

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF WAYNESBORO, WAYNE COUNTY, MISSISSIPPI, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, AND FOR OTHER PURPOSES RELATED THERETO

WHEREAS, Sections 17-1-1, et seq. *Mississippi Code of 1972*, empower the City of Waynesboro, Wayne County, Mississippi, (the "City") to enact a zoning ordinance and provide for its administration, enforcement and amendments; and,

WHEREAS, Section 17-1-9 of the *Mississippi Code of 1972*, requires that zoning regulations be in accordance with a comprehensive plan designed to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate adequate provision of transportation, water, sewage, schools, parks, and other public requirements; and,

WHEREAS, a comprehensive plan for the City and its environs, prepared in accordance with the applicable sections of the Mississippi Code of 1972, has been prepared, and after notice and hearings in the manner and for the time required by law, adopted by the Mayor and Board of Aldermen "the governing officials" of the City; and,

WHEREAS, a zoning regulations ordinance of the City was prepared by Joseph A. Lusteck & Associates, Inc. and presented to the governing officials of the city for review and approval; and,

WHEREAS, after completing a legal review of the ordinance, and effecting necessary amendments thereto, the governing officials of the city directed that a public hearing be held on the final adoption of the ordinance and that notice thereof be published in the manner and for the time required by law; and

WHEREAS, the notice was published in The Wayne County News, a newspaper published and having a general circulation in the City, and qualified under the provisions of Section 13-3-31, *Mississippi Code of 1972*, said publication having been made more than fifteen days prior to the date of the public hearing, as evidenced by the publisher's affidavit heretofore presented and filed with the City Clerk; and,

WHEREAS, after conducting a full and complete public hearing on the final adoption of the zoning

regulations ordinance, in accord with the requirements of Section 17-1-15, *Mississippi Code of 1972*, and having considered the recommendations of professional planners employed to advise the City with respect to the zoning regulations ordinance and the official zoning map, the comments received at the public hearing, and further, being familiar with the properties and existing land uses within the City, the governing officials have duly considered the matters and facts within their personal knowledge as same affect the regulation of property uses within the City; and,

WHEREAS, the governing officials of the City, having determined that the adoption of this zoning regulations ordinance is in the same interest of the citizens and taxpayers of the City, and further having determined that same is required by the public convenience and necessity; and,

WHEREAS, the Mayor asked whether the Board of Aldermen desired to take any action regarding the proposed zoning regulations ordinance, and after discussion thereof, Alderman Johnny Walker offered the following ordinance and moved that it be adopted, to wit:

NOW, THEREFORE, be it ordained by the Mayor and Board of Aldermen of the City of Waynesboro, Wayne County, Mississippi, as follows:

SECTION 1: That the matters and facts stated in the preamble hereof are found, determined, and adjudicated to be true and correct.

SECTION 2: It is found and determined that all of the conditions precedent to the adoption of a zoning and land use regulations ordinance, including but not limited to the adoption of a comprehensive plan, the conduct of a public hearing, and publication of notice thereof in the manner and for the time required by law, exist and have been satisfied with regard to the adoption of this zoning regulations ordinance, and specifically, the governing officials do hereby find, determine and adjudicate that there is a public need for and that the public convenience and necessity requires the adoption of this zoning regulations ordinance of the City of Waynesboro, Wayne County, Mississippi, and the accompanying official zoning map.

SECTION 3: The following land use and zoning regulations and zoning map be and same are hereby adopted, ordained and established for the City, to-wit:

ARTICLE I

TITLE AND PURPOSE

SECTION 100 - TITLE

This Ordinance shall be known and referred to as the OFFICIAL ZONING ORDINANCE OF THE CITY OF WAYNESBORO, MISSISSIPPI, and may be so cited.

SECTION 101 - PURPOSE

This Ordinance has been prepared in accordance with a Comprehensive City Plan and is enacted to preserve and promote the public health, safety, and general welfare of the inhabitants of the City of Waynesboro and of the public generally and to encourage and facilitate the orderly growth and expansion of the municipality. Specifically, this Ordinance is designed:

1. To lessen congestion in the streets, and
2. To secure safety from fire, panic, and other dangers, and
3. To promote health and general welfare, and
4. To provide adequate light and air, and
5. To prevent the overcrowding of land, and
6. To promote compatible land use districts to ensure higher property values, and
7. To avoid undue concentration of population, and
8. To facilitate the provision of transportation, water, sewerage, schools, parks, and other public facility requirements.

These regulations have been made with reasonable consideration, among others, to the character of the zone, and its suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

SECTION 102 - INTERPRETATION

In interpreting and applying this Ordinance, its provisions shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not the intent of this Ordinance to interfere with, abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of building or premises, and likewise not in conflict with this Ordinance; nor is it the intent of this Ordinance to interfere with, abrogate or annul any easement, covenant, or other agreements between parties, except wherein this Ordinance imposes a greater restriction this Ordinance shall control.

SECTION 103 - CONFLICT

All ordinances or parts of ordinances in conflict herewith are, to the extent that same conflict herewith, repealed, but nothing contained herein shall prevent the prosecution of any person or the bringing of a civil action to enjoin any person for the prior violation of any ordinance or part of any ordinance

hereby repealed.

SECTION 104 - SEVERABILITY

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portion of this Ordinance, which shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

ARTICLE II

DEFINITION OF TERMS IN THIS ORDINANCE

For the purpose of interpreting this Ordinance, certain words or terms used herein shall be defined as shown below. Words used in the present tense include the future tense unless otherwise indicated. Unless otherwise indicated, words used in the singular number include the plural; and words used in the plural include the singular. Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings.

The term "Map" means the "Official Zoning Map of the City of Waynesboro, Mississippi".

The word "person" includes a firm, partnership, trust, company, association, organization, individual, co-partnership or corporation.

The word "building" includes the word "structure".

The word "shall" is always mandatory, and not merely directory.

The word "used" or "occupied" as applied to any land or buildings shall include the words "intended" or "arranged for", "designed to be used", controlled or employed.

ABANDONMENT: To cease or discontinue a use or activity, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging the property or improvements.

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot as, and of a nature customarily incidental and subordinate to, the principal use or structure.

ADULT ENTERTAINMENT USES: Any commercial establishment such as an arcade, bookstore, cabaret, motion picture theater, live production theater, massage parlor, or encounter establishment wherein a substantial proportion of the stock in trade, video materials shown, performances presented, or activities accommodated involves the following specified sexual activities and/or display of the following specified anatomical areas:

- A. Specified Sexual Activities. Specified sexual activities means and includes any of the following:
 - (1) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast,
 - (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - (3) Masturbation, actual or simulated; and
 - (4) Excretory functions publicly displayed within the facility as a part of or in connection

with any of the types listed above.

