall include, but not be limited to, the following:
1. The Maintenance Organization must be set up before the homes are sold.
 2. Membership must be mandatory for each home buyer and any successive buyer.
 3. The open space restrictions must be permanent, not just for a period of years.
 4. The organization must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

5. Home owners must pay their pro rata share of the cost; the assessment levied by the organization can become a lien on the property.

No PUD shall be approved until the foregoing legal instrument setting forth a plan for permanent care and maintenance of common open space areas and recreational facilities is approved by the City Attorney as to legal form and effect.

I. Coordination with Subdivision Regulations:

1. A detailed development plan of the proposed PUD shall be submitted to the Board of Mayor and Aldermen for site plan review in accordance with Section 1.600.11 of this ordinance.
2. Subdivision review under the Subdivision Ordinance shall be carried out simultaneously with the review of the PUD development plan under this section of the Zoning Ordinance.
3. The development plans submitted under this section shall be submitted in a form that will satisfy the requirements of the Subdivision Ordinance for preliminary and final plats.
4. There shall be no deviation from the approved development plan until such deviation has been approved by the Board of Mayor and Aldermen.
5. The Board of Mayor and Aldermen have the authority to require reasonable changes to the development plan as a prerequisite to approval.

- J. Sidewalks: If developer installs sidewalks and street plantings, the space between the sidewalk and right-of-way may be counted as part of the required green space.

1.275.14 LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 1.600.02 of the Zoning Ordinance. A public hearing is required because Section 1.600.08 involves amending the text of the Zoning Ordinance.

SECTION 1.300 - (HC-1) HISTORIC COMMERCIAL DISTRICT

1.300.01 **PURPOSE OF THIS DISTRICT:** In accordance with the adopted Goals and Objectives Element of a Comprehensive Plan for the City of Yazoo City, a “Historic Commercial District” (HC-1) is hereby created to promote this area, as delineated on the Official Zoning Map, as a major focal point of community life in Yazoo City. The purpose of this district is to preserve the character of historic buildings within the Historic Preservation District by review of architectural style, materials and colors, including the properties nominated by the Mississippi Department of Archives and Historic for listing on the National Register of Historic Places. This district is an overlay zone, which overlays on top of the Central Business District.

It is further the purpose of this district to prevent the deterioration of the Yazoo City central business district as the result of inappropriate land uses and incompatible architectural design. This district is intended to encourage the development of selected commercial activities that are compatible with historic structures, public/quasi-public sector uses. Uses first permitted in the C-3 General Highway Commercial districts shall not be permitted here.

Finally, it is the purpose of this district to alleviate the substandard building conditions and preserve property values in the HC-1 district by requiring that any person proposing additions or rehabilitation to existing buildings not only comply with the Building Ordinance but also apply for a Certificate of Appropriateness as required by Yazoo City Historic Preservation Ordinance. This requirement is intended to ensure compatibility of such additions or repairs with other uses in the district, thereby, preserving the property values of other dwellings and businesses.

1.300.02 **LAND USES PERMITTED WITHIN HISTORIC COMMERCIAL DISTRICT:** The following uses are permitted outright in the HC-1 district, subject to the regulations prescribed herein:

- A. Specialty Shops i.e. antique stores, hand crafted stores. These types of uses are not allowed in other districts.
- B. All uses permitted outright in C-1 Restricted Commercial Zones.

- C. Commercial uses in which the services performed and merchandise offered for sale are conducted or displayed within enclosed structures, EXCEPT FOR THE DISPLAY OF SMALL ARTICLES (i.e., those that can generally be hand-carried by one or two persons OUTSIDE THE COMMERCIAL USE that are for sale.
- D. Full service restaurants. Tables located on sidewalks shall not impede pedestrian traffic, except perhaps during the Yazoo City Flea Market Days. Fast food restaurants, as defined by this ordinance, are prohibited in this district.
- E. Accessory buildings and uses customarily incidental to the aforementioned uses. See also Section 1.31.05: Accessory Buildings or Uses.
- F. Single-family detached residences. (Only one main structure per lot).

1.300.03 SPECIAL EXCEPTIONS AS PROVIDED UNDER SECTION 1.600.15:

- A. Public or quasi-public facilities and utilities in compliance with Section 1.33 and other regulations of this ordinance.
- B. Inns or “bed and breakfast inns.”
- C. Railroads and railroad spur tracks.

Minimum space between separate (detached) buildings on the same lot:
Must meet requirements of the adopted Building Code.

1.300.04 DIMENSIONAL REQUIREMENTS FOR HISTORIC COMMERCIAL DISTRICT (INCLUDING SINGLE-FAMILY RESIDENTIAL USES):

- A. Maximum Building Height: 45 feet, unless greater height is approved by the Board of Mayor and Aldermen.
- B. Minimum Lot Area: No minimum lot area required.
- C. Minimum Lot Width: No minimum lot width required.
- D. Minimum Yards: No required, as approved by the Historic Preservation Commission.

1.300.05 LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to Section 1.600.02 of the Zoning Ordinance. A public hearing is required because Section 1.600.08 involves amending the text of the Zoning Ordinance.

SECTION 1.310 - (C-1) NEIGHBORHOOD COMMERCIAL DISTRICT

1.310.01 **PURPOSE OF THIS DISTRICT:** The purpose of this district is to provide relatively quiet, attractive, and spacious areas for the development of restricted retail, personal service, and office commercial uses for the convenience of the people in adjacent residential areas. Since these districts are closely associated with residential districts, every effort should be made to make them as compatible as possible. No outdoor storage of materials, equipment, or machinery is allowed unless being offered for sale or rental and requiring outdoor storage. Nor should any use in this district generate substantial volumes of vehicular traffic. This district serves as a transition zone between residential uses and higher intensity commercial uses on arterial streets. These districts are also appropriate for the fringes of retail districts. Since the uses in this district are commercial uses, all C-1 uses must be located on collector or arterial streets (including highways). None must be located on local or minor streets

1.310.02 **LAND USES PERMITTED:** The following uses are permitted outright in C-1 districts subject to the regulations prescribed herein:

- A. Business and professional offices including medical facilities, of all types.
- B. Personal services such as hair styling shops, dry cleaners, and photographic studios.
- C. Retail establishments that serve neighborhoods such as grocery stores, drug stores, bakeries, convenience stores, and fast food restaurants.
- D. Emergency health care clinics; child care facilities; and totally enclosed health club facilities.
- E. Instructional services such as studios for the teaching of fine arts, photography, music, drama and dance; business and stenographic schools; barber and beauty schools; and similar facilities.
- F. Restaurants, cafeterias, delicatessens, coffee shops and carry-out food establishments if located within an office building or freestanding if approved by the Board of Mayor and Aldermen. However, this district is not suitable for fast-food restaurants.

- G. Privately-owned and operated museums, libraries, galleries, and similar facilities. (NOTE: Public or quasi-public facilities of this nature are permitted in ANY district as special exceptions).
- H. Residential facilities (e. g., care-taker residences) and ancillary uses commonly associated with any permitted use.
- I. Single-family residential dwelling units.

1.310.03 SPECIAL EXCEPTIONS AS PROVIDED UNDER SECTION 1.600.18

- A. Public or quasi-public facilities and utilities in compliance with Section 1.33 and other regulations of this Ordinance.
- B. Outside playgrounds or teaching facilities for educational uses.
- C. Manufactured Homes under hardship situations. See Section 1.45 of this ordinance.

1.310.04 DIMENSIONAL REQUIREMENTS:

- A. Maximum Building Height: 45 feet.
- B. Minimum Lot Area: 10,000 square feet.
- C. Minimum Lot Width: 50 feet at the set back line.
- D. Minimum Yards:
 - 1. Front yard: 35 feet. The first ten (10) feet inside this front yard setback (adjacent to the street right-of-way line) shall remain open except for entrance/exit driveways and shall be landscaped; no parking shall be permitted in driveways within the first ten (10) feet of the front yard setback.
 - 2. Side yards where not abutting a residential district or Agricultural (A-1) district: Fifteen (15) feet; the first five (5) feet inside this side yard setback (adjacent to the property line) shall be landscaped. The remainder of the side yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
 - 3. Rear yards where not abutting a residential district or Agricultural (A-1) district: Twenty (20) feet; the first five (5)

feet inside this rear yard setback (adjacent to the property line) shall be landscaped. The remainder of the rear yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.

4. Side yards and rear yards where abutting any residential district or Agricultural (A-1) district: Twenty-five (25) feet, which shall remain open and be landscaped and a fence approved by the Zoning Administrator along the side or rear yards abutting such residential district. All side or rear yards shall be landscaped open area with no encroachments permitted including driveways, parking lots, or other paved areas.

- E. Minimum Space Between Buildings on the Same Lot: 30 feet. No more than two-thirds (66 2/3 percent) of the space between such buildings shall be paved; the remaining area shall be landscaped.
- E. Minimum Green Space: Each lot shall have a minimum of fifteen percent (15 %) green space maintained by the property owner.

1.310.05 **SITE PLAN REQUIRED:** A site plan shall be submitted to the Zoning Commission in accordance with Section 1.600.11 of this Ordinance.

1.310.06 **REQUIRED LANDSCAPING ALONG ARTERIAL STREETS:** New development along arterial streets is required to provide landscaping.

1.310.07 **REQUIRED OFF-STREET PARKING, LOADING AND ACCESS CONTROL:** See Section 1.37 for off-street parking, loading, and access control requirements.

1.310.08 **SIGNS:** See Sign Ordinance.

1.310.09 **LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED**

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 1.600.02 of the Zoning Ordinance. A public hearing is required because Section 1.600.08 involves amending the text of the Zoning Ordinance.

SECTION 1.320 - (C-2) CENTRAL BUSINESS DISTRICT

- 1.320.01** **PURPOSE OF THIS DISTRICT:** This business district is intended to provide for establishments engaged in retail, financial, professional, and related services, including some forms of wholesale enterprises which, because of the particular nature of their business, require a centralized location in the downtown area to best serve the community. No outdoor storage of materials, equipment, or machinery is allowed unless being offered for sale or rental and requiring outdoor storage.

Furthermore, the C-2 district is established to protect present business and commercial uses in the downtown area from the blighting effects of incompatible land uses, to encourage the development of the downtown area as a major focal point of the city, to preserve the character of historic buildings within the district, to encourage the use of upper floors in the downtown area for residential uses, and to encourage the eventual elimination of uses detrimental or inappropriate to proper functioning of such a district. Finally, it is a purpose of this district to alleviate any substandard building conditions and preserve property values in the C-2 district by compliance with the city's Building Code.

- 1.320.02** **LAND USES PERMITTED:** The following uses are permitted outright in C-2 districts subject to the regulations prescribed herein:
- A. All uses allowed in C-1 Restricted Commercial District.
 - B. Commercial uses in which services performed and merchandise offered for sale are conducted or displayed within enclosed structures, except for the display of small articles (i.e., those that can generally be hand-carried by one or two persons) outside the commercial use.
 - C. Shopping centers located on minimum sites of three (3) acres on an existing or proposed arterial street as shown on the adopted Thoroughfares Plan; shopping centers may contain any of the uses permitted outright in C-2 zones.
 - D. Hotels.
 - E. Full service restaurants. Tables located on sidewalks shall not impede pedestrian traffic. Fast food restaurants, as defined by this ordinance, are prohibited in this district.

- F. Main offices of Banks.
- G. Accessory buildings and uses customarily incidental to the aforementioned uses. See Section 1.31.05: Accessory Buildings or Uses.
- H. Existing single-family residences.

1.320.03 SPECIAL EXCEPTIONS AS PROVIDED UNDER SECTION 1.600.18:

- A. Mortuaries or funeral homes provided such uses shall be located on an existing or proposed arterial street as shown on the adopted Thoroughfares Plan.
- B. Public or quasi-public facilities and utilities in compliance with Section 1.33 and other regulations of this ordinance.
- C. Inns or “bed and breakfast inns.”

1.320.04 DIMENSIONAL REQUIREMENTS:

- A. Maximum Building Height: 50 feet, unless greater height is approved by the Board of Mayor and Aldermen.
- B. Minimum Lot Area: Lot area is not regulated.
- C. Minimum Lot Width: Lot width is not regulated.
- D. Minimum Yards: None required.

1.320.06 REQUIRED LANDSCAPING ALONG ARTERIAL STREETS: New development along arterial streets is required to provide landscaping.

1.320.07 REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL: See Section 1.37 for off-street parking, loading and access control requirements.

1.320.08 SIGNS: See Sign Ordinance.

1.320.09 LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 1.600.02 of the Zoning Ordinance. A public hearing is required because Section 1.600.08 involves amending the text of the Zoning Ordinance.

SECTION 1.330 - (C-3) GENERAL HIGHWAY COMMERCIAL DISTRICT

1.330.01 **PURPOSE OF THIS DISTRICT:** The purpose of this district is to provide relatively large tracts of land for the development of vehicle-oriented commercial activities that typically require direct auto traffic access and visibility from major thoroughfares, including U.S. Highway 49, Mississippi 3, and Mississippi 16. They are generally less compatible than Neighborhood Commercial uses when located adjacent to residential uses. This district is intended to encourage those commercial activities that function relatively independent of intensive pedestrian traffic and proximity to other commercial establishments. Outdoor commercial uses (i.e., those in which all or much of the business is conducted out-of-doors) are first permitted in these C-3 districts.

These districts are appropriate for the fringes of retail districts and only along major thoroughfares designated as arterial streets on the adopted Thoroughfares Plan. Uses first permitted in I-1 Limited Industrial and I-2 Heavy Industrial districts shall not be permitted in C-3 districts.

1.330.02 **LAND USES PERMITTED:** The following uses are permitted outright in the C- 3 districts subject to the regulations prescribed herein:

- A. Any use permitted in the C-2 General Commercial District.
- B. Food product carry-out and delivery stores.
- C. Commercial uses in which services performed and merchandise offered for sale are conducted or displayed entirely within enclosed structures except for the display of small articles (i.e. those articles that can generally be hand-carried by one or two persons) outside the building.
- D. Shopping centers located on minimum sites of three acres on an existing or proposed arterial street; shopping centers may contain any of the uses permitted outright in C-2 General Commercial zones.
- E. Drive-in restaurants (fast food).
- F. Hotels and Motels.

- G. Veterinary clinics, excluding outside runs.
- H. Indoor recreational uses, including skating rinks, bowling alleys, and similar enterprises.
- I. Banks, including branch banks and dry cleaners.
- J. Commercial printing establishments, newspaper publishing and specialty printing providing that the business is conducted in an enclosed building and does not require outside storage of materials or products.
- K. Automotive (new) and related sales and servicing, provided that automobile sales shall not be allowed on a lot of less than three acres.
- L. Mortuaries.
- M. Horticultural nurseries.
- N. Automotive Repair Services. All operations shall be conducted within an enclosed building. All damaged or wrecked vehicles awaiting repair shall be effectively screened so as not to be visible from surrounding property or from any adjoining public street or walkway. No damaged or wrecked vehicles shall be stored for purposes other than repair and shall not constitute a vehicle wrecking, dismantling, or impounding yard, or junk or salvage.
- O. Accessory Buildings. See Section 1.31.05: Accessory Buildings or Uses.

1.330.03 **SPECIAL EXCEPTIONS AS PROVIDED UNDER SECTION**
1.600.18:

- A. Public or quasi-public facilities and utilities in compliance with Section 1.33 and other regulations of this Ordinance.
- B. Outdoor recreational and entertainment uses in which all or part of the activities are conducted out-of-doors, such as golf driving or putting courses, amusement parks, drive-in theaters, etc.
- C. Building materials sales, automotive sales (used), manufactured home sales and similar types of outdoor sales, where some or all such materials are displayed outdoors or visible from streets or highways. Minimum acreage per site shall be two acres.
- D. Heavy construction equipment sales and service.