B. Specified Anatomical Areas. Specified anatomical areas means and includes any of the following:

(1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

AGRICULTURE: The use of land for such purposes as farming, dairy farming, pasturage, agriculture, horticulture, floriculture, viticulture, raising of animals of all types, and all necessary accessory uses, activities and facilities for planting, fertilizing, harvesting, packing, shipping treating, or storing farm products.

AIRPORT: Any area of land designed and set aside for take-off and landing of aircraft, including all necessary facilities for vehicular access, parking and housing and maintenance of aircraft.

ALTERATION OF BUILDING: Any change in the supporting members of a building (such as bearing walls, columns, girders) except such change as may be required for its safety; any addition to a building; any change in use from that of one district classification to another or of a building from one location to another.

AMUSEMENT ARCADE: A building or part thereof in which five or more pinball machines, video games, or other similar player-oriented amusement devices are maintained. An amusement arcade is a commercial use.

ANTENNA: Any system of wires, poles, rods, reflecting or receiving dishes and all similar devices, along with supporting structures, which are used in transmitting and receiving electromagnetic waves for radios, telephones, televisions, and data transmission and reception.

ASSISTED LIVING FACILITY (PERSONAL CARE HOME): A living facility of residential design and situation which provides a homelike environment and supportive services for not more than ten unrelated individuals for a fee in a residential area, and more than ten unrelated individuals for a fee in a commercial area subject to applicable state regulations and limitations. Included are living and sleeping accommodations, meal preparation, housekeeping, laundry, recreation, social, counseling and transportation services. Also, personal care services responsive to the individual requirements of those who request or need help with activities of daily living and instrumental activities of daily living are provided on a 24-hour per day basis to meet scheduled and unscheduled individual needs. Assisted living facilities provide a sheltered environment of dignity and independence for each resident. Assisted living facilities are operated subject to state regulations. Conformance with these regulations is a condition of operating within the city. An assisted living facility is a residential use, except when it exceeds ten unrelated individuals for a fee and becomes a commercial use.

BAR: Any premises wherein the primary activity is the retail sale of alcoholic beverages for on-site consumption. A bar is a commercial use.

BED AND BREAKFAST INN: A residence or portion thereof, where short-term lodging and meals are provided to paying guests. The owner or manager resides on the property and oversees its day-to-day operation. Additional on-site parking for one vehicle per bedroom must be provided. A bed and breakfast inn is a residential use.

BILLBOARD: A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located. A billboard is a highway commercial use. A billboard may also be referred to as an off-premises outdoor advertising sign. Billboards must conform to Mississippi Department of Transportation standards.

BOARD: The term Board, as used in this Ordinance, is defined as The Mayor and Board of aldermen of the City of Waynesboro, Mississippi.

BOARDING OR ROOMING HOUSE: Any dwelling in which more than three persons, either individually or as families, are housed or lodged for hire, with or without meals. Additional on-site parking for one vehicle per bedroom must be provided. A boarding or rooming house is a residential use.

BORROW PIT: Any place or premises where dirt, soil, sand, gravel, minerals or other materials are removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction on the property, sometimes referred to as dirt pit or gravel pit.

BUFFER AREA: An area of land set aside to remain vacant or to be planted or landscaped to protect any type of land use from any other land use with which it is incompatible.

BUILDING COVERAGE: The area of a site covered by buildings or roofed area, including projecting eaves, balconies and similar structural features as determined by dividing their sum by the total lot area.

BUILDING HEIGHT: The vertical distance measured from the average elevation of finished grade along the front of the building to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or the height of the highest ridge of a gable, hip or gambrel roof.

BUILDING PERMIT: A permit issued by the Building Inspector authorizing the construction or alteration of a specific building on a specific lot, subject to city inspection and approval.

BUILDING, PRINCIPAL: A building in which is conducted the main or primary use of the lot on which said building is situated.

BUILDING SETBACK LINE: The minimum distance, as prescribed by this Ordinance, between the property line of a lot or a parcel of land and any point on a building or structure related thereto, exclusive of those architectural features permitted to extend thereunto.

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

CAR WASH: An area of land and/or a structure with machine or hand-operated facilities used principally for the cleaning, washing, or polishing of motor vehicles. A carwash is a commercial use.

CARPORT: See Garage, Private.

CEMETERY: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CENTERLINE OF STREET: That line surveyed and monumented by the city shall be the centerline of the street; or, if such centerline has not been surveyed, it shall be that line running midway between the outside curbs or ditches of such street.

CHURCH OR PLACE OF RELIGIOUS WORSHIP: An institution that people regularly attend to participate in or hold religious services, meetings and related activities. The term church shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. Church also includes all related facilities, including but not limited to chapels, schools, day care and after-school care facilities, meeting rooms, sports facilities, reception halls, offices, playgrounds, parking lots, and housing for ministers and staff of the facilities.

CLINIC: A facility designed to provide offices and specialized interior spaces to accommodate medical practitioners in the provision of diagnostic services and treatment to humans and which does not provide overnight accommodations.

COMMERCIAL USE: Those uses of land and structures which involve the sale of goods and provision of services for which payment is made by the purchasers or recipients. An occupation, employment or enterprise which is carried on for a profit.

CONDITIONAL USE: A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the Board of Aldermen and subject to special requirements which are different from those usual requirements for the district. This use would not be appropriate generally or without restriction throughout the zoning district but, if controlled as to number, area, location, impact, or relation to the neighborhood, it would not be detrimental to public health, safety or general welfare.

CONFORMING USE: Any lawful use of a building or lot which complies with the provisions of this Ordinance.

CONVENIENCE GOODS: Those retail products and services which are needed immediately and frequently and are, therefore, purchased where it is most convenient for the shopper. The shopper usually finds it most convenient to buy such goods near home, work, or near a temporary residence when traveling.

CONVENIENCE STORE: Any retail establishment offering for sale prepackaged food products, prepared food items, household items, sundries, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet. A convenience store may or may not also provide self-service gasoline pumps.

CUL-DE-SAC (Court or Dead End Street): A short street having one end open to traffic and being permanently terminated by a vehicle turnaround.

DAY CARE: A facility and enterprise wherein care, protection, and supervision services are provided for a fee to designated populations, i.e. preschool children, after-school children, disabled individuals or elderly persons under public, private or institutional sponsorship subject to applicable state-imposed licensure and regulation.

DEAD END STREET: Any local street other than a cul-de-sac which has only one outlet.

DENSITY: The level of concentration of residences measured in units per acre.

DETAIL SHOP: see CARWASH

DEVELOPER: Any person engaged in subdividing or preparing land for improvement with structures or constructing structures thereon for use or occupancy.