- E. Truck stops.
- F. Veterinary clinics with outside dog runs.
- G. Railroads and railroad spur tracks.
- H. Yard and garden centers, nurseries, and greenhouse operations.
- I. Service stations including vehicle repairs (except body repairs), provided that all vehicle repairs except those of a minor nature (e.g., change of fan belt, minor carburetor adjustments, tire repairs) are conducted entirely within an enclosed building and provided that all such service stations are located on an arterial street designated as such by the adopted Thoroughfares Plan.
- J. Convenience stores and gas stations.
- K. Car washes/vacuum cleaner stations and quick car-care clinics (lubrication, tune-up, etc.).
- L. Photomats, laundromats.
- M. Free-standing "game rooms," for electronic video games, pool tables, etc.
- N. Other similar enterprises or businesses of the same nature that are not more obnoxious or detrimental to the welfare of the particular area than the enterprises permitted above, not to include those uses that are first permitted in the I-1 District. Uses not specifically listed above shall be reviewed by the Board of Adjustment and approved by the Board of Mayor and Aldermen.
- O. Mini storage buildings with a two acre minimum site.
- P. Residential buildings containing two (2) or more dwelling units, such as multi-family dwellings, duplexes, and townhouses. In addition to any other required conditions, these residential buildings must replace an existing residential use, be located within 500 feet of an arterial street or highway, and use the R-3 district dimensional standards for duplexes, townhouses, and R-4 district dimensional standards for multi-family dwellings.

1.330.04 COMMERCIAL CORRIDOR OVERLAY DISTRICT

CONDITIONAL USES: No conditional uses are allowed in the overlay district.

1.330.05 DIMENSIONAL REQUIREMENTS:

- A. Maximum Building Height: 45 feet, as measured from the average of the finished ground elevations at the front line of the building, and unless greater height is approved by the Mayor and Board.
- B. Minimum Lot Area: 10,890 square feet.
 - 1. Shopping centers, automotive sales, manufactured home sales, farm equipment and similar types of outdoor sales: three acres.
- C. Minimum Lot Width:
 - 1. Shopping centers, automotive sales, manufactured home sales, farm equipment and similar types of outdoor sales: 200 feet.
 - 2. Independent commercial uses: 100 feet.
- D. Minimum Yards: The minimum yard requirements for all uses permitted in a C-3 district shall be as follows:
 - 1. Front yard: 35 feet. The first ten (10) feet inside this front yard setback shall remain open except for entrance/exit driveways and shall be landscaped; no parking shall be permitted in driveways within the first ten (10) feet of the front yard setback.
 - 2. Side yards where not abutting a residential district or Agricultural (A-1) district: fifteen (15) feet; the first five (5) feet inside this side yard setback (adjacent to the property line). The remainder of the side yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
 - 3. Rear yards where not abutting residential district or Agricultural (A-1) district: thirty (30) feet; the first five (5) feet inside this rear yard setback (adjacent to the property line) shall be landscaped. The remainder of the rear yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
 - 4. Side yards and rear yards where abutting any residential district or Agricultural (A-1) district: 50 feet, which shall remain open and be landscaped and a fence approved by the Zoning Administrator along side or rear yards abutting such residential district. The ten (10) foot strip adjoining the side lot line and/or rear lot line shall be maintained as a landscaped buffer area. All side or rear yards shall

be landscaped open areas with no encroachments permitted including driveways, parking lots, or other paved areas.

- E. Minimum Space Between Separate (detached) Buildings On The Same Lot: 30 feet. No more than two-thirds (66 2/3 percent) of the space between such buildings shall be paved; the remaining area shall be landscaped.
 - F. Minimum Green Space: Each lot shall have a minimum of 10 percent green space maintained by the property owner.
- 1.330.06** **SITE PLAN REQUIRED:** The developer of any use in a C-3 General Highway Commercial district shall submit a site plan to the Planning and Zoning Board in accordance with Sections 1.600.11 of this ordinance.
- 1.330.07** **REQUIRED LANDSCAPING ALONG ARTERIAL STREETS:**
Developers of new commercial uses in this district shall provide landscaping along arterial streets upon which the use abuts.
- 1.330.08** **REQUIRED FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL:** See Section 1.37 for off-street parking, loading and access control requirements.
- 1.330.09** **SIGNS:** See Sign Ordinance.
- 1.330.10** **LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED**

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 1.600.02 of the Zoning Ordinance. A public hearing is required because Section 1.600.08 involves amending the text of the Zoning Ordinance.

SECTION 1.400 - (I-1) LIMITED INDUSTRIAL DISTRICT

1.400.01 **PURPOSE OF THIS DISTRICT:** The purpose of this district is to provide areas for the exclusive development of limited manufacturing and industrial uses within enclosed structures. It is the intent of this ordinance that I-1 land uses be compatible with abutting districts, such as commercial districts, which will serve as transitional zones between the industrial uses and the lower intensity residential uses. The uses permitted in I-1 districts shall generate no objectionable odor, smoke, fumes, vibration, or excessive noise. Such limited industrial and related uses shall be located only in areas directly accessible to major thoroughfares or railroads. It is further the intent of this ordinance that encroachment by all residential uses be prohibited.

1.400.02 **LAND USES PERMITTED:** The following land uses shall be permitted in I-1 districts provided such uses conform to standards established by appropriate federal and state regulatory agencies:

- A. Any uses permitted in C-3 Highway Commercial Districts.
- B. Light or limited manufacturing conducted wholly within completely enclosed buildings, except that the temporary storage of articles, materials, or other matter to be processed, assembled, or otherwise changed may be permitted if conducted in I-1 districts shall, in general, be dependent upon raw materials refined elsewhere.

The following limited manufacturing uses shall be permitted, provided they are not offensive to neighboring land uses due to the emission of dust, gas, smoke, noise, fumes, odors, vibrations, fire hazards, or other objectionable influences:

- C. Processing, canning, packaging and other treatment of food products, including: bakery products, confectionery and related products, fruit and vegetable products, fish, poultry and other meat products, excluding the rendering or refining of fats and oils and slaughtering of animals.
- D. Manufacturing, assembly or other treatment of products from the following secondary (previously prepared or refined materials): plastics, glass, paper, precious or semi-precious metals or stones, tobacco, and wood (excluding sawmills).

- E. Fabrication of metal products including the manufacture of: machinery (engines and turbines, farm machinery and equipment, etc.) electrical equipment and supplies; transportation equipment (including motor vehicles and parts, aircraft and parts, motorcycles, bicycles and parts, etc.); and other secondary metal manufacturing such as metal cans, cutlery, hand tools, and general hardware, heating apparatus and plumbing fixtures, metal stamping, fabricated wire products, and coating, engraving and allied services.
- F. Manufacturing of pottery or similar ceramic products (using only previously prepared or pulverized clay, and kilns fired only by electricity or natural gas).
- G. Manufacturing of professional, scientific, and controlling instruments; photographic or optical goods; watches and clocks.
- H. Manufacturing of textile mill products, including broad and narrow woven fabrics and there small wares (cotton, man-made fibers, silk and wool), floor coverings (rugs and carpets), yarns and similar products.
- I. Manufacturing of apparel and other finished products made from fabrics, leather, fur and similar materials.
- J. Assembly, painting, upholstering and similar activities in connection with automobiles, trucks, farm machinery, mobile homes and related products.

1.400.03 SPECIAL USES AS PROVIDED UNDER SECTION 1.600.18:

- A. Public and quasi-public facilities and utilities may be allowed in this district in compliance with Section 1.33 of this ordinance and subject to any limitations and restrictions deemed necessary by the Board of Mayor and Aldermen.
- B. Conditional uses listed under the C-3 Major Thoroughfares Commercial District.
- C. Television, cellular phone, and radio transmitters.
- D. Warehousing and storage, provided that all storage is within enclosed structures; such warehousing may include the storage of goods manufactured on the premises as well as goods manufactured off the site; includes “mini-warehouses” or “self-storage warehouses.”

- E. Dwellings for resident watchmen and caretakers employed on the premises of the primary permitted use.
- F. Railroads and railroad spur tracks.
- G. Other similar enterprises that are of the same character and nature as those specifically permitted above, but not to include those uses first permitted in the I-2 Heavy Industrial District.

1.400.04 DIMENSIONAL REQUIREMENTS:

- A. Maximum Building Height: No structure shall exceed 35 feet in height as measured from the average of the finished ground elevations the front line of the building. Any building or structure proposed to be constructed or erected above the maximum height shall require site plan review in accordance with Section 1.600.11.
- B. Minimum Lot Area: not regulated.
- C. Minimum Lot Width: not regulated.
- D. Minimum Yards:
 - 1. Front yard: 100 feet. The first fifteen (15) feet inside this front yard setback (adjacent to the street right-of-way line) shall remain open except for entrance/exit driveways and shall be landscaped; no parking shall be permitted in driveways within the first fifteen (15) feet of the front yard setback.
 - 2. Side yards where not abutting a residential district or Agricultural (A-1) district: twenty-five (25) feet; the first ten (10) feet inside this side yard setback (adjacent to the property line) shall be landscaped. The remainder of the side yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
 - 3. Rear yards where not abutting a residential district or Agricultural (A-1) district: twenty-five (25) feet; the first ten (10) feet inside this rear yard setback (adjacent to the property line) shall be landscaped. The remainder of the rear yard (between the landscaped ten (10) feet and the structure) may be used for driveways, parking, or other paved areas.

4. Side yards and rear yards where abutting any residential district or Agricultural (A-1) district: 75 feet, which shall remain open and be landscaped; a 20 foot strip adjoining the side lot line shall be maintained as a landscaped buffer with a fence approved by the Zoning Administrator along the side or rear property lines abutting such residential district. All side or rear yards shall be landscaped open areas with no encroachments permitted including driveways, parking lots, and paved areas.

E. Minimum Space Between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (66.66 percent) of the space between such buildings shall be paved; the remaining area shall be landscaped

F. Minimum Green Space: Each lot shall have a minimum of 10 percent green space maintained by the property owner.

1.400.05 **SITE PLAN REQUIRED:** A site plan shall be submitted to the Zoning Commission in accordance with Section 1.600.11 of this ordinance.

1.400.06 **REQUIRED LANDSCAPING ALONG ARTERIAL STREETS:** If located along arterial streets, then owner of new development must provide landscaping along arterial streets upon which the use abuts.

1.400.07 **REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL:** See Section 1.37 for off-street parking, loading and access control requirements.

1.400.08 **SIGNS:** See Sign Chapter of this Ordinance.

1.400.09 LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 1.600.02 of the Zoning Ordinance. A public hearing is required because Section 1.600.08 involves amending the text of the Zoning Ordinance.

SECTION 1.410 - (I-2) HEAVY INDUSTRIAL DISTRICT

1.410.01 **PURPOSE OF THIS DISTRICT:** The purpose of this district is to provide areas primarily for the development of industrial uses, such as those that involve manufacturing, processing, and related operations that generally have extensive space requirements and/or generate substantial amounts of noise, vibration, odors, or possess other objectionable characteristics. It is the intent of this ordinance that such “heavy” industrial districts be located insofar as possible adjacent only to C-3 Major Thoroughfare Commercial or I-1 Limited Industrial Districts, which shall serve as transitional zones between 1-2 districts and residential uses and lower intensity commercial uses. Heavy industrial uses shall be located only in areas directly accessible to major thoroughfares or railroads. (See also Section 1.36.05 of this ordinance with regard to prohibited uses.)

In addition, it is the purpose of this district to regulate certain special commercial uses such as alternative financial service providers and certain special personal service providers. The first because their services often carry high costs, limiting the ability of individuals or families to accumulated assets and establish a good credit history; the second because they are often found together and tend to have a blighting influence upon the neighborhood.

1.410.02 **LAND USES PERMITTED:** The following land uses permitted in I-2 districts may include those located outside of enclosed structures as well as those within enclosed structures, subject to the regulations of the ordinance and standards established by appropriate Federal and State regulatory agencies. The following uses are permitted outright:

- A. Any outright uses permitted in an I-1 District.
- B. Heavy manufacturing uses which are not potentially hazardous or offensive to neighboring land uses due to the emission of dust, gas smoke, noise, fumes, odors, vibrations, or other objectionable influences shall be permitted by right in 1-2 districts, except that manufacturing uses of the “wet” type (i.e., those industries that require large amounts of water in processing or discharge large amounts of by-products through the sewer system) shall be permitted only as conditional uses (see Section 1.600.09).
- C. Television, cellular phone, and radio transmitters.
Entire Special Commercial Uses:

1. Adult arcades, adult bookstores, adult cabarets, adult motels, adult motion picture theaters, and other adult entertainment activities as defined by this Ordinance.
2. Tattoo parlors as stand-alone businesses.
3. Fortune telling businesses as defined by this Ordinance.
4. Pawn shops, subject to the regulations under 2103.
5. Check cashing businesses (also called “Pay-Day Loan Agency”), subject to the regulations under Section 1.410.06
6. Cash for title businesses, subject to the regulations under Section 1.410.06.
7. Tax refund anticipation loan offices, subject to the regulations under Section 1.410.06.

1.410.03 SPECIAL EXCEPTIONS AS PROVIDED UNDER SECTION 1.600.18:

- A. Any conditional use listed under I-1 District regulations.
- B. Primary metal manufacturing, including: blast furnaces, steel works, and the rolling and finishing of ferrous metals; iron and steel foundries; primary smelting and refining of non-ferrous metals; and similar activities.
- C. Any manufacturing activity requiring large amounts of water for processing or discharging large amounts of waste or by-products into the sewer system.
- D. Mining, quarrying and crude petroleum and natural gas production (including sand and gravel pits and rock crushing operations). When “open-pit: mining operations are conducted, the operator must obtain required permits and approvals from other governmental entities and provide the Yazoo City Board of Mayor and Aldermen with written proof of same.
- E. Junk yards and auto salvage/wrecking yards.
- F. Public and quasi-public facilities and utilities may be allowed in this district in compliance with Section 1.33 of this ordinance and

subject to any limitations and restrictions deemed necessary by the Board of Mayor and Aldermen.

- G. Railroads and railroad spur tracks.
- H. Any other use of a heavy industrial nature that is not prohibited under Section 1.36.05 of this ordinance or otherwise prohibited by law may be initiated in I-2 districts, subject to any limitations and restrictions deemed necessary by the Board of Mayor and Aldermen.

1.410.04 REGULATION OF ADULT ENTERTAINMENT USES:

No such entertainment establishment shall be located within two hundred fifty (250) feet of the property line of any other such use. Furthermore, no such establishment shall be located within one thousand (1,000) feet of the property lines of any existing residential use or any residentially zoned property, church, school, hospital, convalescent or nursing home, cemetery, civic organization building or facility, charitable organization building or facility, public or private park or playground, or any property zoned "S-1" Special Retirement Village District in this Ordinance. No separation is required for adult entertainment establishments under a common roof with a single proprietorship and a single entrance.

1.410.05 REGULATION OF PAWN SHOPS:

Pawn shops shall be subject to the provisions of Mississippi law as specified under the Mississippi Pawnshop Act in Title 75 of the *Mississippi Code*.

Since the location of pawn shops can provide a relatively easy way in which to secure cash, which may be obtained through the sale of stolen goods, to procure illegal drugs, the regulation of such businesses is deemed to be important in order to provide for the public safety of the citizens of Yazoo City. Therefore, no such establishment shall be located within one thousand (1,000) feet of the property lines of any existing residential use or any residentially zoned property, church, school, hospital, convalescent or nursing home, cemetery, civic organization building or facility, charitable organization building or facility, public or private park or playground, or any property zoned "S-1" Special Retirement Village District in this Ordinance.

1.410.06 REGULATION OF ALTERNATIVE FINANCIAL SERVICE PROVIDERS (AFSP's)

No payday loan business, cash for title businesses, tax refund anticipation businesses, check cashing businesses, and similar “alternative financial service provider (AFSP)” shall be located within 500 feet of any other such use, or located within 500 feet of any existing residence, any residentially zoned property, church, school, hospital, convalescent or nursing home, cemetery, civic organization building or facility, charitable organization building or facility, public or private park or playground, or any property zoned “S-1” Special Use District under this Ordinance

1.410.07 DIMENSIONAL REQUIREMENTS:

- A. Maximum Building Height: No structure shall exceed 35 feet in height as measured from the average of the finished ground elevations at the front line of the building. Any building or structure proposed to be constructed or erected above the maximum height shall require site plan review in accordance with Section 1.600.11. Special use heights shall be determined in accordance with the latest edition of the **International Building Code** adopted by the City.
- B. Minimum Lot Area: One (1) acre or 43,560 square feet. No minimum lot area for Special uses.
- C. Minimum Lot Width: 150 feet. Special uses require no minimum lot width.
- D. Minimum Yards:
 - 1. Front yard: 100 feet. The first fifteen (15) feet inside this front yard setback (adjacent to the street right-of-way line) shall remain open except for entrance/exit driveways and shall be landscaped; no parking shall be permitted in driveways within the first fifteen (15) feet of the front yard setback.
 - 2. Side yards where not abutting a residential district or Agricultural (A-1) district: twenty-five (25) feet; the first ten (10) feet inside this side yard setback (adjacent to the property line) shall be landscaped. The remainder of the side yard (between the landscaped ten (10) feet and the

structure) may be used for driveways, parking, or other paved areas.