DEVELOPMENT: The act of preparing land for improvement with structures or building structures.

DISTRICT: Refer to Zoning District.

DWELLING: A building designed for or used as permanent living quarters for one household.

DWELLING, MULTIPLE: A detached or semi-detached building or portion thereof used or designed and intended as a residence for two or more households living independently of each other, in separate dwelling units therein, including apartment houses, apartment hotels, apartment cooperatives, and group houses.

DWELLING, SINGLE FAMILY: A detached house or building designed and intended for or occupied exclusively by one household and having no party wall or walls in common with an adjacent house or houses, building or buildings.

DWELLING UNIT: One room or rooms connected together which constitute a separate, independent housekeeping establishment for owner, rental or leased occupancy on a weekly, monthly or longer basis; physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent kitchen, bathroom and sleeping spaces.

EASEMENT: The lawful use either by grant or prescription of land for roadways, roadway access, utilities, or other specified purposes, either vehicular or pedestrian.

FAMILY: One or more persons occupying one dwelling unit and living as a nonprofit single housekeeping unit; a group of four or more persons who are not within the third degree of kinship shall not be deemed to constitute a family.

FARM: A parcel of land that is used for gain in the raising of agricultural products, livestock, poultry and dairy products, including necessary farm structures within the prescribed limits and the storage of equipment used. A farm is an agricultural use.

FENCE: Any structural device forming a physical barrier which is so constructed that not less than

50% of the vertical surface is open to permit the transmission of light, air and vision through said surface in a horizontal plane; said fencing may include brick, wood, wire, mesh , chain link, louvered, stake and similar materials.

FLEA MARKET: An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers- offer goods, new and used, for sale to the public, not to include private garage sales.

FLOODPLAIN: Floodplain or flood-prone area means any land area susceptible to being inundated by surface water from any source. A floodplain is that area identified as Zone A on the latest available Flood Insurance Rate Map published by FEMA (Federal Emergency Management Agency).

FLOODWAY: The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point. A floodway is that area identified as a floodway, including the elevations thereof shown on the latest available Floodway and Flood Boundary map published by FEMA.

FLOODWAY FRINGE: All that land in a floodplain not lying within a delineated floodway as shown on the latest available Floodway, Flood Boundary and Floodway map published by FEMA. Land within a floodway fringe is subject to inundation by relatively low velocity flows and shallow water depths.

FLOOR AREA:Whenever the term floor area is used in this Ordinance as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area not only applies to the ground floor area but also to any additional stories or basement within said structure intended for beneficial occupancy and use.

FOUNDATION: The base upon which a structure is constructed or stands; that part of a building which permanently attaches it to its site. Properly engineered permanent foundations, which are required for every habitable structure, shall be waterproofed and must conform to the design and construction standards of the Southern Standard Code. Commonly used foundations for residential use include monolithic slabs, masonry wall and piers, piers and beams, and pilings. Professionally engineered foundation systems for specific buildings may be designed by a registered professional engineer. Site adaptations of standard foundations may be used.

FOUNDATION, ENGINEERED: Designed to meet clearly-stated design parameters based on the size, weight, and other characteristics of the structure to be supported and affixed to the site, taking into consideration its environmental setting and natural characteristics; capable of permanently supporting the structure and affixing it to the site under both normal loading and typical weather-stressed conditions.

FRONT: The side of a lot bordering on a street right-of-way except corner lots or other double-frontage lots. In this case both sides bordering the streets are the front yard for purposes of the setback requirement. For purposes other than the setback requirements, the owner of the lot must designate in his application for a building permit which side of a lot that borders a street is the front.

FRONTAGE: The front or frontage is that side of a lot abutting a street or way and ordinarily regarded as the front of the lot; it shall not be considered as the ordinary side line of a lot.

FUNERAL HOME: A building or part thereof used for human funeral services. The building may contain space and facilities for:

- (A) Embalming and the performance of other services used in preparing the dead for burial;
- (B) The performance of autopsies and other surgical procedures;
- (C) The storage of caskets, funeral urns, and other related funeral supplies; and
- (D) The storage of funeral vehicles.
- (E) A funeral chapel is permitted as a part of the funeral home.

The building shall not contain facilities for cremation. A funeral home is a commercial use.

GARAGE, APARTMENT: A dwelling unit erected above a private garage. A garage apartment is an ancillary residential use.

GARAGE, AUTOMOTIVE REPAIR: A building designed and used for the storage, care, repair, refinishing, glass replacement, and/or upholstery of motor vehicles, including minor and major mechanical overhauling, paint, body work, and interior refinishing. A public garage or automotive repair facility is a commercial use.

GARAGE, PRIVATE: An accessory building or portion of a main building used for vehicular storage. The term includes carport. A private garage serving a residential unit on the same lot or parcel is an accessory residential use.

GRADE, FINISHED: The completed surfaces of lawns, walks and roads, brought to grades as shown on official plans or designs relating thereto.

GROUP HOME: A dwelling which is shared by four or more handicapped persons, including resident staff, who live as a single housekeeping unit in a long-term, family-like environment. The staff provide care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible. As used herein, handicapped shall mean "having a physical or mental, impairment that substantially limits one or more of such person's life activities so that such person is incapable of living independently, a record of having such an impairment, or being regarded as having such an impairment". However, handicapped shall not be interpreted as the current illegal use of or an addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term group home for the handicapped shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration. A group home is a residential use.

HALFWAY HOUSE: A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial containment, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society. A halfway house is not a residential use.

HAZARDOUS SUBSTANCES: Any substance or material that, by reason of toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

HEALTH CLUB: Health club means but is not limited to interior spaces designed and used for physical exercise and sports. Included are private athletic clubs or recreational clubs, fitness centers, exercise rooms, locker rooms, sauna and whirlpool facilities, weight control establishments, and pro shops. Facilities may include weight training facilities, gymnasiums, ball courts, and swimming facilities. A health club is a commercial use.

HISTORIC DISTRICT: An area containing buildings or places in which historic events occurred or having special public value because of notable features relating to the cultural or artistic heritage of the community and having such significance as to warrant conservation and preservation. Downtown Waynesboro is an historic district.

HOME OCCUPATION: Any use conducted entirely within a dwelling and carried on by the inhabitants thereof which is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof or adversely affect the use permitted in the residential district and requires no additional parking space; where no persons are employed other than residents and domestic help, where no electrical or mechanical equipment is used other than that of a design accommodating the residence.

HOSPITAL: A building or portion thereof used for the treatment of the sick, injured or infirm and accredited by the American Hospital Association and licensed by the State of Mississippi.