3. Rear yards where not abutting a residential district or Agricultural (A-1) district: twenty (20) feet; the first ten (10) feet inside this rear yard setback (adjacent to the property line) shall be landscaped. The remainder of the rear yard (between the landscaped ten (10) feet and the structure) may be used for driveways, parking, or other paved areas.
4. Side yards and rear yards where abutting any residential district or Agricultural (A-1) district: 50 feet, which shall remain open and be landscaped; or 20 feet, which shall remain open and be landscaped and a fence approved by the Zoning Administrator along the side or rear property lines abutting such residential district. All side or rear yards shall landscaped open area with encroachments permitted driveways, parking lots, and paved areas.
5. For Special Uses: Front and Rear Yard - 25 feet.
6. Side yards: 15 feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance with standards adopted by the City of Yazoo City. This 15 foot side or rear yard setback shall be in addition to the minimum distance (1,000 feet) required between all existing residential uses, residential zones, any public/quasi-public uses, and any Special Use (S-1) district.

E. Minimum Space Between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (66.66 percent) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with city standards.

F. How Distances are Measured: For the purpose of this ordinance, all distances shall be calculated in straight line measurements from property line to property line.

G. Compliance with Fire Marshal's Regulations: All regulations of the City Fire Marshal shall be complied with in every case.

1.410.05 **SITE PLAN REQUIRED:** A site plan shall be submitted to the Planning and Zoning Board in accordance with Section 1.600.20 of this ordinance.

- 1.410.06** **REQUIRED LANDSCAPING ALONG ARTERIAL STREETS:** When new industrial uses are located along arterial streets upon which the use abuts, landscaping is required.
- 1.410.07** **REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL:** See Section 1.37 for off-street parking, loading and access control requirements.
- 1.410.08** **SIGNS:** See Sign Ordinance.
- 1.410.09** **LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED:**

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 1.600.02 of the Zoning Ordinance. A public hearing is required because Section 1.600.08 involves amending the text of the Zoning Ordinance.

SECTION 1.500 - (S-1) SPECIAL USE RETIREMENT VILLAGE DISTRICT

1.500.01 **PURPOSE OF THIS DISTRICT:** The purpose of this district is to provide land areas within the City of Yazoo City for development of elderly housing and care facilities which, because of their size, institutional nature and unique characteristics, do not fit compatibly into other zoning districts of the City. Property zoned "S-1" (Special Use-1) shall consist only of Retirement Villages that constitute "self-contained communities" and may include: residential uses, related health care facilities, cultural and recreational facilities, support service operations, commercial outlets operated primarily for the benefit of the residents and staff of the Retirement Village (e.g., ancillary retail and service businesses, professional offices, etc.) and other similar uses on the property of the facility. Such "S-1" Retirement Village districts may be public, private, or institutional in ownership.

It is the intent of this ordinance to protect land zoned "S-1" Retirement Village from the intrusion of adjacent land uses that would be detrimental to the character of such districts; this shall be accomplished by the proper zoning of and adjacent to "S-1" Retirement Village Districts. At the same time, it is the intent of this ordinance to protect adjacent privately owned property (especially low density and moderate density residentially zoned property) from any intrusion of uses included in "S-1" districts that would be detrimental to the character of such adjacent private property.

It is further the intent of this ordinance to enable the Board of Mayor and Aldermen to exercise control over land zoned "S-1" Retirement Village in the event land so zoned is ever sold. The zoning of property to a "S-1" zoning classification will serve to alert the public as the possible character of the future development of land so zoned.

1.500.02 **LAND USES PERMITTED:** A multiplicity of uses related to the housing and care of elderly persons are permitted in the Retirement Village District. In addition, public streets and highways (i.e., those streets and highways not on the property of the Retirement Village) are understood to be permitted in "S-1" Retirement Village Districts. Land uses permitted outright in "S-1" districts include:

- A. Single-family detached residences.
- B. Duplexes.

- C. Townhouses.
- D. Multiple-family dwellings.
- E. Congregate living facilities.
- F. Nursing homes.
- G. Hospitals.
- H. Offices of physicians and dentists.
- I. Hospices.
- J. Outpatient aging services.
- K. Day care facilities.
- L. Facilities for the storage and maintenance of vans or buses used in conjunction with services offered by the retirement district.
- M. Outpatient emergency facilities.
- N. Outpatient surgery facilities.
- O. Retail and office commercial activities primarily for the benefit of residents and staff of the retirement village.
- P. Cultural and recreational facilities.

1.500.03 **SPECIAL EXCEPTIONS:** Public and quasi-public facilities and utilities may be allowed on the property of a retirement village subject to any limitations and restrictions deemed necessary by the Board of Mayor and Aldermen.

1.500.04 **DIMENSIONAL REQUIREMENTS:**

- A. Maximum Building Height: 45 feet, unless greater height is specifically approved by the Board of Mayor and Aldermen.
- B. Minimum District Area: 40 acres.
- C. Minimum Lot Area: Not regulated in this district.

- D. Minimum Lot Width: Not regulated in this district.
- E. Maximum Buildable Area: Except for required minimum yards, off-street parking and loading requirements, and required distances between buildings, permitted uses may occupy as much of a site as in an "S-1" district as is necessary to conduct the permitted activity.
- F. Minimum Distance Between Buildings: 30 feet. No more than two-thirds (66 2/3) of the space provided between such buildings shall be paved; the remaining area shall be landscaped.
- G. Minimum Yards:
 - 1. Front yard: 50 feet from the front of any proposed structure to the right-of-way of any public (i.e., dedicated street or highway); or 20 feet from the front of any proposed structure to the curb or pavement line of any existing or proposed private street (i.e., circulation drive on the property of the retirement village).
 - 2. Side and rear yards: Not regulated

1.500.05 **LAKES AND DAMS**: Developers of retirement villages shall adhere to the guidelines established by the Board of Mayor and Aldermen concerning construction of lakes and dams stipulated in the subdivision regulations.

1.500.06 **SITE PLAN REQUIRED**: A detailed site plan shall be required for the established of a new retirement village as defined by this ordinance or for the construction or expansion of buildings in an existing retirement village. Furthermore, no building permit shall be issued until such site plan has been reviewed by the Planning Commission and approved by the Board of Mayor and Aldermen. See Section 1.600.11.

1.500.07 **REQUIRED LANDSCAPING ALONG ARTERIAL STREETS**: New development along arterial streets is required to provide landscaping. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section 1.600.18.

1.500.08 **REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL**: See parking, loading and access requirements for S-1 districts under Section 1.37.

1.500.09 **SIGNS:** See Sign Section of this Ordinance.

1.500.10 **LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED:**

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 1.600.02 of the Zoning Ordinance. A public hearing is required because Section 1.600.08 involves amending the text of the Zoning Ordinance.

SECTION 1.525 – (S-2) SPECIAL PLANNED HIGHWAY CORRIDOR DISTRICT

1.525.1 **PURPOSE OF DISTRICT:** The general purposes of this section are to protect the integrity of and to provide for a superior environment along the highway corridors of Yazoo City as stated in the Comprehensive Plan. As a matter of public policy the city aims to redevelop, enhance, and perpetuate those aspects of overlay districts that have aesthetic, architectural, cultural, and/or historical significance. Such development activities will promote and protect the health, safety, prosperity, and general welfare of persons living in Yazoo City. Special Planned Highway Corridor Districts functions as an overlay district, which imposes a set of requirements in addition to those of the underlying residential, commercial, industrial or other district. All non-conforming buildings within the S-2 District shall have five years to comply with the requirements of subsection 1.550. All non-conforming building in which there is a change of ownership shall comply with the requirements of the S-3 District upon change of ownership.

Specifically, the corridor district guidelines are designed to encourage the following in the corridor districts.

- A. To establish and enhance the “gateway” character of the district. Thereby increasing aesthetic and visual qualities, as well as, property values of the city;
- B. To prevent the placement of inappropriate land uses along the entranceway corridors;
- C. To promote uniformity, with regard to dimensional regulations (i.e., maximum height, lot area and lot width, density, setbacks, and open space);
- D. To standardize landscaping requirements for private property within the corridor district;
- E. To establish sign regulations to prevent the erection of outdoor advertising that would detract from the aesthetic quality of the entranceway districts, thereby diminishing property values;
- F. To establish uniform off-street parking, service area, and access control regulations;

- G. To enact exterior lighting regulations that will minimize glare, promote security, and provide vehicular traffic and pedestrian safety; and
- H. To promote site plan review standards and procedures that encourages the highest quality of development while preventing unnecessary delays.

1.525.2 PLANNED CORRIDOR DISTRICTS ARE OVERLAY DISTRICTS:

- A. The Yazoo City Planned Corridor Districts shall be established as “overlay districts,” superimposed on the existing zoning district, and intended to supplement the regulations of the underlying base district and to provide harmony and compatibility of development over the length of the corridors.
- B. The minimum width of the Planned Corridor Districts along state highway corridors is 300 feet on either side of the right-of-way. The depth of the Planned Corridors along U.S. Highways is 600 feet on either side of the right-of-way between major intersections. Around major intersections, the Planned Corridor District may be somewhat larger.
- C. The highway corridors included in the corridor district overlays are: U.S. Highway 49, and state highways 16, 3, and 149.
- D. A corridor district overlay will in many cases not cover an entire underlying zoning district or an entire lot or parcel. In those instances, the requirements of the overlay district affect only that part of a lot or parcel or district covered by the overlay. In the event the proposed development is not completely covered by the overlay district, then the applicant may petition the city to extend the overlay district so that the proposed is completely covered by the overlay district.

1.525.3 PERMITTED LAND USES: Because the corridor districts overlay residential, commercial, and industrial zoning districts, the underlying permitted uses of the affected districts shall not be affected by the presence of the overlay.

1.525.4 SPECIAL EXCEPTIONS AS PROVIDED UNDER SECTION 1.600.18: Only those conditional uses that are specifically permitted in each of the affected underlying districts.

1.525.5 **PROHIBITED CORRIDOR DISTRICT LAND USES:** To maintain the integrity of this district the following uses are prohibited regardless of the type of district in which they are found. These uses apply only in the portions of each district covered by the overlay.

- A. Group homes for the handicapped and personal care facilities
- B. Child Care Centers
- C. Mobile homes and mobile home sales lots.
- D. Apartments
- E. Coin laundry
- F. Automotive service and repair establishments
- G. Re-cycling collection point.
- H. Car Wash
- I. Bingo parlors
- J. Palm readers, psychics, fortune tellers, soothsayers, tarot card readers, and similar businesses that foretell the future
- K. Pawn shops
- L. Title pledge office
- M. Secondhand store
- N. Bars not associated with restaurants
- O. Mini-warehouses
- P. Commercial communication towers
- Q. Adult arcades, adult bookstores, adult cabarets, adult entertainment establishments, adult motel, and adult motion picture theaters
- R. Truck terminals, warehouses and storage buildings
- S. Wholesale and supply houses

- T. Bulk storage and wholesale dispersing of products and materials
- U. Wrecker services and junk yards.

1.525.06 **SITE PLAN REQUIRED:** The developer of any use in a S-2 Planned Highway Corridor District shall submit a site plan to the Planning and Zoning Board in accordance with Section 1.600.20 of this ordinance.

1.525.07 **DIMENSIONAL REQUIREMENTS FOR SINGLE-FAMILY DETACHED DWELLINGS, PATIO HOMES AND TOWNHOUSES**

- A. Dimensional requirements for single-family detached dwellings, patio homes, and townhouses shall be the same as the underlying district. No such dwellings shall front directly upon the corridor.
- B. Dimensional requirements for Multi-family Residential Uses (apartments and condominiums) and Nonresidential Uses:
 - 1. Maximum Building Height: 35 feet.
 - 2. Minimum Lot Area and Lot Width: Subject to the regulations of the underlying district.
 - 3. Maximum Density: The maximum density for residential development shall be 10.0 units per gross acre.
 - 4. Minimum Yards (building setbacks):
 - a. The minimum building setback from the edge of the right-of-way from the street shall be 40 feet.
 - b. For any nonresidential permitted use, a minimum of 35 percent of the lot and, for any residential permitted use, a minimum of 50 percent of the lot shall be open space, which shall not include heated spaces, driveways, parking spaces, garages, portals, carports, accessory buildings, or any improvement surfaces. The average dimensions of the opposite sides of open space shall equal no less than 10 feet. Residential development shall, in addition, meet all applicable private and open space standards.

1.525.08 GENERAL STANDARDS:

- A. Loading Areas Screened: Loading areas shall be screened and located on side or rear yards.
- B. Outdoor Storage: Outdoor storage shall not be allowed in the district.
- C. Access to Property: Access to the property shall be approved by the City Engineer, Planning and Zoning Board, and Board of Mayor and Aldermen.
- D. Off-site Traffic Impact: The off-site impact of the site-generated traffic shall be based on a study performed by the developer using the latest edition of the Highway Capacity Manual. The results of the corresponding impacts shall be evaluated relative to the computed levels of service at various time frames and durations as defined in the manual. A plan for mitigating any adverse effects shall be proposed by the developer and approved by the City Engineer, Planning and Zoning Board, and Board of Mayor and Aldermen prior to the issuance of any building permits. The Traffic Mitigation Plan shall be based on the results of the traffic study and shall include proposed improvements, a cost estimate, a construction schedule, and the extent of participation by the proposed development.
- E. Half or Partial Streets: New half or partial streets shall be prohibited in new developments. When a tract to be developed borders an existing street having a right-of-way width insufficient to conform to the minimum width standards required by these regulations, such additional right-of-way shall be platted and dedicated in such a way as to make the resulting street conform.
- F. Buffer Standards: When nonresidential uses abut residential uses, the following standards apply:
 - 1. All of the structures for the nonresidential uses shall be set back a minimum of 50 feet from the residential property line and a 25-foot landscaped buffer shall be located between the residential and nonresidential uses; or
 - 2. All of the structures for the nonresidential uses shall have a minimum 25-foot landscaped buffer and a masonry wall or a fence, as approved by the Board of Mayor and Aldermen, located between the residential and nonresidential use.

- G. Landscaping Standards: Persons wishing to develop property within the entranceway corridor district shall comply with the landscaping standards of Chapter 6 of this ordinance as follows:
1. Developers of commercial or industrial uses in this district shall comply with Chapter 6 of this ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Chapter 6.
 2. Existing natural landscaping material shall not be disturbed within 25 feet of the property line that adjoins the street right-of-way. This area shall be labeled as open space setback. No structures, fences, walls, or parking are allowed in this setback;
 3. Landscaping shall be provided in the open space setback where landscaping has been disturbed and shall be provided surrounding buildings and parking areas at a minimum width of five feet. The intensity of landscaping shall be two plants per 30 square feet of landscaped area. One-half of vegetation shall be at least four-feet high, and one-half shall be one-foot high at the time of planting. Trees shall be a minimum of 10 percent of the total planting. If parking is provided in the front setback, it shall be effectively screened by earth berms or landscaping, which shall be at least four feet above parking lot grade; and
 4. In order to preserve natural landscaping on stream banks, an undisturbed setback of 10 feet shall be retained next to the major streams where 100-year floodplains have been recorded.
- H. Lighting Standards: Any lighting in the Planned Corridor District used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjacent residential property. Specifically, lights with no cutoff type luminaire shall be no higher than 10 feet and shall have a minimum illumination, measured at the lot line at ground level, of .20 candlepower. Lights with a cutoff-type luminaire shall be no higher than 20 feet with a maximum illumination, measured at the lot line ground level, of .30 candlepower. Lights with a luminaire of less than 90-degree cutoff shall be no higher than 20 feet, with a maximum illumination,

measured at the lot line at ground level, of .50 candlepower. The burden of proof of the candlepower provided shall be upon the developer.

- I. Sign Standards: Signs in the Planned Corridor District shall meet the standards in the Sign Ordinance.
- J. Architectural Standards: All commercial, industrial, and multi-family structures in the Planned Corridor District shall meet the city's architectural design review guidelines. In addition, all commercial and multi-family structure shall meet the following standards:
 - 1. Roof shall be flat or nearly flat and concealed by horizontal parapets;
 - 2. A minimum of 80 percent of the surface material, excluding doors and windows, shall be brick or split block, etc. (see guidelines)
- K. Required Information for Site Plans: When applying for a development permit in the Planned Corridor district, applicants shall submit, in addition to any other requirements, the following information.
 - 1. A site plan drawn to scale showing drainage; storm water detention, significant natural features; all access points, including access to major arterials; arrangement, uses and dimensions and elevations of buildings; parking and loading; landscaping, walls and fences; open space; setbacks; and existing adjacent land uses of abutting property;
 - 2. Developers requesting approval for residential projects with 50 units or more, or commercial projects with over 100 feet x 100 feet (square feet) or 1/4 acre, within the Planned Corridor Districts shall submit, as part of the application for the development plan, an approved traffic impact statement for the proposed development. The statement shall provide data on the traffic generated by the proposed development, using existing traffic counts generated by the county and other sources, and the methods set forth in the most recent edition of the Highway Capacity Manual. The statement shall also show the traffic network includes all the subcollectors and collectors from the point of the origin at the proposed development up to and including intersections

with secondary or major arterials. The statement must show the impact of the proposed development on the level of service of the relevant streets in the traffic network. “Level of Service” refers to the categories A through F set forth by the Highway Capacity Manual.

L. Driveway Standards:

1. General Performance Standard: It shall be unlawful to construct or use any direct access driveway that does not meet the following criteria:
 - a. Any driveway design must allow an entering vehicle turning speed of 15 mph to help reduce interference with through street traffic.
 - b. Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during normal weekday peak traffic as determined by a competent traffic survey.
 - c. There must be sufficient on-site storage to accommodate at least three queued vehicles waiting to park or exit without using any portion of the street right-of-way in any other way interfering with street traffic.
 - d. Provisions for circulation between adjacent parcels should be provided through coordinated or joint parking systems, or other methods as specified in the city’s Comprehensive Plan.
 - e. Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.
 - f. Direct-access driveway placement must be such that an exiting vehicle has an unobstructed sight distance according to the following schedule.

Highway Design Speed (mph)	Sight Distance (feet)
30	200
35	225
40	275
45	325
50	380
55	435
60	505

- g. Driveway design must be such that an entering vehicle will not encroach upon the exit lane of a two-way driveway. Also, a right-turning exiting vehicle will be able to use only the first through-traffic lane available without encroaching into the adjacent through lane.

2. Standards for Right-Turn Lanes and Tapers: Right-turn lanes and tapers will be required when:

- a. Expected right-turn ingress movements meet or exceed 50 per hour during a typical weekday peak traffic period.
- b. Driveway volumes are expected to meet or exceed 1,000 vehicles per day.
- c. The City Engineer can document, through traffic analysis, that such treatment is necessary to avoid congestion and/or unsafe conditions on the public thoroughfare.

3. Driveway Profile: Driveway profiles shall be determined using the following criteria:

- a. The grade of a two-way, one-way, or divided commercial driveway shall not exceed 1.5 percent for a minimum distance of 25 feet from the edge of the pavement. Beyond this distance, the grade shall not exceed eight percent.
- b. If the highway is curbed and if the sidewalk is 10 feet or less from the edge of the pavement, the grade of a driveway shall be the grade required to meet the sidewalk elevation, but, if that grade would exceed the maximums specified in paragraph 1, the sidewalk shall be either tilted or inclined.

- c. If the highway is uncurbed, the grade of the driveway between the highway of pavement and the edge of the shoulder shall conform to the slope of the shoulder to the edge of the driveway approach.
 - d. For a driveway on an upgrade towards the highway, a grade of 1.5 percent for a distance of 100 feet the edge of the pavement is required. Beyond this distance, the grade shall not exceed 40 percent and the difference in grades where there is a change of grade shall not exceed three percent.
 - e. Vertical curves with a minimum length of 15 feet shall be provided at a change of grade of four percent or more.
 - f. If the sidewalk elevation has to be adjusted to meet the driveway, the sidewalk shall be inclined at a rate not to exceed one-foot vertical for every 24 feet horizontal.
4. Driveway Spacing: Minimum driveway is needed to help mitigate traffic congestion on arterial roads. Driveway spacing will be determined as a function of arterial highway operating speeds spacing will be determined according to the following schedule:

Highway Speed Limit (mph)	Minimum Spacing (feet)
25	105
30	125
35	150
40	185
45	230
50	275

These spacings are based on average vehicle acceleration and deceleration rates and are considered necessary to maintain safe traffic operation. Spacing will be measured from the midpoint of each driveway. In the event that a particular parcel or parcels lack sufficient arterial frontage to maintain adequate spacing, the landowner(s) have one of two options:

- a. They can seek a variance from the zoning administrator for minimum spacing, but in no case can the variance be greater than the next lowest minimum spacing on the table above.
 - b. The adjacent landowners may agree to establish a common driveway. In such cases, the driveway midpoint should be the property line between the parcels. The driveway must meet standard specifications, and the estimated driveway volume will be the sum of the trip-generation rate of both land uses in question.
5. Bonus for Combining Access Points: When two adjacent property owners agree to combine access points, the county will grant an incentive bonus. The total lot size and road frontage normally required will each be reduced by 15 percent for both landowners. In addition, the required number of parking spaces will be reduced by 15 percent for each development. Site circulation and safety standards will still be enforced.
6. Number of driveways per parcel:
 - a. A maximum of one driveway opening shall be permitted to a particular site from each of any one or two abutting streets.
 - b. When in the opinion of the city or of the City Engineer, and in the view of the permittee, it is in the interest of good traffic operation, the Planning and Zoning Board may permit one additional driveway entrance along a continuous site with frontage in excess of 300 feet or two additional driveway entrances along a continuous site with frontage in excess of 600 feet.

- c. Where a dual-service driveway is used, it will be considered, for purposes of this section, to be only one direct-access driveway.
 - d. In the case of dual one-way driveways, one pair of one-way drives may be used per street frontage.
7. Corner Clearance: All direct-access driveways shall be constructed such that the point of tangency of the curb return radius closest to a signalized or stop-sign-controlled intersection shall be at least 40 feet from the perpendicular curb face of the intersecting street. Using a 15-foot driveway radius, the edge of the driveway radius, the edge of the driveway throat shall be 55 feet from the curb face of the perpendicular intersecting street. The driveway radius shall not compound with the intersection corner radius.

1.525.09

LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 1.600.02 of the Zoning Ordinance.

SECTION 1.550 - (S-3) MEDICAL SERVICES DISTRICT

1.550.01 PURPOSE OF THIS DISTRICT: The purpose of this district is to provide for areas suitable for medical services of all types, including hospital, medical clinic and offices, medical supplies, mixed outpatient services/residential uses, medical personnel residential uses and the Yazoo Hospice Group. The intent is to provide a district where all medical related uses can be grouped together for the convenience of the medical uses as well as for the convenience of the community.

1.550.02 LAND USES PERMITTED:

- A. Hospitals
- B. Medical clinics
- C. Medical offices
- D. Medical supplies
- E. Mixed outpatient services/residential uses,
- F. Medical residential e.g. Yazoo Hospice Group

1.550.03 SPECIAL EXCEPTIONS AS PROVIDED IN SECTION 1.700.09:

- A. Public/quasi-public facilities and utilities in compliance with Section 1.33 and other regulations of this ordinance.
- B. Child care facilities
- C. Restaurants
- D. Drugstores

1.550.04 DIMENSIONAL REQUIREMENTS:

- A. Maximum building height: 45 feet.
- B. Minimum lot area: 10,000 square feet
- C. Minimum lot width: 50 feet at the set back line
- D. Minimum Yards:

1. Front yard: 35 feet. The first ten (10) feet inside this front yard set (adjacent to the street right-of-way line) shall remain open except for entrance/exit driveways and shall be landscaped; no parking shall be permitted in driveways within the first ten (10) feet of the front yard setback.
2. Side yards where not abutting a residential district or Agricultural district: Fifteen (15) feet; the first five (5) feet inside this side yard setback (adjacent to the property line) shall be landscaped. The remainder of the side yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
3. Rear yards where not abutting a residential district or Agricultural (A-1) district: Twenty (20) feet; the first five (5) feet inside this rear yard setback (adjacent to the property line) shall be landscaped. The remainder of the rear yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
4. Side yards and rear yards where abutting any residential district or Agricultural (A-1) district: twenty-five (25) feet, which shall remain open and be landscaped; or 15 feet, which shall remain open and be landscaped and a fence approved by the Zoning Administrator along side or rear yards abutting such residential district. All side or rear yards shall be landscaped open area with no encroachments permitted including driveways, parking lots, or other paved areas.

E. Minimum Space Between Buildings on the Same Lot: 30 feet. No more than two-thirds (66 2/3 percent) of the space between such buildings shall be paved; the remaining area shall be landscaped.

F. Minimum Green Space: Each lot shall have a minimum of ten percent (10 %) green space maintained by the property owner.

1.550.05 **SITE PLAN REQUIRED**: A site plan shall be submitted to the Zoning and Planning Board in accordance with Section 1.600.11 of this ordinance.

1.550.06 **REQUIRED LANDSCAPING ALONG ARTERIAL STREETS**: Landscaping should be provided along an arterial street if adjacent to the property.

1.550.07 REQUIRED OFF-STREET PARKING, LOADING AND ACCESS CONTROL: See Section 1.37 for off-street parking, loading, and access control requirements.

1.550.08 SIGNS: See Sign Ordinance.

1.550.09 LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED:

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 1.700.02 of the Zoning Ordinance. A public hearing is required because Section 1.600.08 involves amending the text of the Zoning Ordinance.

SECTION 1.575 B S-4 WILLIE E. MORRIS PARKWAY OVERLAY DISTRICT

1.575.1 **PURPOSE OF DISTRICT:** The general purposes of this section are to protect the integrity of and to encourage improved development design along the corridor known as Willie E. Morris Parkway. As a matter of public policy the city aims to redevelop, enhance, and perpetuate those aspects of overlay districts that have aesthetic, architectural, cultural, and/or historical significance. Such development activities will promote and protect the health, safety, prosperity, and general welfare of persons living in Yazoo City.

As an overlay zone, the Willie E. Morris Parkway Overlay District is mapped, and its regulations are imposed in addition to those of the underlying district. Developments within the overlay zone must conform to the requirements of both zones or the more restrictive of the two.

Specifically, the corridor district guidelines are designed to encourage the following in the corridor districts.

- A. To prevent the placement of inappropriate land uses along the parkway;
- B. To promote uniformity, with regard to dimensional regulations (i.e., maximum height, lot area and lot width, density, setbacks, and open space);
- C. To standardize landscaping requirements for private property within the corridor district;
- D. To establish sign regulations to prevent the erection of outdoor advertising that would detract from the aesthetic quality of the parkway district, thereby diminishing property values;
- E. To establish uniform off-street parking, service area, and access control regulations;
- F. To enact exterior lighting regulations that will minimize glare, promote security, and provide vehicular traffic and pedestrian safety; and
- G. To promote site plan review standards and procedures that encourages the highest quality of development while preventing unnecessary delays.
- H. The minimum width of the Parkway District along the Willie E. Morris Parkway is 600 feet on either side of the right-of-way. The Parkway begins from the west right-of-way line of U.S. Highway 49 (Jerry Clower Boulevard) to 300 feet from the east right-of-way line of state Highway 3 (Haley Barbour Parkway).

- 1.575.2** **PERMITTED LAND USES:** C-1, C-2, C-3 commercial uses and I-1 Light industrial uses except for prohibited uses.
- 1.575.3** **SPECIAL EXCEPTIONS/CONDITIONAL USES AS PROVIDED UNDER SECTION 1.600.15:** Only those conditional uses that are specifically permitted in the C-1, C-2, C-3, and I-1 districts except for prohibited uses.
- 1.575.4** **PROHIBITED PARKWAY DISTRICT LAND USES:** To maintain the integrity of this district the following uses are prohibited regardless of the type of district in which they are found. These uses apply only in the portions of each district covered by the overlay. If any of these prohibited land uses legally existing in areas covered by the overlay at the date of the ordinance's adoption , they are "grandfathered," that is, they may continue to exist and operate. Furthermore, these uses may expand into areas covered by the overlay.
- A. Group homes for the handicapped and personal care facilities
 - B. Child Care Centers
 - C. Mobile homes and mobile home sales lots.
 - D. Apartments
 - E. Coin laundry
 - F. Automotive service and repair establishments
 - G. Re-cycling collection point.
 - H. Car Wash
 - I. Bingo parlors
 - J. Palm readers, psychics, fortune tellers, soothsayers, tarot card readers, and similar businesses that foretell the future
 - K. Pawn shops
 - L. Title pledge office
 - M. Secondhand store

- N. Bars not associated with restaurants
- O. Mini-warehouses
- P. Commercial communication towers
- Q. Adult arcades, adult bookstores, adult cabarets, adult entertainment establishments, adult motel, and adult motion picture theaters
- R. Truck terminals, warehouses and storage buildings
- S. Wholesale and supply houses
- T. Bulk storage and wholesale dispersing of products and materials
- U. Wrecker services and junk yards.

1.575.05 **SITE PLAN REQUIRED:** The developer of any use in the S-4 Willie E. Morris Parkway Overlay District shall submit a site plan to the Planning and Zoning Board in accordance with Section 1.600.20 of this ordinance.

1.575.06 **GENERAL STANDARDS:**

- A. Loading Areas Screened: Loading areas shall be screened and located on side or rear yards.
- B. Outdoor Storage: Outdoor storage shall not be allowed in the district.
- C. Access to Property: Access to the property shall be approved by the City Engineer, Planning and Zoning Board, and Board of Mayor and Aldermen.
- D. Off-site Traffic Impact: The off-site impact of the site-generated traffic shall be based on a study performed by the developer using the latest edition of the Highway Capacity Manual. The results of the corresponding impacts shall be evaluated relative to the computed levels of service at various time frames and durations as defined in the manual. A plan for mitigating any adverse effects shall be proposed by the developer and approved by the City Engineer, Planning and Zoning Board, and Board of Mayor and Aldermen prior to the issuance of any building permits. The Traffic Mitigation Plan shall be based on the results of the traffic study and shall include proposed improvements, a cost estimate, a construction schedule, and the extent of participation by the proposed development.
- E. Half or Partial Streets: New half or partial streets shall be prohibited in new developments. When a tract to be developed borders an existing street

having a right-of-way width insufficient to conform to the minimum width standards required by these regulations, such additional right-of-way shall be platted and dedicated in such a way as to make the resulting street conform.

- F. Buffer Standards: When nonresidential uses abut residential uses, the following standards apply:
1. All of the structures for the nonresidential uses shall be set back a minimum of 50 feet from the residential property line and a 25-foot landscaped buffer shall be located between the residential and nonresidential uses; or
 2. All of the structures for the nonresidential uses shall have a minimum 25-foot landscaped buffer and a masonry wall or a fence, as approved by the Board of Mayor and Aldermen, located between the residential and nonresidential use.
- G. Minimum Landscaping Requirements: Persons wishing to develop property within the entranceway corridor district shall comply with the landscaping standards of this ordinance as follows:
1. Developers of commercial or industrial uses in this district shall comply with Section 1.600.20.D of this ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Sections 1.600.17 through 1.600.20.
 2. Existing natural landscaping material shall not be disturbed within 25 feet of the property line that adjoins the street right-of-way. This area shall be labeled as open space setback. No structures, fences, walls, or parking are allowed in this setback;
 3. Landscaping shall be provided in the open space setback where landscaping has been disturbed and shall be provided surrounding buildings and parking areas at a minimum width of five feet. The intensity of landscaping shall be two plants per 30 square feet of landscaped area. One-half of vegetation shall be at least four-feet high, and one-half shall be one-foot high at the time of planting. Trees shall be a minimum of 10 percent of the total planting. If parking is provided in the front setback, it shall be effectively screened by earth berms or landscaping, which shall be at least four feet above parking lot grade; and

4. In order to preserve natural landscaping on stream banks, an undisturbed setback of 10 feet shall be retained next to the major streams where 100-year floodplains have been recorded.
- H. Lighting Standards: Any lighting in the Willie E. Morris Parkway District used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjacent residential property. Specifically, lights with no cutoff type luminaire shall be no higher than 10 feet and shall have a minimum illumination, measured at the lot line at ground level, of .20 candlepower.
- Lights with a cutoff-type luminaire shall be no higher than 20 feet with a maximum illumination, measured at the lot line ground level, of .30 candlepower. Lights with a luminaire of less than 90-degree cutoff shall be no higher than 20 feet, with a maximum illumination, measured at the lot line at ground level, of .50 candlepower. The burden of proof of the candlepower provided shall be upon the developer.
- I. Sign Standards: Signs in the Parkway District shall meet the standards in the City's Sign Ordinance.
- J. Architectural Standards: All commercial, industrial, and multi-family structures in the Parkway District shall meet the following architectural standards:
1. If a flat or nearly roof is used on a building, it and mechanical equipment on the roof shall be concealed by horizontal parapets;
 2. A minimum of 80 percent of the surface material, excluding doors and windows, shall be brick or split block, etc.
- K. Required Information for Site Plans: When applying for a development permit in the Parkway District, applicants shall submit, in addition to any other requirements, the following information.
1. A site plan drawn to scale showing drainage; storm water detention, significant natural features; all access points, including access to major arterials; arrangement, uses and dimensions and elevations of buildings; parking and loading; landscaping, walls and fences; open space; setbacks; and existing adjacent land uses of abutting property;
 2. Developers requesting approval for residential projects with 50 units or more, or commercial projects with over 100 feet x 100 feet (square feet) or 1/4 acre, within the Parkway Districts shall submit,

as part of the application for the development plan, an approved traffic impact statement for the proposed development. The statement shall provide data on the traffic generated by the proposed development, using existing traffic counts generated by the county and other sources, and the methods set forth in the most recent edition of the Highway Capacity Manual. The statement shall also show the traffic network includes all the subcollectors and collectors from the point of the origin at the proposed development up to and including intersections with secondary or major arterials. The statement must show the impact of the proposed development on the level of service of the relevant streets in the traffic network. A Level of Service[®] refers to the categories A through F set forth by the Highway Capacity Manual.