HOTEL: Any building or portion thereof containing living units to be used for the accommodation of guests, excluding motels, mobile home parks, dormitories, fraternity or sorority houses, boarding houses or rooming houses. A hotel is a commercial use.

HOUSEHOLD PET: An animal that is customarily kept for personal enjoyment in the home. These pets shall include but not be limited to dogs, domestic cats, domestic tropical birds, and rodents.

HOUSING FOR THE ELDERLY: Individual dwelling units in a complex setting designed for occupancy by elderly and disabled persons with or without additional convalescent or nursing services. Development density shall not exceed that permitted in the R-4 district. Housing for the elderly is a residential use.

IMPERVIOUS SURFACE: A material that substantially reduces or prevents the infiltration of storm water into undeveloped land, including graveled driveways and parking areas or a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

INDUSTRIAL PARK: A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

INDUSTRY: The processing, fabrication, handling, storage, and distribution of products or raw materials; those industries whose processing operations result in the outdoor storage or processing of

materials or products, the emission of any atmospheric pollution, visible light flashes or glare, odors, noise or vibration which may be heard or felt off the premises, or those industries which constitute a fire or explosion hazard.

INDUSTRY, HEAVY: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials; a use engaged in storage of flammable or explosive materials; or a use engaged in a manufacturing process that involves hazardous or commonly recognized offensive conditions, including atmospheric pollution, visible light flashes or glare, odors, noise or vibration which may be heard or felt off the premises, or those industries which constitute a fire or explosion hazard. Heavy industry may take place, in an enclosed work space, in specially designed and constructed facilities, or in a secured outdoor work area.

INDUSTRY, LIGHT: A use engaged in the fabrication or assembly of processed materials into finished goods conducted entirely within an enclosed structure, which does not result in the emission of substantial atmospheric pollution, visible light flashes or glare, odor, noise or vibration which may be heard or felt off-premises, and does not constitute a fire or explosion hazard.

JUNK: Dilapidated, scrap or abandoned paper, rags, tires, building material and equipment, glass, appliances, furniture, bedding, motor vehicles and parts; also used machinery, scrap, iron, steel, other ferrous and nonferrous metals, tools, implements of portions thereof, plastic, cordage, or other waste that has been abandoned from its original use and may be used again in its present form or in a new manner.

JUNKYARD: A parcel of land on which junk, waste material and used materials are bought, sold, exchanged, collected, stored, salvaged, processed or handled. An automobile wrecking yard is considered a junkyard. A junkyard is a conditional heavy industrial use.

KENNEL: A building or buildings designed and arranged for the keeping of more than four dogs or other animals and where breeding, grooming, boarding, training or selling of such animals is conducted as a business. A kennel is a commercial use.

LANDFILL: A disposal site for refuse employing an engineering method in which refuse and earth or other suitable cover materials are deposited in alternate layers of specified depth in accordance with a definite plan on a specific portion of open land, with each layer being compacted by force applied by mechanical equipment, and subject to a long-range management and use plan.

LAUNDRY, SELF-SERVICE: A business that provides individual laundry and dry cleaning equipment for use on the premises for a fee.

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

LOCAL STREET: A street designed primarily to provide access to abutting properties and a route of access to collector and arterial streets.

LOT: A parcel of land, recorded either in a subdivision plat or a deed, which is or may be occupied by a building, its accessory buildings and uses customarily incident thereto, together with such yards or open

spaces within the lot lines required by this Ordinance, and fronting upon a public dedicated street.

LOT AREA: The total horizontal surface area included within the lot lines.

LOT, CORNER: A lot fronting on and at the intersection of two or more streets.

LOT COVERAGE: That percentage of the total horizontal surface of a lot which is covered by enclosed or covered structures.

LOT DEPTH: The distance from the street right-of-way line to the rear lot line, measured along the side lines of the lot.

LOT, DOUBLE FRONTAGE: A lot which runs through a block from street to street and has two opposite sides abutting on two or more streets.

LOT, FRONTAGE: That measurement of a lot abutting on a public street, measured at the building setback line from side lot line to side lot line (Structures on corner lots fronting a particular street shall be deemed to have frontage on that street).

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

LOT LINE, FRONT: In the case of an interior lot, the line separating said lot from the street. In the case of a corner or double frontage lot, the line separating lot from the street on which the dwelling will face, to be determined from the request for a building permit.

LOT LINE, REAR: The lot boundary 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 LINE, SIDE: The side lot line is the property boundary line between the front and rear lot lines.

LOT LINES: The lines bounding a lot as defined herein.

LOT OF RECORD: A lot, the plat, deed or act of sale of, which has been recorded in the Office of the Chancery Clerk of Wayne County, Mississippi prior to the official adoption of this Zoning Ordinance.

LOT WIDTH: The width of a lot at the front of a building setback line measured along the street right-of-way line.

LOW-RISE APARTMENTS: A multiple dwelling not more than three stories in height, which is the maximum height of such structures permitted within the city.

MANUFACTURED HOUSING UNIT: A factory built, single-family residential structure that is built under the authority of and to the specifications of the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401, et seq.); is transportable in one or more sections; is built on a permanent chassis and is designed to be used as a place of human habitation; not constructed permanently to its site but must be permanently attached to its site with a properly engineered foundation before occupancy; the method of attachment must fulfill all standards established by the State of Mississippi

Rules and Regulations for Manufactured Homes; may not have a permanent hitch or other device allowing transport of the unit other than for delivery purposes to a permanent site; may not have wheels or axles permanently attached to its body or frame. This definition is intended to be inclusive of the legislative definition of Manufactured Home found in the Mississippi Code, which states: Manufactured Home means a structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S. C. 5401, et seq.) and manufactured after June 14, 1976.

MINE: see BORROW PIT

MOBILE HOME: A structure manufactured before June 15, 1976 that is not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401, et. sec.) a structure that is transportable in one or more sections; in the traveling mode, it is 8 body feet or more in width and 32 body feet or more in length; when erected on site, it is 256 or more square feet and is built on a permanent chassis designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities; includes plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure that meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Mississippi Insurance Commissioner and complies with standards established in the Mississippi Code. A single-family dwelling containing a kitchen and toilet which is designed for transportation after fabrication on streets and highways on its own wheels or on a flatbed to a site where it is to be occupied as a dwelling; arriving complete and ready for occupancy except for minor unpacking and assembly operations, location on jacks or permanent foundations, and connection to utilities. Mobile homes are considered structures for the purpose of this Ordinance when they are parked in a mobile home park. Small camp or weekend-type trailers are not mobile homes; they are deemed vehicles but not dwellings or structures.

MOBILE HOME PARK: An area of land upon which ten or more non-transient mobile homes or manufactured housing units as defined hereunder which are occupied for dwelling or sleeping purposes are located, either free of charge or for revenue purposes, or an area offered for such use. It includes any building, structure, vehicle or enclosure used or intended to be used as a part of the facilities or equipment. The term mobile home park refers to trailer park and trailer court, as well as similar references to such facilities.

MOTEL: A building or group of buildings which consist of individual sleeping quarters for the accommodation of guests, so designed that hard-surface parking on the same building site is conveniently accessible from the individual units without having to pass through any lobby or interior court. This definition does not include accommodations for mobile homes. A motel is a commercial use rather than a residential use.

NEIGHBORHOOD SHOPPING CENTER: The neighborhood shopping center provides for the sale of convenience goods and personal services, which are those that meet the daily needs of an immediate neighborhood trade area.

A supermarket is the principal anchor tenant in the neighborhood shopping center, along with a drugstore and a small variety store. geographical convenience is the most important factor determining the shopper's choice of neighborhood shopping center. Neighborhood shopping centers also contain merchants who offer a combination of shopping goods, personal and professional services, specialty goods and convenience

goods.

The neighborhood shopping center has a typical gross leasable area of about 50,000 square feet in which to perform the functions ascribed to it; however, it generally ranges from 30,000 to 100,000 square feet. Its site area requires from three to ten acres. The center normally serves a trade area population of 3,000 to 40,000 people within a five to ten minute drive. It has a parking index of approximately four spaces per 1,000 square feet of space gross leasable area.

NIGHTCLUB: A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing is permitted or entertainment is provided, excluding adult entertainment as defined under this Ordinance.

NON-CONFORMING BUILDING: Any building that does not conform to regulations in terms of size and location on the lot for the district in which said building is located or for the use classification for which the building is being used.

NON-CONFORMING LOT: A lot which lawfully existed prior to the adoption, revision, or amendment of this ordinance but which fails by reason of such adoption, revision or amendment to conform to lot size mid dimensional standards for the district in which it is located.

NON-CONFORMING USE: A use of land which existed prior to the adoption, revision or amendment of this Ordinance which does not conform to the regulations of the district or zone in which it is located but which did comply with applicable regulations at the time the use was established. A situation which occurs when property is used for a purpose or in a manner made unlawful by use regulations of the zoning district in which it is located. This is a result of application of zoning regulations to property in use at the time of the adoption or amendment of the ordinance. A nonconforming use is not a principal, accessory or conditional use in the zone in which it is located and is not otherwise permitted by the Zoning Ordinance.

NURSING OR CONVALESCENT HOME: Any facility in which aged, chronically ill, invalid, disabled or incurable persons are housed and furnished with meals and nursing care for compensation; a nursing home is a commercial use.

OFFICE: A building or portion of a building utilized for the conduct of business wherein services are performed involving predominantly administrative, professional or clerical operations; an office building can accommodate either single tenant or multi-tenant occupancy and must provide sufficient off-street parking on site consistent with standards established in this Ordinance for employees and guests.

OFFICE PARK: A tract of land which has been planned, developed and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and use compatibility.

OPEN SPACE: An unoccupied space open to the sky on the same lot with a building; which is reserved for providing a means of recreation, resource protection, amenity and buffers. In no event shall any area of an improved parcel on a lot constituting the minimum lot area nor any part of an existing or future road or right-of-way be counted as constituting open space.

OPEN SPACE, COMMON: Open space within or related to a development, not in individually-owned

lots or dedicated for public use, but designed and intended for the common use or enjoyment of the residents of the development as common property.

PARCEL: A continuous quantity of land in the possession of or owned by the same person or persons as recorded in the land records of Wayne County, Mississippi.

PARK: Any public or private land available for recreation, cultural, or aesthetic use.

PARKING LOT: An area not within a building where motor vehicles may be stored off street temporarily, daily, or overnight.

PARKING SPACE: An area on a lot and/or within a building intended for the use of temporary parking of a personal vehicle; used interchangeably with parking stall. Each space must have a means of access to a public street; tandem parking stalls associated with single-family detached, single-family attached, and town house residential uses shall be considered to have a means of access to a public street.

PEDESTRIAN WAY: A non-vehicular right-of-way, however designated, either across or within a block, intended for use by pedestrian traffic, also referred to as a sidewalk.

PLANNING COMMISSION: The City Planning Commission of the City of Waynesboro, Mississippi.

PLANT NURSERY: Any land used to raise trees, shrubs, flowers and other plants for sale or for transplanting. A plant nursery is a commercial use.

PRINCIPAL BUILDING: A building in which the primary use of the lot on which the building is located is conducted.

PRINCIPAL USE: The specific primary purpose for which land or a building is intended to be used.

PRINT SHOP: A retail establishment that provides duplicating services using photocopy, blueprint and offset printing equipment and includes collating services, facsimile, transfer and shipping services.

PRIVATE DRIVE: A right-of-way which has the characteristics of a street, as defined herein, except that it is not dedicated for public use. A driveway located on a lot which serves only that lot is considered a private drive, unless dedicated for public use.

PROPERTY: Real estate, real property, land and improvements thereon.

PUBLIC BODY: A government or governmental agency of the City of Waynesboro, County of Wayne, State of Mississippi or the United States Government.

PUBLIC BUILDING: A building owned or used exclusively by the City of Waynesboro, County of Wayne, including the Wayne County School District, the State of Mississippi or the United States Government.

PUBLIC USE: Includes public parks and recreation, schools and other educational or cultural facilities, libraries, hospitals and other public offices or administrative facilities.

PUBLIC UTILITY: The organization, whether public, certificated, or franchised, which provides water, sewer, electricity, natural gas, telecommunications, or cable television services; also, the infrastructure by which such organizations effect delivery to their customers.

RECREATIONAL FACILITIES: Public, quasi-public or private land and improvements designed, maintained, operated, and used for recreational pursuits, including but not limited to gymnasiums, sports fields, parks and playgrounds, rodeo arenas, walking, hiking and bicycle trails, golf courses, racquet court facilities, swimming pools, and other similar facilities.

RECREATIONAL VEHICLE PARK: Any lot or parcel upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public for a fee as temporary living quarters for recreation or vacation purposes, along with customary services and recreational facilities. A recreational vehicle park is a commercial use.

RECYCLING PLANT: A facility in which recoverable resources, such as newspapers, magazines, books and other paper products, cloth, glass, metal, and other products are recycled, reprocessed, and treated to return such products to a condition in which they may be reused for production.

RESORT: A hotel or motel that serves as a destination point for visitors, providing recreational facilities for vacationers; self-contained and providing personal services customarily furnished at hotels, including the serving of meals. Buildings and structures in a resort should complement the scenic qualities of the area in which the resort is located. A resort is a commercial use.