L. Driveway Standards:

1. General Performance Standard: It shall be unlawful to construct or use any direct access driveway that does not meet the following criteria:
 - a. Any driveway design must allow an entering vehicle turning speed of 15 mph to help reduce interference with through street traffic.
 - b. Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic as determined by a competent traffic survey.
 - c. There must be sufficient on-site storage to accommodate at least three queued vehicles waiting to park or exit without using any portion of the street right-of-way in any other way interfering with street traffic.
 - d. Provisions for circulation between adjacent parcels should be provided through coordinated or joint parking systems, or other methods as specified in the city's Comprehensive Plan.
 - e. Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.

- f. Direct-access driveway placement must be such that an exiting vehicle has an unobstructed sight distance according to the following schedule.

Highway Design Speed (mph)	Sight Distance (feet)
30	200
35	225
40	275
45	325
50	380
55	435
60	505

- g. Driveway design must be such that an entering vehicle will not encroach upon the exit lane of a two-way driveway. Also, a right-turning exiting vehicle will be able to use only the first through-traffic lane available without encroaching into the adjacent through lane.

2. Standards for Right-Turn Lanes and Tapers: Right-turn lanes and tapers will be required when:

- a. Expected right-turn ingress movements meet or exceed 50 per hour during a typical weekday peak traffic period.
- b. Driveway volumes are expected to meet or exceed 1,000 vehicles per day.
- c. The City Engineer can document, through traffic analysis, that such treatment is necessary to avoid congestion and/or unsafe conditions on the public thoroughfare.

3. Driveway Profile: Driveway profiles shall be determined using the following criteria:

- a. The grade of a two-way, one-way, or divided commercial driveway shall not exceed 1.5 percent for a minimum distance of 25 feet from the edge of the pavement. Beyond this distance, the grade shall not exceed eight percent.
- b. If the highway is curbed and if the sidewalk is 10 feet or less from the edge of the pavement, the grade of a driveway shall be the grade required to meet the sidewalk elevation, but, if that grade would exceed the maximums specified in paragraph 1, the sidewalk shall be either tilted or inclined.

- c. If the highway is uncurbed, the grade of the driveway between the highway of pavement and the edge of the shoulder shall conform to the slope of the shoulder to the edge of the driveway approach.
 - d. For a driveway on an upgrade towards the highway, a grade of 1.5 percent for a distance of 100 feet the edge of the pavement is required. Beyond this distance, the grade shall not exceed 40 percent and the difference in grades where there is a change of grade shall not exceed three percent.
 - e. Vertical curves with a minimum length of 15 feet shall be provided at a change of grade of four percent or more.
 - f. If the sidewalk elevation has to be adjusted to meet the driveway, the sidewalk shall be inclined at a rate not to exceed one-foot vertical for every 24 feet horizontal.
4. Driveway Spacing: Minimum driveway is needed to help mitigate traffic congestion on arterial roads. Driveway spacing will be determined as a function of arterial highway operating speeds spacing will be determined according to the following schedule:

Highway Speed Limit (mph)	Minimum Spacing (feet)
25	105
30	125
35	150
40	185
45	230
50	275

These spacings are based on average vehicle acceleration and deceleration rates and are considered necessary to maintain safe traffic operation. Spacing will be measured from the midpoint of each driveway. In the event that a particular parcel or parcels lack sufficient arterial frontage to maintain adequate spacing, the landowner(s) have one of two options:

- a. They can seek a variance from the zoning administrator for minimum spacing, but in no case can the variance be greater than the next lowest minimum spacing on the table above.
- b. The adjacent landowners may agree to establish a common driveway. In such cases, the driveway midpoint should be

the property line between the parcels. The driveway must meet standard specifications, and the estimated driveway volume will be the sum of the trip-generation rate of both land uses in question.

5. Bonus for Combining Access Points: When two adjacent property owners agree to combine access points, the city will grant an incentive bonus. The total lot size and road frontage normally required will each be reduced by 15 percent for both landowners. In addition, the required number of parking spaces will be reduced by 15 percent for each development. Site circulation and safety standards will still be enforced.
6. Number of driveways per parcel:
 - a. A maximum of one driveway opening shall be permitted to a particular site from each of any one or two abutting streets.
 - b. When in the opinion of the city or of the City Engineer, and in the view of the permittee, it is in the interest of good traffic operation, the Planning and Zoning Board may permit one additional driveway entrance along a continuous site with frontage in excess of 200 feet or two additional driveway entrances along a continuous site with frontage in excess of 400 feet.
 - c. Where a dual-service driveway is used, it will be considered, for purposes of this section, to be only one direct-access driveway.
 - d. In the case of dual one-way driveways, one pair of one-way drives may be used per street frontage.
7. Corner Clearance: All direct-access driveways shall be constructed such that the point of tangency of the curb return radius closest to a signalized or stop-sign-controlled intersection shall be at least 40 feet from the perpendicular curb face of the intersecting street. Using a 15-foot driveway radius, the edge of the driveway radius, the edge of the driveway throat shall be 55 feet from the curb face of the perpendicular intersecting street. The driveway radius shall not compound with the intersection corner radius.

1.575.07

**LAND USES NOT SPECIFICALLY PROHIBITED OR
PERMITTED**

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 1.600.02 of the Zoning Ordinance.

SECTION 1.580 P-1 PUBLIC/QUASI-PUBLIC USE DISTRICT

1.580.01 **PURPOSE OF THIS DISTRICT:** The purpose of this district is to provide for areas suitable for public and quasi-public uses and that these public/quasi-public uses are not intended to conflict with other use districts.

1.580.02 **LAND USES PERMITTED:** Public and quasi-public uses as defined in the Definitions Section of this ordinance.

1.580.03 **SPECIAL EXCEPTIONS AS PROVIDED IN SECTION 1.700.09:**

1.580.04 **DIMENSIONAL REQUIREMENTS:**

- A. Maximum Building Height: 45 feet, as measured from the average of finished ground elevations at the front line of the building or structure, and unless greater height is approved by the Board of Mayor and Aldermen.
- B. Minimum Lot Area: None specified.
- C. Minimum Lot Width: None specified.
- D. Minimum Yards:
 - 1. Front yard: Must be compatible with structures and buildings in surrounding neighborhood.
 - 2. Side yards where not abutting a residential district or agricultural district: Fifteen (15 feet; the first five (5) feet inside this side yard setback (adjacent to the property line) shall be landscaped. The remainder of the side yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
 - 3. Rear yards where not abutting a residential district or Agricultural (A-1) district: Twenty (20) feet; the first five (5) feet inside this rear yard setback (adjacent to the property line) shall be landscaped. The remainder of the rear yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
 - 4. Side and rear yards where abutting any residential district or Agricultural (A-1) district: twenty-five (25) feet, which shall remain open and be landscaped; or 15 feet, which shall remain open and be landscaped and a fence approved by the Zoning Administrator along the side or rear lot lines abutting such residential district. All side or rear yards shall be landscaped open

area with no encroachments permitted including driveways, parking lots, or other paved areas.

- E. Minimum Space Between Buildings on the Same Lot: 30 feet. No more than two-thirds ($66 \frac{2}{3}$ percent) of the space between such buildings shall be paved; the remaining area shall be landscaped.
 - F. Minimum Green Space: Each lot shall have a minimum of ten percent (10 %) green space maintained by the property owner.
- 1.580.05 SITE PLAN REQUIRED: A site plan shall be submitted to the Zoning and Planning Board in accordance with Section 1.600.11 of this ordinance.
- 1.580.06 REQUIRED LANDSCAPING ALONG ARTERIAL STREETS: Landscaping should be provided along an arterial street if adjacent to the property.
- 1.580.07 REQUIRED OFF-STREET PARKING, LOADING, AND ACCESS CONTROL: See Section 1.37 for off-street parking, loading, and access control requirements.
- 1.580.08 SIGNS: See Sign Ordinance.
- 1.580.09 LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED: Proposed Land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 1.700.02 of the Zoning Ordinance. A public hearing is required because Section 1.600.08 involves amending the text of the Zoning Ordinance.

SECTION 1.585 - F-1 FLOOD PLAIN DISTRICT

1.585.01 **PURPOSE OF THIS DISTRICT:** The purpose of this district is to manage the city's flood plains according to the Yazoo City Flood Prevention Damage Ordinance to help prevent or minimize property damage from flooding.

ARTICLE V

SECTION 1.600 - ADMINISTRATION AND ENFORCEMENT

1.600.01 **PURPOSE OF THIS ARTICLE:** It is the purpose of this Section to prescribe the legal devices and procedures for administering and enforcing this Ordinance and to define the duties, powers, limitations and scope of jurisdiction for the various persons and groups that are concerned with the administration and enforcement of this Ordinance.

1.600.02 **ADMINISTRATIVE INTERPRETATION BY THE ZONING ADMINISTRATOR:** The Building Inspector is responsible for the enforcement, administration, and maintenance of the zoning ordinance and the Official Zoning Map. With these responsibilities, he is designated as the Zoning Administrator. He may be provided with the assistance of such other persons as the Board of Mayor and Aldermen may direct.

In the event there is a question as to the general intent or specific meaning of any provision of the ***Zoning Ordinance*** text, or of the boundaries or district designations or other matters relating to the ***Official Zoning Map***, the Zoning Administrator shall have the power to make such administrative decisions and interpretation.

A. **Limitation of Powers:** Said administrative interpretation shall in no manner be construed to include, or used in any way which would permit, the granting of a conditional use permit (special exception), dimensional variance, or zoning amendment (either an amendment to the zoning text or a district re-classification---that is, the re-zoning of any land), the provisions for which use are given elsewhere in this Ordinance.

B. **Appeals from the Administrative Interpretation by the Zoning Administrator:** Appeals from said administrative interpretation shall be made as provided in Subsection 1.600.17-A of this Ordinance.

1.600.03 **BUILDING PERMITS:**

A. No building or other structure shall be erected, moved, added to, or structurally altered without a building permit issued by the Building Inspector.

- B. No building permit shall be issued by the Building Inspector except in conformity with the provisions of this ordinance, unless he receives a written order from the Board of Mayor and Aldermen in the form of an administrative review, special exception, or variance, as provided by this ordinance.

1.600.04 APPLICATION FOR BUILDING PERMIT:

- A. All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration.
- B. The application shall include such other information as lawfully may be required by the building inspector including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and to provide for the enforcement of this ordinance.
- C. One (1) copy of the plans shall be returned to the applicant by the building inspector after he has marked such copy either as approved or disapproved and attested the same by his signature on such copy. The original and one (1) copy of the plans, similarly marked, shall be retained by the building inspector.

1.600.05 CERTIFICATES OF ZONING COMPLIANCE:

- A. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance has been issued by the building inspector stating that the proposed use of the building or land conformed to the requirements of this ordinance.
- B. No nonconforming structure or use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance has been issued by the building inspector. The certificate of zoning compliance shall state specifically wherein the non-conforming use differs from the provisions of this ordinance.

- C. A temporary certificate of zoning compliance may be issued by the building inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards that will protect the safety of the occupants and the public.
- D. The building inspector shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request of any person.

1.600.06 **EXPIRATION OF BUILDING PERMIT:** If the work described in any building permit has not begun within ninety (90) days or been completed within one (1) year from the date of issuance thereof, said permit shall expire. It shall be cancelled by the building inspector and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

1600.07 **REQUIRED CONFORMANCE:** Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the building inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance and punishable as provided by this ordinance.

1.600.08 **ADMINISTRATIVE PERMITS ADMINISTRATIVE INTERPRETATION AND DETERMINATION OF NEW AND UNLISTED USES:** It is recognized that new types of land use will develop and forms of land use not anticipated and listed may seek to locate in the City of Yazoo City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

Administrative Permit Application Procedures and Review Standards:

- A. The question concerning any new or unlisted use shall be referred to the Zoning Administrator requesting an interpretation as to the zoning classification into which the use should be placed. The referral of the use interpretation question shall be accompanied by a

statement of facts listing the nature of the use and whether it involves such characteristics as dwelling activity, sales, processing, type of product, storage, and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated, the general requirements for public utilities such as water and sanitary sewer, and the degree of compatibility of the use.

- B. The Zoning Administrator must first determine if the proposed use is in harmony with the purpose and intent of this Ordinance.
- C. The Zoning Administrator must then determine if the proposed use is in harmony with the purpose and intent of the district.
- D. The Zoning Administrator may require conditions to be met to make the use compatible with the district.
- E. The Zoning Administrator shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within such use should be permitted.
- F. The Zoning Administrator shall keep a permanent record of the findings and determination for future reference.
- G. The Zoning Administrator may, upon his own initiative, make such a determination.
- H. Negative findings by the Zoning Administrator may be appealed to the Planning and Zoning Board on grounds of error in his determination.
- I. Upon making his determination, and if there is no appeal, the Zoning Administrator shall notify any other officer or agency of the city likely to be affected by such ruling. In particular, the Planning and Zoning Board shall be notified to obtain their comments.
- J. Such determinations are binding on all officers and agencies of the city as an administrative ruling, and may be included as an amendment to the Zoning Ordinance when subsequent amendment items are considered by the Board of Mayor and Aldermen, and if the proposed use is sufficiently common to justify a text amendment.

- K. Uses deemed to be incompatible as permitted uses may be considered as uses allowed by special exception in that zone.
- L. A formal application may be filed with the Zoning Administrator addressing all the characteristics listed in item “A” above, or an applicant may simply send the Zoning Administrator a letter describing his proposed use, buildings, structures, and site activities and requesting a tentative administrative determination.
- M. New or unlisted uses may be allowed by right, by right with qualification, by special exception, as an ancillary or accessory use, or as a home occupation.
- N. Decisions of the Zoning Administrator shall be deemed final unless, within not more than ten working days of the date such decision was rendered; a written notice of appeal is filed. Such notice of appeal, specifying the grounds thereof, shall be filed with the Zoning Administrator for transmission to the Planning and Zoning Board and docketed on their next available board meeting.

1.600.09

POWERS AND DUTIES OF THE YAZOO CITY

PLANNING AND ZONING BOARD: The Yazoo City Planning and Zoning Board is hereby authorized to assist in administration of this ordinance. In carrying out its functions and duties, the Planning Commission shall have authority to:

- (1) review applications for special exceptions and variances,
- (2) review any question concerning interpretation of the zoning ordinance text or map,
- (3) review applications for rezoning (map amendments), and amendments to the text of this ordinance.
- (4) hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this ordinance.
- (5) review all site plans required by this ordinance.

All matters submitted to the Planning and Zoning Board for review and recommendations shall be duly entered upon the minutes of the Planning and Zoning Board and shall show the vote of each member present at such meeting. All recommendations made to the Board of Mayor and Aldermen shall be made in writing.

1.600.10 PROCEEDINGS OF THE PLANNING AND ZONING BOARD:

- A. Board Rules and Meetings: The Planning and Zoning Board shall adopt rules necessary to conduct the affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the board may determine. All meetings shall be open to the public.
- B. Board Minutes and Records: The Planning and Zoning Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The board shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the board.

1.600.11 HEARINGS, APPEALS, NOTICES:

- A. Who May Make Appeals: Appeals to the Planning and Zoning Board concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the city affected by the decision of the building inspector or Zoning Administrator.
- B. Timing of Appeals: Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days or such lesser period as may be provided by the rules of the board, by filing with the building inspector and with the Planning and Zoning Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall transmit to the board all papers constituting the record upon which the action appealed was taken.
- C. Public Notice of Appeals: The Planning and Zoning Board shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

1.600.12 STAY OF PROCEEDINGS:

An appeal stays all proceedings in furtherance of the action appealed from, unless the building inspector certifies to the Planning and Zoning Board after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would cause imminent peril to life and property. In such case, proceedings

shall not be stayed other than by a restraining order, issued by a court of record.

1.600.13 DUTIES OF THE BOARD OF MAYOR AND ALDERMEN IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE: The Board of Mayor and Aldermen of the City of Yazoo City shall have the final authority with regard to all matters involving this zoning Ordinance. The duties of the Board of Mayor and Aldermen shall include, but not necessarily be limited to:

- A. Administrative review under which the Board of Mayor and Aldermen hears and decides appeals from actions of the Planning and Zoning Board.
- B. Acting upon all recommendations from the Planning and Zoning Board on applications for dimensional variances and special exceptions.
- C. Acting upon all applications for re-zonings (i.e., amendments to the *Official Zoning Map*). In accordance with Section 17-1-17 of the *Mississippi Code of 1972, As Amended*, “any party aggrieved with the recommendation of the (Planning and Zoning Board) shall be entitled to a public hearing before the (Board of Mayor and Aldermen), with due notice thereof after publication for the time and as provided by (the Mississippi Code).”
- D. Acting upon all recommendations from the Planning and Zoning Board on proposed amendments to the text of the Zoning Ordinance.
- E. Accepting, rejecting, or conditionally approving site plans, preliminary subdivision plats or development plans.
- F. Appointing the members of the Planning and Zoning Board.

1.600.14 DIMENSIONAL VARIANCES: Where the strict application of this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property, the Board of Mayor and Aldermen is empowered to grant, upon an application relating to such property, a dimensional variance **from such strict application so as to relieve such difficulties or hardships. Examples of such difficulties or hardships include exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original**

adoption of this Ordinance; or by reason of the location of trees, natural drainage course, lakes, or other desirable or attractive features, which condition is not generally prevalent in the neighborhood.

- A. Requirements for Granting Variances: Any person desiring a dimensional variance from the terms of this Ordinance shall submit a written application (on a form furnished by the Zoning Administrator) demonstrating compliance with all of the following:
1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district.
 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 3. That the special conditions and circumstances do not result from the actions of the applicant.
 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 6. That the granting of the variance will be in harmony with the general intent and purpose of the Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest.
 7. Traffic visibility on adjoining streets will not be adversely affected
 8. Drainage from proposed buildings and structures will not adversely affect adjoining properties and public rights-of-way.

B. Corollary Guidelines for Determining Hardships:

1. A variance is not the appropriate remedy for a general condition;
when:
 - a. Such hardship is not shared generally by other properties in the same district and the same vicinity.
 - b. The condition or situation of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.
2. Self-inflicted hardship is not grounds for a variance.
3. Personal hardship is not grounds for a variance. The hardship must relate to the physical character of the property:
 - a. The hardship is created by the physical character of the property, including dimensions, topography, or soil conditions, or by other extraordinary situation or condition of such property.
 - b. Personal hardship shall not be considered as grounds for a variance, since the variance will continue to affect the character of the neighborhood after title to the property has passed to another owner.
4. Economic hardship in itself is not grounds for a variance. It may be considered as an element, but there must be other compelling considerations.
5. The hardship must be severe and unnecessary in achieving public purposes.
6. The variance must not adversely affect adjacent property or the character of the district. This limitation is clear in item 1.600.08-A above of the standards governing variances unless the Board of Adjustment finds that the authorization of such variance will not be of substantial detriment to adjacent property, and that the character of the district will not be changed by the granting of the variance.

- C. Guidelines for Determining Practical Difficulties:** A practical difficulty is present where the requested dimensional change is minimal and the harm to the applicant denied a variance will be greater than the probable effect on neighboring properties if the variance is granted. The following factors shall be considered in evaluating the costs and benefits of granting the variance:
1. The nature of the zone in which the property lies.
 2. The character of the immediate vicinity and the permitted uses.
 3. Whether, if the variance were granted, neighboring property would be seriously affected.
 4. Whether, if the variance were not granted, it would seriously hinder the owner's efforts to make normal improvements given the property's permitted use.
- D. Variances Granted by Zoning Administrator:** Many times applications for variances involve less than 10 percent of the required dimensions and usually have no problems connected with them. Therefore, the Zoning Administrator shall have the authority to grant variances of up to 10 percent of the dimensional requirement. Requests for variances over 10 percent must be heard by the Planning and Zoning Board. Adjacent property owners are notified of the application. If there is no objection, the Zoning Administrator may grant the modification without a public hearing.
- E. Existence of Non-Conforming Uses Not Grounds for Variance:** The existence of non-conforming uses of neighboring lands, structures, or buildings in the same zoning district shall not be considered grounds for granting a variance. Furthermore, the existence of permitted or non-conforming use of lands, structures, or buildings in other districts shall not be considered grounds for issuance of a variance.

(NOTE: Allowing the applicant to construct a building to conform with existing nonconforming buildings in the same area as the proposed variance would not be proper, since the other buildings, although allowed to remain as nonconformities, may be located much too close to the street right-of-way, side or rear property line, etc. for the purpose of this Ordinance. Therefore, the variance should prescribe conditions which are as close as possible to the dimensional requirements of this Ordinance.)

- F. **Site Plan Required:** Every applicant for a dimensional variance shall submit a site plan in accordance with Section 1.600.17 of this Ordinance.
- G. **Public Hearing Required:** A public hearing shall be held in accordance with Section 1.600.21 of this Ordinance for all proposed dimensional variances.
- H. **Required Findings:** No variance shall be issued until the Board of Mayor and Aldermen have made a finding that the reasons set forth in the application justify the granting of the variance, and that the variance constitutes the minimum allowable deviation from the dimensional regulations of this Ordinance in order to make possible the responsible use of the land, building or structures. Furthermore, no variance shall be granted until the Board of Mayor and Aldermen have made a finding that the granting of the dimensional variance will be in harmony with the general purpose and intent of this Ordinance, and that the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- I. **Conditions and Safeguards May Be Prescribed with Dimensional Variance:** In granting any dimensional variance, the Board of Mayor and Aldermen may prescribe appropriate conditions and safeguards in conformity with this ordinance. When made a part of the terms under which the variance is granted, a violation of the conditions and safeguards shall be deemed a violation of this ordinance and punishable under Section 1.600.26 of this ordinance. The applicant for the dimensional variance shall be required to sign a statement that he/she accepts the conditions and safeguards prescribed by the Board of Mayor and Aldermen. This statement shall be notarized by a Notary Public. The original of this signed statement shall be kept on file by the Zoning Administrator.
- J. **Granting of a “Use Variance” Prohibited:** Under no circumstances shall the Board of Mayor and Aldermen issue a variance to allow a use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

1.600.15 SPECIAL EXCEPTIONS: The Board of Mayor and Aldermen are empowered to hear and decide whether or not proposed special exceptions authorized under this Ordinance should be granted after receiving recommendations from the Planning and Zoning Board.

Additionally, the Zoning Administrator must review and make recommendations on each conditional use application.

A. Purposes of Special Exceptions:

1. The development and implementation of this zoning Ordinance is based upon the division of the community into districts, within which the use of land and buildings, and the bulk and location and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics or nature, require special and intensive review to determine whether they should be permitted in specified locations.
2. These special exceptions also require review based upon standards and the application of special conditions and safeguards if permission is granted in such locations. Special use procedures and standards as provided herein are intended to assure that such review is made and that appropriate conditions and safeguards are attached. Special exception procedures and standards shall be applied, and special exceptions granted, only in cases specified in this Ordinance.
3. Conditions are required for specified uses which must satisfy standards in addition to those generally applicable in a zoning district to eliminate or minimize the potentially harmful characteristics or impact of such conditional uses on the character of the zoning district in which they will be located.
4. In addition to zoning procedures and requirements relating generally to issuance of building permits and certificates of occupancy/zoning compliance, a conditional use system is hereby established. It is intended that this system shall assure special examination, review, and findings by appropriate agents, agencies or bodies in connection with proposed actions particularly specified in this Ordinance.
5. Special exception procedures and standards as set forth herein are intended to apply in relation to use, occupancy, location, construction, design, character, scale manner of operation, or necessity for making complex or unusual determinations, and to assure consideration of the particular

circumstances of each case and the establishment of such conditions and safeguards as are reasonably necessary for protection of the public interest generally, of adjacent properties, the neighborhood, and the jurisdiction as a whole.

6. For the purposes of this Ordinance, the term “requirements” refers to the restrictions which apply to all uses in a district, whether permitted as of right or only through a conditional use. They apply automatically to all uses in a zone.

“Standards” are the guidelines for use by administrators in making decisions such as for rezonings or variances. They involve the application of stated criteria to given situations.

“Conditions” are additional restrictions beyond the stated standards, applied to a particular use, which might govern, for example, hours of operation or the location of exits and entrances or the type of screening. A violation of the conditions is a violation of the Ordinance. The above distinctions help to define the way discretion is to be exercised in making the provisions of this Ordinance flexible to meet the needs of different situations in particular locations.

B. General Procedures and Multiple Applications: Applications for special exceptions may be accompanied by applications for rezonings and/or variances from the Zoning Ordinance or other city Ordinances. When this happens, the administrative officer will schedule a simultaneous hearing between the bodies/agencies involved to hear and decide the applications with the special exception. These individual procedures must be followed:

1. All applications for special exceptions must first be submitted to the Zoning Administrator, who reviews them in light of all standards in Sections 1.600.15-D and 1.600.15-E. Afterwards, the Zoning Administrator forwards the application and his recommendations to the Planning and Zoning Board for their review, comments, and recommendations.
2. If two or more applications are submitted by the same applicant and one is denied, the other application(s) is/are automatically withdrawn from consideration.

3. If one of the applications is approved but with major changes that change the basic premise of the applicant's other applications, then the other applications (for variances, the site plan, air approach height exceptions, flood hazard encroachments) must be amended and re-filed.
4. After completing their review, the Planning and Zoning Board then forwards the application and their recommendations to the Board of Mayor and Aldermen.

C. Action by the Board of Mayor and Aldermen. Findings Required:

1. The hearing shall be held, at which any party may appear in person or by agent or attorney. The Board of Mayor and Aldermen must make their decision within a reasonable time thereafter, not to exceed 30 days.
2. After receiving recommendations from the Planning and Zoning Board and before granting any special exception, the Board of Mayor and Aldermen must make written findings that it is empowered under specified sections of this Ordinance to grant the special exception and that the granting of the special exception will not adversely affect the public interest.

D. General Standards: The Board of Mayor and Aldermen Shall Not Grant Any Special Exception Unless All of the Following Findings Are Made:

1. The special exception is in conformity with the city's Comprehensive Plan generally or the Land Use Plan specifically; and with the purpose, intent and applicable standards of this Ordinance.
2. The proposed special exception is designated by this Ordinance as a conditional use in the zoning district in which the property in question is located. Uses that are not specifically listed as conditional uses are prohibited.
3. The proposed special exception will comply with all applicable regulations in the zoning district in which the property in question is located.

4. The proposed use will comply with all special regulations established by this Ordinance for such special exception.
5. The establishment or maintenance of the special exception shall not be detrimental to the public health, safety, or general welfare.
6. The special exception shall be located, designed, maintained, and operated to be compatible with the existing or intended character of the zoning district.
7. The special exception must not depreciate property values.
8. The conditional use must not be hazardous, detrimental, or disturbing to present surrounding land uses due to noise, glare, smoke, dust, odor, fumes, water pollution, erosion, vibration, general unsightliness, electrical interference, or other nuisance.
9. The special exception must generate only minimal vehicular traffic on local streets and must not create traffic congestions, unsafe access, or parking needs that will cause inconvenience to the adjoining properties.
10. The special exception must be served adequately by essential public services such as streets, police, fire protection, utilities, schools, and parks.
11. The special exception must not create excessive additional requirements at public cost for public facilities and services and shall not be detrimental to the economic welfare of the city.
12. The special exception shall preserve and incorporate the site's important natural and scenic features into the development design.
13. The special exception shall cause minimal adverse environmental effects.
14. No conditions imposed on a special exception as a result of these standards will be so unreasonably difficult as to preclude development of the use.

15. Other information as required by the Zoning Administrator or Building Official.

E. Site Design Related Standards: Before granting any application for a special exception, the Board of Mayor and Aldermen shall make written findings that the granting of the permit will not adversely affect the public interest. The Board of Mayor and Aldermen shall also make written findings certifying compliance with the specific rules and requirements governing individual special uses, and that, where applicable, satisfactory provision and arrangement have been made concerning the following:

1. That the size and shape of the site, and the capacity and bulk of the use to be in character with surrounding uses and the neighborhood. The size and shape of the site for the intended use must be adequate to accommodate the use, and for all the yards, setbacks, walls or fences, landscaping, and other features required by this (zoning Ordinance) to adjust the use with those on abutting land and in the neighborhood.
2. That the site for the proposed use relates to streets and highways properly, both as to width and type of pavement to carry the quantity of traffic generated by the subject use. No substantial additional traffic beyond that which would occur if any permitted uses were to locate on the site in the zone district. Traffic generated by the proposed special exception must be compared to the existing traffic capacity of the streets immediately surrounding the use and to the most recent average daily traffic counts.
3. That in approving the subject use at the specific location, there will be no adverse effect on abutting property or the permitted use thereof.
4. That in requiring any of the conditions and safeguards in this subsection, the administrator deems such requirements to be the minimum necessary to protect the health, safety, and general welfare:
 - a. Vehicle circulation. There is ingress and egress to the property and proposed structures or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe. This includes sidewalks, driveways, internal streets

and drives, traffic signals, and turning lanes on abutting streets and arterials;

- b. Off-street parking and loading areas are required with particular attention to the items in (1) above;
- c. Refuse and service areas, with particular reference to the items in (1) and (2) above;
- d. Control of noise, glare, odor, or other potentially adverse effects of the proposed use on abutting and nearby property, and screening and/or buffering on the periphery of the project to alleviate such effects. Such screening and buffering should also be compatible to abutting and nearby property;
- e. Control of drainage and erosion;
- f. Utilities, with reference to location, availability, and compatibility;
- g. Signs and lighting, with reference to glare, traffic safety, and compatibility and harmony with adjoining properties and the character of the area; preservation of existing trees and other attractive natural features of the land;
- h. Required yards and other open spaces and preservation of existing trees and other attractive natural features of the land;
- i. Regulation of time for certain activities; general compatibility with adjacent properties and other property in the area;
- j. Use of the site next to property lines, to minimize incompatibility with abutting properties. This might require applicant to shift on-site uses to different locations on the site to place less intensive and passive uses closer to abutting properties with less intensive uses;
- k. Safety of the proposed use, which includes dangerous and obnoxious industrial processes such as gas station fuel tanks, electrical substations, and

natural gas pumping stations in residential areas. The administrator and, by extension, the city must assure that these safety problems are resolved;

- l. Impact on the capacity of public facilities, so that the proposed special exception does not take an excessive share of the available capacity of the water and sewer systems, storm drainage channels, schools, and recreational facilities. The project may be required to scale back its proposals, provide the additional public facilities or contribute to the cost of meeting the excess overload;
- m. Minimal negative environmental and economic impact. The administrator shall impose conditions to mitigate negative impacts based on the known and significant probability that damage will occur in the future rather than the possibility it might occur;
- n. No encroachment upon flood hazard zones or airport approach zones;
- o. Where the special exception application is denied, the record of the administrator must set forth, and the applicant shall receive written notice of, the specific grounds for denial.