RESTAURANT: An establishment that serves food and beverages in non-disposable containers in a ready-to-consume state to persons seated within the building. A restaurant is a commercial use.

RESTAURANT, DRIVE-IN: A retail outlet where food or beverages are sold to a substantial extent for consumption by customers either on or off the premises. A drive-in restaurant is a commercial use.

RESTAURANT, FAST FOOD: An establishment that offers hot and cold foods, frozen desserts and beverages in disposable containers in a quick service environment; accomplished by a limited menu of prepared food items or food that is fried, grilled or heated in a microwave oven; orders not generally taken at the customer's table or through a drive-through facility. A fast-food restaurant is a commercial use.

RIGHT-OF-WAY: A continuous strip of land occupied or dedicated for use as a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

RIGHT-OF-WAY LINE: The boundary line between a right of way or easement and the adjacent property.

ROOMING HOUSE: A residential structure that is the primary residence of the owner and in which rooms are provided for compensation to one or more adult persons not related to the owner by blood, marriage, or adoption. A rooming house is a residential use.

SATELLITE DISH ANTENNA: A device incorporating a reflective surface that is solid, open

mesh, or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia; to be used to transmit and/or receive radio or electromagnetic waves between terrestrial and/or orbital-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVRO's (television reception only satellite dish antennas) and satellite microwave antennas.

SCHOOL: A public or private facility that provides a curriculum of elementary, secondary academic instruction, or technical training, including kindergartens, elementary schools, junior high or middle schools, high schools, and vocational/technical training facilities.

SCREENING: A device or materials used to conceal one element of a development from other elements or from adjacent or contiguous developments. Screening may include one or a combination of the following materials of sufficient mass to be opaque or that shall become opaque after 12 months and which shall be maintained in an opaque condition: walls, fences, berms or plantings.

SELF-SERVICE STORAGE FACILITY: A building or group of buildings in a secure, fenced and controlled-access compound containing various sizes of fully enclosed individual, compartmentalized, and controlled-access stalls or lockers for the storage of customers' goods. A self-service storage facility is a commercial use.

SERVICE STATION: Premises where gasoline and other petroleum products are sold and light maintenance activities such as oil changes, engine tune-ups, lubrication, minor repairs, carburetor cleaning, car washing and waxing are conducted; shall not include premises where heavy automobile maintenance activities such as engine overhauls, auto painting, and body work are conducted. A service station is a commercial use.

SETBACK: The required minimum horizontal distance between the lot or parcel line and the nearest front, side, or rear line of the building, including terraces or any covered projections thereof, including steps.

SHELL HOME: A pre-designed, pre-cut, modular or pre-manufactured residential structure of any brand or type designed and used as a place of human habitation, the components of which are delivered to the site and assembled to varying levels of completion. Before occupancy, a shell home must be permanently attached to its site with an engineered foundation; must have plumbing, electrical and mechanical systems installed which conform to building code requirements; must be connected to all utilities; and must have an imperviously-surfaced driveway and on-site parking space within the required setback area for two motor vehicles. A shell home is a residential use.

SHOPPING CENTER: A group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed as an operating unit related by its location, size, and type of shops to the trade area that it serves. A shopping center must provide on-site parking in definite relationship to the types and total size of the stores. A shopping center is a commercial use.

SHOPPING GOODS: Those retail products and services on which shoppers spend the most effort and for which they have the greatest desire to do comparison shopping. The trade area for shopping goods tends to be governed by competitive comparison shopping; therefore, its size will be affected by the availability of such goods.

SIGN: Any device or display consisting of letters, numbers, symbols, pictures, illustrations, announcements, cut-outs, insignia, trademarks or demonstrations designed to advertise, inform, identify or to attract attention of persons not on the premises on which the device is located and is visible from any public way. A sign shall be construed to be a single display surface or device containing elements organized, related and composed to form a single unit. In cases where material is displayed in a random or unconnected manner without organized relationship of the components, or where there is reasonable doubt as to the intended relationship of such components, each component or element shall be considered to be a single sign. A projecting or ground sign with sign surface on both sides of such sign shall be construed as a single sign, and the total area of such sign shall be the area computed on a single surface.

SIGN, BUSINESS: An attached or free-standing structure on which is announced the name of the business, the use of the premises and/of the name of the operator of the business.

SIGN, GROUND: A sign which is supported by structures or supports in, or upon, the ground independent of support from any building.

SIGN, OUTDOOR ADVERTISING: Signs erected and maintained by an advertising business, or service in the form of a ground, wall or roof sign upon which advertising matter may be displayed, generally advertising goods and services not sold or available on the premises on which the sign is leased for the display of advertising material.

SIGN, TRAILER: Any sign mounted on a wheeled vehicle which uses a temporary power source, if illuminated. Trailer signs are not permitted uses within any Zoning District within the City, but may be used as a temporary sign.

SITE PLAN: A plan that is prepared to scale which shows accurately and with complete dimensions the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

SPECIAL EXCEPTION: A special exception is a use that would not be appropriate generally throughout a zoning district but which, if controlled as to number, area, location or relation to existing and permitted land-use in a zoning district, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare, and, therefore, would be permitted.

SPECIALTY GOODS: Those retail products and services that shoppers will take more care and spend more effort to purchase; such merchandise has no clear trade area.

STABLE: A building where horses or other animals are kept for private or commercial purposes. A private stable may be located in an agricultural district, may be an accessory use in a residential district, or must be in a commercial district if available for a fee or for hire or sale.

STORY: That portion of a building between the surface of any floor and the surface of the floor next above it; or, if there be no floor above it, then the space between the floor and the ceiling next above it.

STREET: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

STREET, COLLECTOR: A street designed to conduct and distribute traffic between local streets of lower order in the hierarchy of streets and higher order streets or major activity centers; the highest order of street appropriate to a residential neighborhood; adjacent land access is provided by collector streets.

STREET, LOCAL (RESIDENTIAL ACCESS): A street designed to provide frontage for service and access to adjacent private lots or parcels of land carry only traffic having either destination or origin along the street itself, and designed to eliminate through traffic.

STREET, MINOR ARTERIAL: A street designed to convey traffic efficiently within and between towns and other urban centers. Private access and frontage along minor arterials should be controlled to accommodate high-volume generators of vehicle trips.

STREET, PRINCIPAL ARTERIAL: Limited access regional arterial routes and highways; a street designed primarily for unrestricted movement which provides limited private access to adjacent land and intersects only with selected highways or minor arterial streets by means of interchanges engineered for free-flowing movement.