F. Conditions, Safeguards, and Assurances: The Board of Mayor and Aldermen may impose such conditions relating to the special exception as he may deem necessary in the particular case to protect the public interest, in relation to the items listed in Section 1.600.15-F above and as may otherwise be reasonably necessary, and may require a guarantee or bond to insure continued compliance with such conditions and continued maintenance of such safeguards. Violation of conditions or safeguards lawfully attached to any conditional use shall be deemed violations of this Ordinance. The conditional use approval may be revoked until all violations are corrected.

G. Special Exceptions Apply to Property. Not Person: When granted, a conditional use, together with any conditions or safeguards attached, shall apply to the land, structure or use for which it was issued, and not to a particular person.

- H. Withdrawal of Application: Rehearing if Withdrawn or Denied:** An application for a special exception approval may be withdrawn at any time, but if withdrawn after the department has convened the hearing at which it was to be considered or if denied by the department, substantially the same application shall not be considered within 12 months from date of withdrawal or denial.
- I. Multiple Applications and Simultaneous Project Review:** For projects which require more than one application and public hearing by more than one board or commission, the Zoning Administrator shall arrange a joint public hearing where the applications shall be heard by members of each body.
- J. Issuance of Special Exception Approval:** Special Exception approval must be issued upon certain conditions, such that if an applicant meets the requisite standards specified in the Ordinance, the permit must be allowed. Conditions other than those delineated in the Ordinance must not be arbitrarily imposed but must be related to the purposes of zoning. Applications may be denied only on proof that the use is detrimental to the public health, safety, and welfare. Reasons for denial must be specific. The permit will be signed and issued by the Building Official, with the Mayor's signature of approval. The Board of Mayor and Aldermen are empowered to hear and decide whether or not proposed special exceptions (conditional uses) authorized under this Ordinance should be granted.
- K. Requirements for Granting a Special Exception:** Any person desiring a special exception shall submit a written application (on a form furnished by the Zoning Administrator) indicating the Section in the Ordinance under which the special exception is sought and stating the grounds on which it is requested. The Mayor and Board shall not grant a special exception unless satisfactory provision and arrangement has been made concerning the following where applicable:
1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 2. Off-street parking and loading areas where required with particular attention to the items noted above and the economic, noise, glare, or odor effects of the special

exception on adjoining properties and properties generally in the district.

3. Refuse and service areas, with particular reference to the items noted above.
4. Utilities, with reference to locations, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions, and character.
6. Required yards and other open space.
7. General compatibility with adjacent properties and other property in the district.
8. Any other provisions deemed applicable by the Board of Mayor and Aldermen.

L. Site Plan Required: Every applicant for a special exception shall submit a site plan in accordance with Section 1.600.17 of this Ordinance.

M. Public Hearing Required: A public hearing shall be held in accordance with Section 1.600.21 of this Ordinance for all proposed special exceptions.

1.600.16 AMENDMENTS TO THE ZONING ORDINANCE TEXT OR THE OFFICIAL ZONING MAP (RE-ZONING):

A. Type of Amendments/Application Required: Amendments to this Ordinance include: (1) amendments to the text; and (2) amendments to the Official Zoning Map, which is legally a part of this Ordinance. Any person may initiate an amendment to this Ordinance by filing an application with the Zoning Administrator (on a form furnished by him! her).

B. Amendment (Rezoning) Application Review Standards: In reviewing applications for amendments to the Official Zoning Map, the Board of Adjustment in their separate reviews shall consider the proposed change in relation to the following standards:

1. Rezoning must pass threshold standards: no proposed zoning amendment will receive favorable recommendation

unless it passes the following threshold standards for a valid spot zoning:

- a. The proposal must not be a small parcel of land singled out for special and privileged treatment.
 - b. The proposed change must be in the public interest and not only for the benefit of a land owner(s).
 - c. The proposed change is consistent with all elements of the comprehensive plan and sound planning principles as follows:
 - (1) If a development proposal falls within one of the use and/or residential density categories indicated on the Land Use Map, the Planning and Zoning Board shall find the proposal consistent with the plan.
 - (2) If a development proposal is not consistent with the plan map, the Zoning Administrator and the Planning and Zoning Board shall review the plan's written policies to determine whether the proposal would undermine or conflict with them. If the Zoning Administrator and the Planning and Zoning Board determine that the proposal would not conflict with or undermine the plan's policies, they shall find the proposal consistent with the plan.
 - (3) If an applicant's property for rezoning falls adjacent to a district having the desired zoning classification, the rezoning proposal may be determined to be consistent as an extension of the adjacent property's zoning classification.
 - d. The proposed change must not create an isolated district unrelated and incompatible to adjacent districts.
2. Passing the threshold standards determines if the rezoning goes further: if the rezoning application does not pass the above threshold standards, the proposed amendment will be

considered to be an invalid spot zoning and will be denied on that basis. If the proposed zoning change is not in accord with all elements of the city's Comprehensive Plan, and if the applicant wishes to pursue the zoning change, an amendment to the Comprehensive Plan will be necessary before proceeding further. If the application passes the above thresholds for a valid spot zoning, then the following review standards shall also be considered:

- a. Whether the existing land use pattern will change and/or possibly increase or overtax the load on public facilities such as schools, utilities, or streets;
- b. Whether existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
- c. Whether changed or changing conditions made the passage of the proposed rezoning necessary. That is, has the character of the neighborhood changed to such an extent as to justify reclassification, and is evidence of a public need for the rezoning in that location?
- d. Whether the proposed change will adversely influence living conditions and/or property values in the neighborhood;
- e. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety;
- f. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning;
- g. Whether there is evidence of a mistake in the original zoning due to a clerical error;
- h. Whether the proposed change is speculative. A proposed change must have a definite zoning district in mind as well as a proposed intent or purpose for the proposed zoning district.

- i. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely the uses that applicants state they intend to make of the property involved.)
 - j. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- C. Criteria for Rezoning: No amendment to the Official Zoning Map shall be approved unless the proposed rezoning meets one of the following criteria:
 - 1. That there was a mistake in the original zoning. “Mistake” in this context shall refer to a clerical or administrative error, such as a mistake of draftsmanship on the *Official Zoning Map* or incorrectly reflecting the Board of Mayor and Aldermen’s decision in the minutes. “Mistake” DOES NOT mean that the Board of Mayor and Aldermen made a mistake in judgment in their prior zoning, such as not realizing the full meaning of the zoning classification or mistakenly placing the property in one classification when the evidence indicated that another would have been more appropriate.
 - 2. That the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a PUBLIC NEED for the rezoning.

Proposed Rezoning Shall Be Consistent with Adopted Comprehensive Plan: Section 17-1-9 of the *Mississippi Code of 1972*, As Amended, requires that “zoning regulations shall be made in accordance with a comprehensive plan---.” Accordingly, no amendment to the *Official Zoning Map* shall be recommended for approval by the Planning and Zoning Board unless the proposed rezoning is consistent with all four elements of the adopted *Comprehensive Plan of the City of Yazoo City*, including the

*Goals and Objectives, the Land Use Plan, the
Transportation Plan, and the Community Facilities Plan.*

- D. Public Hearing Required: In accordance with Section 17-1-17 of the *Mississippi Code of 1972*, As Amended, a public hearing before the Planning and Zoning Board shall be held on any proposed amendment to the text of this Ordinance or the *Official Zoning Map* following at least fifteen days* notice of the hearing in “---an official paper or a paper of general circulation in such municipality specifying a time and place of said hearing.” The hearing shall be held in accordance with Section 1.600.21 of this Ordinance.
- E. Notification of Adjacent Property Owners: The applicant shall notify all property owners within 160 feet in all directions (excluding the rights-of-way of streets or highways) from the lot lines of any parcel or parcels of land proposed for re-zoning.

Notification shall be by CERTIFIED MAIL stating the date, time, location and purpose of the public hearing, in the City of Yazoo City, and shall be mailed to such property owners fifteen days prior to the public hearing with notification of receipt of the letter returned to the Building Inspector. The Zoning Administrator shall attach all notifications of receipt of the letter to the application.

This notification of adjacent property owners is NOT required by State law. It is done as a courtesy to citizens owning property within the immediate area of proposed amendments. FAILURE OF ANY PROPERTY OWNER TO RECEIVE NOTIFICATION OF A PUBLIC HEARING CONCERNING A PROPOSED RE-ZONING SHALL NOT BE GROUNDS FOR CONTESTING ACTIONS BY THE CITY OF YAZOO CITY. (Note: The 160-foot distance is consistent with Section 17-1-17 of the *Mississippi Code of 1972*, as amended.

- F. Public Hearing Before Mayor and Board of Aldermen Unnecessary Unless Requested by Aggrieved Party: Following a public hearing held before the Planning and Zoning Board on a proposed amendment to this Ordinance (either an amendment to the text or *Official Zoning Map*), it shall NOT be necessary to hold another hearing on the proposed amendment; the Board of Mayor and Aldermen

may act upon the recommendation of the Planning and Zoning Board. However, any party aggrieved by the recommendation of the Planning and Zoning Board shall be entitled to a public hearing before the Board of Mayor and Aldermen, with due notice thereof after publication for the time, date and place within fifteen (15) days.

- G. Two-Thirds Vote of Board of Aldermen Necessary to Approve Rezoning Under Certain Circumstances: In case of a protest against a proposed rezoning signed by twenty percent (20%) or more of the property owners, either within the area of the proposed rezoning or of those within 160 feet of the property proposed for rezoning, such amendment shall not become effective except by the favorable vote of two-thirds of all members of the Board of Mayor and Aldermen. (See Section 17-1-17 of the Mississippi Code of 1972, Annotated, as amended.)
- H. Res Judicata: Upon the submission of an application for a rezoning, and a determination by the Board of Mayor and Aldermen that said application should be denied, the Board of Mayor and Aldermen shall not accept a subsequent application to rezone the same property or any part thereof to the same classification until the expiration of one (1) year from the date of the decision of the Board denying said application. However, if the application relates to the same property but seeks zoning to a different classification, the doctrine does not apply; and the Mayor and Board may consider such a proposed rezoning.
- I. When an Ordinance Amending Text or Official Zoning Map Is Required and Publication of That Ordinance: No amendment to the *Official Zoning Map* or the text of this Ordinance shall become effective until an Ordinance amending same has been passed by the Board of Mayor and Aldermen. Any Ordinance amending the *Official Zoning Map* shall contain findings of fact citing evidence demonstrating compliance with the criteria specified under Section 1.600.10-C of this Ordinance. Section 21-13-11 of the Mississippi Code of 1972, Annotated, as amended, requires that “every Ordinance passed by (the Board of Mayor and Aldermen)---shall be published at least one time in some newspaper published in such municipality, or, if there be no such newspaper, then in a newspaper within the county having general circulation in said municipality---.”

1.600.17

SITE PLAN REVIEW PROCEDURES: The Zoning Administrator shall act as the coordinator for the site plan review process. He/she shall advise all applicants for building permits if the proposed use requires the preparation and submission of a site plan (submittal deadline dates) and the official approval of the plan prior to the issuance of the permit. All applicants shall follow the procedures specified below:

- A. Sketch Plan: The applicant is encouraged to meet and consult informally with the Zoning Administrator. This meeting will give the applicant an opportunity to secure guidance as to what will probably be required before incurring great expense in making a detailed site plan.
- B. Submission of Site Plan: Eight copies of each site plan shall be prepared and submitted to the Zoning Administrator on or before the submittal deadline date. The Zoning Administrator shall notify the applicant of any deficiencies or omissions in the site plan. The site plan shall not be processed until all required data is provided.
- C. Applicant Must Be Represented at Planning and Zoning Board and Mayor/Board of Aldermen Meetings: Applicants (or their designated representative) for site plan approval shall be present at meetings of the Planning and Zoning Board and the Board of Mayor and Aldermen when their proposed site plan is to be reviewed, or no action will be taken by those bodies.
- D. Planning Commission Review of Site Plan: Following receipt of the site plan and supporting data, the Zoning Administrator shall forward one copy and those of other city staff to the Planning and Zoning Board for review.

The Planning and Zoning Board shall review the Site Plan and data at its next regular meeting following submission of same to the Zoning Administrator. The Zoning Administrator (or his/her designated representative) shall be present at the Planning and Zoning Board meeting.

After reviewing all information relative to the site plan, the Planning and Zoning Board may recommend approval or disapproval of the site plan or before approval, may request the applicant to modify, alter, adjust or otherwise amend the plan. Such conditions may be accepted and agreed to by the

applicant at the time and without further hearing, unless the applicant appeals the recommendation to the Board of Mayor and Aldermen in accordance with the Zoning Ordinance. In any case, the Planning and Zoning Board shall make a written statement of its findings (in the form of Minutes).

- E. Approval of Site Plan by Board of Mayor and Aldermen: The Zoning Administrator shall forward the recommendation of the Planning and Zoning Board to the Board of Mayor and Aldermen. The Board of Mayor and Aldermen shall approve or deny, in whole or in part, the recommendation of the Planning and Zoning Board and this shall be done by the Board of Mayor and Aldermen without the necessity of holding further hearings (unless appealed in accordance with the Zoning Ordinance. Such action by the Board of Mayor and Aldermen shall constitute final approval of site plan and authority for the developer to proceed with the proposed development and the issuance of a building permit. Following such approval by the Board of Mayor and Aldermen, the Zoning Administrator shall stamp copies of the site plan "APPROVED," sign them. The applicant may request a copy of the stamped approved plan. One copy shall be retained by the Zoning Administrator in his files.
- F. Site Plan Becomes Zoning Requirements for Proposed Use: The approved site plan shall become the zoning requirements for the property involved. All construction, except for minor adjustments provided under the Section 1.600.19-G below, shall be consistent with the approved site plan.
- G. Minor Adjustments to the Approved Site Plan: After the final site plan has been approved, minor adjustments to the plan that comply with the spirit of the Zoning Ordinance and the intent of the Board of Mayor and Aldermen in approving the site plan may be authorized by the Zoning Administrator as provided under Sub-section 1.600.19-B.
- H. As-built Plans: In the case where exact lot lines cannot be drawn until after construction, (e.g., townhouse subdivisions) the builder shall submit "as-built plans" of the development following construction.

1.600.18

SPECIFICATIONS FOR ALL REQUIRED SITE

PLANS: The purpose of this Section is to present in one place the data and specifications required for any proposed development that shall require site plan review under this ordinance. The following data shall be supplied by the applicant by showing such information on the required site plans:

- A. Existing and proposed lot lines (property lines).
- B. The zoning of adjacent lots.
- C. The names of owners of adjacent lots.
- D. Rights-of-way of existing and proposed streets, including streets shown on the adopted Thoroughfares Plan.
- E. Existing and Proposed Accessways, curb cuts, driveways and parking (including number of parking spaces to be provided) and loading areas.
- F. All existing and proposed easements and rights-of-way, existing and/or to be dedicated.
- G. All existing and proposed water and sanitary sewer lines; also, the location of all existing and proposed fire hydrants.
- H. A drainage plan showing all existing and proposed storm drainage facilities. The drainage plan shall indicate adjacent up-stream drainage basin(s) and through-site drainage courses and projected storm water volumes from off-site and on-site sources, as required by the city's Flood Prevention Ordinance.
- I. Show Base Flood Elevation (BFE) as required by the city's Flood Prevention Ordinance. Floodplain zone designations according to maps prepared by the Federal Emergency Management Agency, National Flood Insurance Program (NFIP) or latest data available, and any proposed floodway modifications.
- J. Landscaped areas and planting screens when required by the city.

- K. Building lines and the location of all structures and utilities, existing and proposed, above and below ground.
- L. Proposed uses of the land and buildings.
- M. Existing Contours at vertical intervals of two (2) feet or less based on National Geodetic Vertical Datum (NGVD) plus proposed finish grade contours as required.
- N. Open space and recreation areas, when required.
- O. Area (in square feet and/or acres) of parcel.
- P. Proposed gross lot coverage by buildings and structures.
- Q. Number and type of dwelling units (where proposed).
- R. Location of sign structures.
- S. Existing and proposed lighting.
- T. A “development plan” when staging of development is proposed.
- U. Traffic study if deemed necessary by the Zoning Administrator and/or the City Engineer.
- V. Location map.
- W. Exterior elevations/colors.
- X. Scale of drawings both by written scale and graphic scale.
- Y. Magnetic north arrow.
- Z. Any additional data necessary to allow for a thorough evaluation of the proposed use.

1.600.19 OTHER REQUIREMENTS: In addition, a title block shall be shown on the site plan that such information as the date and date of any revisions, name of developer, name and address of owner, zoning of subject property, name of engineer and landscape architect, etc. shall be located..

- A. Other Exhibits: Photographs, renderings, color slides, models and similar items may be required of the applicant if Board of Mayor and Aldermen deem it is necessary to have a full understanding of the proposal.
- B. Staging of Development Requires Development Plan: Whereas developer proposes to construct a particular land use requiring site plan review under this ordinance by stages, (e.g., PUD's, large multi-family developments, large commercial developments, etc.), sufficient data shall be provided in development plan (sometimes referred to as a sketch plat or master plan) to indicate such staging by numbers and types of buildings or structures proposed for each stage, the general area to be developed in each stage and related information. The general concept presented in the development Plan shall be adhered to as much as possible by developers. Significant deviations (as determined by the Planning and Zoning Board) from the development plan initially approved shall require approval by the Board of Mayor and Aldermen following recommendation by the Planning and Zoning Board.

1.600.20 CRITERIA FOR SITE PLAN REVIEW: Criteria for site plan review consist of the five components specified below:

- A. Consistency with Adopted Land Use Plan an Zoning Ordinance: The proposed site plan shall be consistent with adopted Land Use Plan and Zoning Ordinance (including the Official Zoning Map).
- B. Vehicular Traffic Circulation and Parking: The following aspects of vehicular traffic circulation and parking shall be reviewed:
 - 1. Is the site plan consistent with the adopted Thoroughfares Plan?: Are the developer's plans for any new streets that will traverse the site consistent with proposed alignment and right-of-way/surface width requirements indicated on the adopted Thoroughfares Plan? Do the developer's planned setbacks for buildings and structures consider the proposed widening of existing streets and highways reflected on the adopted Thoroughfares Plan? If the proposed development will abut an unpaved street, are the developer's plans for paving that street

consistent with the right-of-way/surface width specifications shown in the adopted Thoroughfares Plan?

2. Street network capacity: Is the street system in the vicinity capable of carrying traffic generated by the proposed development, according to traffic projections developed by the City Engineer or the Central Mississippi Planning and Development District?
3. Traffic engineering operation of adjacent streets: What traffic control devices are needed on adjacent streets?
4. Compliance with Zoning Ordinance (Off-street Parking, Loading, and Access Requirements)
5. Are proposed freight delivery areas separated from customer access in commercial and industrial?

C. Utilities: The following shall be evaluated with regard to utilities:

1. Water and sewer system capacity and oversizing (future) needs.
2. On-site and off-site drainage requirements, including retention ponds.
3. Are underground utilities required on the site?
4. Are garbage disposal facilities enclosed in accordance with the city's requirements?

D. Open Space, Landscaping, and Tree Requirements:
[Reviewed by the Yazoo City Planning and Zoning Board.]

1. Submit eight (8) sets of landscape plan to the Zoning Administrator on or before the submittal deadline date. The Zoning Administrator shall notify the applicant of any deficiencies or omissions in the landscape plan. The landscape plan shall not be processed until all the required data is provided.

2. An architectural rendering (perspective and/or elevation) and plans of all building and structures showing style of architecture prepared in accord with the requirements of the Building Code as adopted by the City of Yazoo City. All colors, materials and finishes shall be shown by notation or by use of accepted architectural symbols.
3. A vicinity map and renderings or photographs of all development on immediately adjacent properties.
4. If the proposed development is residential and will abut the Illinois Central Gulf Railroad tracks, is the 101-foot railroad setback required?
5. Perimeter Landscaping: Does the site plan indicate the required 10-foot landscape strip along any abutting arterial streets?
6. Interior Lot Landscaping: Does the site plan indicate landscaping of interior lots and areas not used for buildings and other structures, parking, required lots and driveways?
7. Parking Lot Landscaping: Does the proposed parking lot show any landscaping on the site plan?
8. Preservation of Vegetation: Does the site plan propose the preservation of trees and other vegetation as much as possible?
9. Is proper use made of floodplains on the site? For example, for open space or passive recreational areas.

E. Fire Safety:

1. Are fire hydrants shown on the site plan and properly located to ensure fire protection for all structures?
2. Are there at least two points of ingress/egress for apartment or condominium complexes, office parks, shopping centers, industrial parks, etc. to provide access for fire equipment and to provide for evacuation when necessary?

3. Are buildings spaced in accordance with this ordinance and the adopted Building Ordinance?
- F. Special Exception Site Plan Standards: The following special exceptions have specific site plan standards that apply to them to moderate any adverse impacts on surrounding or nearby uses in any zone:
1. Funeral homes, mortuaries, crematoriums, and embalming facilities must be:
 - (a) Located on arterial streets with rights-of-way of at least 80 feet and with adequate ingress and egress to said arterial;
 - (b) Be located at least 200 feet from any residence (single-family, two-family or multi-family);
 - (c) Have sufficient off-street automobile parking and assembly area provided for vehicles to be used in a funeral procession. The assembly area shall be provided in addition to required off-street parking;
 - (d) Provide screening from all residential view for the loading and unloading area used by ambulances, hearses, or other such service vehicles.
 2. Cemeteries and mausoleums must:
 - (a) Have a minimum parcel size of five acres;
 - (b) Have a screen of shrubs around the perimeter of the cemetery;
 - (c) Require that no grave site be within 150 feet of potable water wells or in flood hazard areas;
 - (d) That the planning of cemetery burial lots follows subdivision planning procedures.
 3. Junkyards/salvage yards must:

- (a) Not be located within 500 feet of any interstate highway, or street designated as a gateway, if not completely obscured from view of the street by land forms or buildings;
 - (b) Be located near a major collector or arterial or a local street in a heavy industrial zone by special use permit. They may be located near a railroad;
 - (c) Comply with all state and federal environmental requirements;
 - (d) Be reasonably compatible with surrounding land uses such as vehicle repair shops or businesses that have outdoor storage, especially metal parts;
 - (e) Have a minimum of three acres of land;
 - (f) Store all items within the fenced area and ensure that no items be piled higher than the fence;
 - (g) Provide for the storage and off-site disposal of oil and used tires;
 - (h) It shall be unlawful for any person or property owner to store or to allow storage of any junked motor vehicle in the open area on any private property except motor vehicles awaiting repair at legally licensed auto repair garages or legally licensed junkyards.
4. Tavern, bar, lounge, nightclub, cabaret, saloons, wine restaurants, mini-breweries must: Not be located closer than 500 feet from any residence/dwelling, church, school, park/playground, day care center, or funeral home. Such distances shall be measured along a straight line between the nearest property lines of the establishment and the residence/dwelling, church, school, park/playground, day care center, senior citizens center, or funeral home.

5. Hospitals must:
 - (a) Provide the hospital's long-range development plan showing addition stories and horizontal expansions;
 - (b) Be located adjacent to a major arterial with a right-of-way of at least 80 feet, secondary access may be from a collector street;
 - (c) Not be located closer than 200 feet from any residence/dwelling;
 - (d) Plan vehicular ingress and egress to minimize traffic congestion and maximize traffic flow in and around the facility;
 - (e) Not add additional stories beyond the equipment and water pressure capabilities of the fire department;
 - (f) Provide a landscaped buffer on hospital tracts abutting residential zones. The buffer is a part of the required zone yards.
6. Nursing Homes must:
 - (a) Be located adjacent to at least one arterial street;
 - (b) Provide drives and curb-cuts from the nursing home to the arterial or to side streets intersecting with the arterial street;
 - (c) Provide one parking space for every two or three beds for ambulatory facilities; non-ambulatory facilities shall provide one space for every five beds and one space for each staff member;
 - (d) Provide trash and dumpster areas to be screened from residential view with opaque screens and designed to reduce access by foraging animals;

- (e) Provide no more than one unlighted sign at a size maximum of six square feet;
 - (f) Provide side yards of an extra 15 feet (over the base district setback) for the placement of principal buildings on the nursing home site;
 - (g) Conform to height limitation and maximum ground coverage of zoning district;
 - (h) Be located on a lot size of a least one acre. One acre will serve a facility of approximately 20 beds.
 - (i) Personal Care Home parking.
7. Veterinary Services and Animal Clinics must:
- (a) Confine the animals within the exterior walls of the building at all times;
 - (b) Not be located closer than 200 feet to existing residence, restaurant, apartment, hotel, library, museum, clinic or hospital for humans, church, or theater;
 - (c) Be sound-proofed from all adjacent property and uses.
8. Gasoline Service Stations/Convenience Grocery Store must:
- (a) Not be located within 200 feet of the location of a church, school, hospital, rest home, nursing home, playground, or residential dwelling(s). Distance to be measured in a straight line from property line to property line;
 - (b) Not allow pump islands closer than 15 feet of any property line and canopies no closer than 10 feet from any property line;
 - (c) Erect masonry or wooden fences at least six feet high around the station site and also plant

shrubs and trees around the site if the station wishes to locate closer than 200 feet to the uses listed in item “a” above. Hours of operation may also be designated as part of the special use permit in situations of close proximity to these same uses;

- (d) Provide access driveways no closer than 35 feet from the point of intersection of the right-of-way lines of the adjoining street(s). Two driveways on each street frontage may be permitted and shall be at least 25 feet apart and no closer than five feet to the side property line(s).

1.600.21 PUBLIC HEARING NOTICES AND PROCEDURES:

In accordance with the provisions previously established in this Ordinance, public hearings shall be conducted by the Planning and Zoning Board for all dimensional variances, all special exceptions, all site plans, and all amendments to the text of the *Zoning Ordinance* or amendments to the *Official Zoning Map* (i.e., re-zoning).

A. Public Hearing Notice in a Newspaper Required:

Whenever a public hearing is required by this Ordinance, notice of such hearing shall be given by publishing a notice to all interested persons one time at least fifteen days prior to the date fixed for said hearing, such notice to be published in an official paper or newspaper of general circulation in the City of Yazoo City, published in accordance with the following format or a format determined by the Board of Mayor and Aldermen:

1.600.22 FEES

- A. Schedule of Fees:** The Board of Mayor and Aldermen shall establish a schedule of fees for the issuance of building permits, change of use permits, the processing of all site plans required under Section 600.15, and the processing of applications for variances, conditional uses and zoning amendments. Said schedule of fees shall be posted in the office of the Building Inspector/Zoning Administrator, whose office shall be responsible for their collection.

- B. **Amendment or Alternation of Fee Schedule:** The schedule of fees may be altered or amended only by the Board of Mayor and Aldermen.
- C. **Payment Required:** No action or processing shall be taken on any application until all applicable fees, charges and expenses have been paid in full.
- D. **Fees Not Refundable:** No fees or other monies paid in conjunction with zoning-related matters shall be refunded.

1.600.23 APPEALS

- A. **Appeals from Administrative Interpretation of the Zoning Administrator:** In accordance with Section 1.600.04-B of this Ordinance, any party aggrieved with the administrative interpretation of the Zoning Administrator shall have the right to appeal such interpretation. Such appeals may be made directly to the Planning and Zoning Board. The party aggrieved shall submit a written request to the City Clerk by 12:00 Noon on Wednesdays preceding any regularly-scheduled meeting of the Planning and Zoning Board at which the aggrieved party desires to be heard. All appeals shall be in writing and shall include a copy of the original application for a building permit, change of use permit, dimensional variance, special exception, site plan, or re-zoning, together with a statement of the reason for the appeal.
- B. **Appeals from Recommendation of the Planning and Zoning Board:** Any Party aggrieved with the recommendation of the Planning Commission as adopted at any meeting of said Commission shall be entitled to a public hearing before the Board of Mayor and Aldermen with due notice thereof and after publication for the time and as provided by law. Such a hearing shall be provided ONLY IF THE AGGRIEVED PARTY FILES A WRITTEN REQUEST WITH THE CITY CLERK WITHIN THREE (3) WORKING DAYS OF THE VOTE OF THE ZONING COMMISSION ON THE RECOMMENDATION. The written notice shall be on a form prescribed by the City Clerk and shall be available to the public from the City Clerk, free of charge, during normal business hours. The Board will set a hearing within 30 days of receipt of request and post a notice of such public hearing according to Section 1.600.21.
- C. **Appeals to a Court of Law:** An appeal from any action, decision, ruling, judgment or order by the Board of Mayor and Aldermen may

be taken by any person or persons to the Circuit Clerk of Yazoo County.

- 1.600.24** **RECONSIDERATION OF REZONED PROPERTIES:** Any party believing themselves aggrieved by the change of zoning status of his property as reflected by the Official Zoning Map adopted herein shall have 90 days from the effective date of this Ordinance within which to petition the Planning and Zoning Board for reconsideration of the zoning status of such property. After the expiration of the aforesaid 90 days, any person petitioning for a change in the zoning status of his property must base said petition upon changes taking place after the adoption of the aforesaid Official Zoning Map.
- 1.600.25** **VESTED RIGHTS DETERMINATION:** The provisions of this ordinance shall not affect any lawfully issued building permit, any preliminary plat or site plan approval, or any rezoning or special use permit, when obtained in conjunction with a site plan or planned development approval, for a period of three years from the date of issuance of the permit or the date of approval. The provisions of this ordinance also shall not affect applications for building permits, preliminary plat or site plan approval, or rezoning or special use permit when accompanied by a site plan or planned development, if said application is pending on the effective date of this ordinance and said permits or approvals are actually obtained within six months of the effective date of this ordinance.
- 1.600.26** **ADMINISTRATIVE CORRECTION OF TEXT ERRORS:** For a period not to exceed one year from the date of passage of this ordinance, the Zoning Administrator shall have the authority to correct typographical errors ambiguities in text language, and other unintentional errors that affect the clear understanding of this ordinance, without going through the ordinance text amendment procedures. The Zoning Administrator shall document the changes made.
- 1.600.27** **VIOLATIONS OF ZONING ORDINANCE:** In accordance with Section 17-1-27 of the *Mississippi Code of 1972*, As Amended, “Any person---who shall knowingly and willfully violate the terms, conditions or provisions of (this Ordinance), for violation of which no other criminal penalty is prescribed, shall be guilty of a misdemeanor and upon conviction therefore shall be sentenced to pay a fine of not to exceed one hundred dollars (\$100.00), and in case of continuing violations without reasonable effort on the part

of the defendant to correct same, each day the violation continues thereafter shall be separate offense.”

A. Violations: The Building Official shall enforce this ordinance except as otherwise provided therein. It shall also be the duty of all officers and employees of the City, and especially of all members of the Police Department, to assist the Building Official by reporting to him any seeming violation in construction, reconstruction or land use.

1. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Building Inspector/Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.
2. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take or cause to be taken any other action authorized by this ordinance or the laws of the city or state to ensure compliance with, and prevent violations of, the provisions of this ordinance.
3. If the Building Inspector/Zoning Administrator finds that a violation of this ordinance exists or is proposed, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Building Inspector/Zoning Administrator shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions. The city, may, in addition to other remedies provided by law, institute injunction, abatement or any appropriate action or proceeding to prevent, enjoin, abate or remove such violation.

4. Notwithstanding any other corrective general agreement, consensual action or request authorized in this section or any other section of this ordinance, the building official or other enforcement officer under this ordinance, when probable cause exists of a violation, may have the offender arrested and tried in municipal court for such violation.
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- B. Issuance of Stop-Work Orders:** If an activity violates a building permit or condition of development approval and the violation is discovered while the construction is in process, a stop-work order shall be issued. The violator must answer the stop-work order and correct the violation within ten working days or else appeal the order to the Board of Adjustment.
 - C. Issuance of Cease and Desist Orders:** If construction or an activity has been completed, and a violation is discovered that can lead to the revocation of a certificate of occupancy, a cease and desist order shall be issued, which may be appealed to the Board of Adjustment by filing a notice of appeal within ten working days with the Building Inspector/Zoning Administrator.
 - D. Penalties:** Violation by any person of any provision of this Ordinance, or failure to comply with any of its requirements, including any additional requirements or conditions that may have been granted or imposed, after having been duly notified shall, upon conviction thereof, constitute a misdemeanor and any person convicted in city court of such a misdemeanor shall be fined not more than 100 dollars, per offense, and in addition shall pay all costs and expenses as determined by the court. Each day a violation continues shall constitute a separate offense.
 - E. Separate Offenses:** The owner, developer, subdivider of any land or lot, or representative of any land owner, premises or part thereof, and any builder, contractor, owner, agent or other person who knowingly commits, participates or assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.



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