STRIP COMMERCIAL DEVELOPMENT: Strip commercial development, as distinguished from the strip shopping center, is not a shopping center but can be a string of commercially-zoned lots developed independently or a string of retail stores and commercial service establishments on a single site where there is no anchor tenant and no central management, and where tenant mix results from leasing primarily to available tenants with good credit, not from planning and executing more sophisticated leasing programs.

STRUCTURE: Anything constructed or erected, the use of which required more or less permanent location on the ground, or which is attached to something having more or less permanent location on the ground, including but not limited to conventional site homes, shell homes, manufactured homes, and mobile homes.

SUBDIVISION: The division of land, lot, tract, or parcel into two or more lots, parcels, tracts, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or in the future; also includes the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, deed, map, plat or other instrument.

TEMPORARY USE: Any use, intended for limited duration, to be located in a zoning district not permitting such use and not continuing as a nonconforming use or building. A temporary use permit is required before a temporary use can occur; said permit shall specify the maximum duration of the use.

TOWER (see ANTENNA): A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, or telephone communications including those used for public safety dispatch communications. A tower is an industrial use.

TRAILER: Any vehicle without motor power, with or without a kitchen and toilet, which is designed to be drawn by a motor vehicle, and to be used in such a manner as to permit temporary occupancy thereof as sleeping quarters, for the conduct of any business, trade or occupation, as a selling or advertising device, as a storage or conveyance of tools, equipment, or machinery and so designed that it is mounted on wheels and may be used as a conveyance on highways and streets. The term trailer includes the terms camp trailer, motor home, travel trailer, and similar terms, except when the latter falls within the definition of mobile home. Trailers are considered vehicles for the purpose of this Ordinance when they are used as

temporary places for human habitation, offices, wash houses, or for storage. Trailers are intended for a variety of temporary uses; mobile homes are intended for full-time use as a residence.

TRANSITIONAL USE: A permitted use or structure that by nature or level and scale of activity acts as a transition or buffer between two or more incompatible uses.

TRUCK TERMINAL: Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another; cannot be used for permanent or long-term accessory storage for principal and uses at other locations; facility may include storage areas for trucks and buildings or principal areas for the repair of trucks associated with the terminal. A truck terminal is an industrial use.

USABLE OPEN SPACE: That portion of a lot which is free of buildings, is not devoted to driveway and parking areas, is available and accessible to all the occupants of dwelling units on the lot and is of reasonable dimension to allow its use for active or passive recreation or other outdoor activities. Usable open space may include play lots, gardens, sun decks, courts, courtyards and open yard areas.

VARIANCE: A variance is an adjustment of the established dimensional requirements in this Ordinance, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the land's configuration and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height and size of structure, density, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited 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 zoning district. A use variance is not permitted.

WALL: Any structure or device forming a physical barrier which is so constructed that 50% of more of the vertical surface is closed to prevent the passage of light, air and vision through said surface in a horizontal plane; shall include concrete, concrete block, brick, wood or other materials that are solid and are so assembled as to form a solid barrier.

WAREHOUSE: A building used primarily for the storage of goods and materials. A warehouse is an industrial use.

WAREHOUSING AND DISTRIBUTION: A use engaged in storage, wholesale trade, and distribution of manufactured products, supplies and equipment, excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions. Warehousing and distribution are industrial uses.

WETLANDS: Areas subject to saturation and periodic inundation; supporting aquatic plant life; as determined by appropriate federal regulations. The areas subject to saturation and periodic inundation by surface or ground water at a frequency and duration sufficient to support and, under normal circumstances, do support a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands may include marshes, bogs, swamps and similar areas. Development of wetland areas should be avoided. Where unavoidable, the developer must conform to all applicable federal and state regulations, including mitigation requirements.

YARD: A space on the same lot as the principal building, open, unoccupied and unobstructed by buildings

or structures from ground to sky, except where encroachments and accessory buildings are expressly permitted.

YARD, FRONT: An open, unoccupied space on the same lot as the principal building, extending the full width of the lot and situated between the street line and the front line of the building projected to side lines of the lot.

YARD, REAR: An open space, which is unoccupied, except by a possible accessory building, on the same lot as the principal building, extending the full width of the lot and situated between the rear line of the building projected to side lines of the lot.

YARD, SIDE: An open space, which is unoccupied and on the same lot as the principal building, and is situated between the building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

ZERO LOT LINE: The location of a building on a lot in such a manner that one or more of the sides of the building rests directly on a lot line.

ZONING CHANGE/REZONING: The procedure to amend the official zoning map to change the classification of a lot or parcel of land from one zoning district to another.

ARTICLE III

ESTABLISHMENT OF DISTRICTS

SECTION 300 - ZONING DISTRICTS

In order to classify, regulate and restrict the location of trades, industries, residences and structures designed for specific uses; to regulate the height and bulk of structures hereafter erected or altered; to regulate the intensity of use of lot areas, and to regulate and determine the area of yards, courts, and other open spaces, the City of Waynesboro, Mississippi, is hereby divided into ten (10) "Zoning Districts". The use of space, buildings and premises, and the height and area of buildings shall be uniform in each zoning district. Said districts shall be known as follows:

- R-1 Residential
- R-2 Residential
- R-3 Residential
- R-4 Residential
- C-1 Commercial
- C-2 Commercial
- C-3 Commercial
- I-1 Industrial
- I-2 Industrial
- A-1 Agricultural

SECTION 301 - OFFICIAL ZONING MAP

The aforesaid zoning districts are identified and delineated on a map entitled "Official Zoning Map of the City of Waynesboro, Mississippi", which map is attached to and made a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in SECTION 301 of the official Zoning Ordinance of the City of Waynesboro, Mississippi, as adopted by the Mayor and Board of Alderman."

If, in accordance with the provisions of this Ordinance and the laws of the State of Mississippi, changes are made in zoning district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map within sixty (60) days after the amendment has been approved by the Mayor and Board of Aldermen together with an entry on the Official Zoning Map as follows: "On (date) by official action of the Mayor and Board of Aldermen of the City of Waynesboro, the following change(s) were made in the Official Zoning Map: (brief description and nature of change)", which entry shall be signed by the Mayor and attested by the City Clerk. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever nature by a person or persons shall be considered a violation of this Ordinance and punishable as provided under ARTICLE VIII of this Ordinance.

Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map, that shall be located in the office of the City Clerk,

shall be the final authority as to the current zoning status of the land, buildings, and other structures in the City of Waynesboro.

SECTION 302 - BOUNDARIES

The boundaries of districts as listed in Section 300 of this Ordinance are as shown upon the map on file in the office of the City Clerk of the City of Waynesboro and designated as "Official Zoning Map, City of Waynesboro, Mississippi", dated and certified by the City Clerk and also referred to herein as the Official Zoning Map. The said map and all notations, references and other things shown thereon shall be and hereby are made a part of this Ordinance by reference as though fully set forth herein in detail.

SECTION 303 - AMENDMENTS TO THE OFFICIAL ZONING MAP

All amendments and changes to the Official Zoning Map shall be recorded by the City Clerk not later than sixty (60) days adoption of the Ordinance or entry of a final court judgment authorizing the amendment. All amendments and changes to the Official Zoning Map may be recorded at the end of each fiscal year upon a new copy of the "Official Zoning Map, City of Waynesboro, Mississippi", and same shall become the Official Zoning Map of the City of Waynesboro.

SECTION 304 - REVISION OF THE OFFICIAL ZONING MAP

The Mayor and Board of Aldermen may, from time to time, order the revision of the Official Zoning Map so as to include all changes to date and take the place of the original map, which is a part of this Ordinance. No changes shall be made upon such revised map that have not been made in the regular form by the Mayor and Board of Aldermen of the City of Waynesboro, Mississippi.

SECTION 305 - LOCATION OF THE OFFICIAL ZONING MAP

Regardless of the existence of purported copies of the "Official Zoning Map, City of Waynesboro, Mississippi", which may, from time to time, be made or published, the Official Zoning Map in the office of the City Clerk shall be the final authority for zoning districts in the City of Waynesboro. A copy of said map shall be in the office of the Zoning Administrator for his/her use.

SECTION 306 - INTERPRETATION OF DISTRICT BOUNDARIES

Where any uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following rules shall apply:

306.1 Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines or highway right-of-way lines shall be construed to be such boundaries.

306.2 Where district boundaries are so indicated that they approximately follow recorded, platted lot lines, such lot lines shall be construed to be said boundaries.

306.3 Where district boundaries are so indicated that they are approximately parallel to the center lines of streets or the center lines of right-of-way lines of highways, such district boundaries shall be

construed as being parallel thereto and at such distances therefrom as indicated on the Official Zoning Map.

306.4 Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

306.5 Where a lot lies in two or more zoning districts, zoning for frontage of the property shall prevail except that, within a point two hundred (200') feet of a street frontage in a more restricted zoning district, regulations governing development as such shall prevail.

306.6 Where frontage of a lot lies in two or more zoning districts, the property shall be governed by the district with the least restrictions, provided area and height requirements are met, as established elsewhere in this Ordinance (Article VI).

306.7 Boundaries indicated as following a stream or river shall be construed to follow the center line of the stream or river; and, in the event of change in the stream or rivers, boundaries shall be construed as moving with the actual centerline.

SECTION 307 - CLASSIFICATION OF ANNEXED TERRITORY

All territory which may hereafter be annexed to the City of Waynesboro shall come into the City subject to whatever land use regulation was in effect covering the property at the time of annexation. As soon as practicable after annexation, the City shall develop a new zoning map for the enlarged City and conduct a hearing and adopt zoning regulations covering the area.

SECTION 308 - VACATION OF STREETS

Whenever any street, alley or other public way is vacated by official action of the governing authority of the City of Waynesboro, the zoning district adjoining each side of street, alley or publicway shall be, unless otherwise indicated, automatically extended to the center of same; and all area included therein shall then and henceforth be subjected to all appropriate regulations of the extended districts.

SECTION 309 - REPLACEMENT

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City may, by Ordinance, adopt a new Official Zoning Map, which will supersede the prior Official Zoning Map.

The new Official Zoning Map may correct drafting, and other clerical errors or omissions in the prior Official Zoning Map; but no such correction shall have the effect of amending the original zoning Ordinance, or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by City Clerk and bearing the Seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced)."

ARTICLE IV

USE REQUIREMENTS BY DISTRICT

SECTION 400 - USE REQUIREMENTS FOR RESIDENTIAL DISTRICT R-1

400.1 - Purpose and Intent. The Residential District R-1 is hereby created in order that certain areas within the city be reserved exclusively for single-family residential and related uses. It is the intent of this ordinance that existing residential developments be protected from encroachment of undesirable and incompatible uses and new developments be constructed according to sound, reasonable, and desirable regulations as stated within this ordinance and related ordinances and regulations of the City.

400.2 - Permitted Uses. Within a Residential R-1 District as shown on the "Official Zoning Map, City of Waynesboro, Mississippi", the following use provisions shall apply:

1. Single family detached dwellings, but not including mobile homes or shell homes.
2. Public utility distribution facilities.
3. One (1) non-illuminated sign advertising the sale or rent of the land or buildings upon which it is located. Such sign shall not exceed four (4) square feet in area and shall be located at a point not less than one-half (1/2) the front yard depth from the street line. The sign may remain in place until no longer needed, provided it is kept in a non-deteriorating condition.
4. Customary signs in conjunction with residential usage, such as mailbox signs, names of residents and house numbers.
5. Non-commercial greenhouses, provided that no structure, odor or dust-producing substance or use shall be permitted within one hundred (100) feet of any property line and that no products shall be publicly displayed or offered for sale.
6. Accessory uses (after completion of main dwelling), provided such shall be permitted only in a rear yard and shall not be less than five (5) feet from any property line, not to exceed fifty percent (50%) of gross floor area of the primary use.
7. The renting of rooms within the residential structure, provided that the establishment shall possess all required permits and licenses. The number of persons accommodated in each bedroom shall not exceed two (2).
8. Customary home occupations, including the professional offices of a physician, dentist, musician, lawyer, architect, artist, and engineer, conducted within the dwelling, provided that not more than one-fourth (1/4) of the total floor area shall be used for such occupation; and no external evidence of such occupation is visible except a non-illuminated sign not more than six (6) inches by eighteen (18) inches may be displayed.

9. Home occupations subject to Article V, Section 506.
10. Public Streets and Highways.

400.3 Conditional Land Uses. Within a Residential R-1 District as shown on the "Official Zoning Map, City of Waynesboro, Mississippi", the following conditional land use provisions shall apply:

1. Shell homes subject to all the design, foundation, lot, parking and infrastructure requirements as conventionally built single-family detached residences.
2. Churches and related accessory buildings, provided they are located on a lot fronting principal or minor arterial roads and are placed not less than twenty-five (25) feet from any other property line and shall maintain a front yard setback of at least forty (40) feet with required off-street parking spaces separated from property lines by a planted buffer at least five (5) feet in width and/or an impenetrable fence not less than three (3) feet in height.
3. Public and private schools offering general education courses.
4. Public and semi-public recreational facilities including parks, playgrounds, lakes, golf courses and country clubs.
5. Assisted Living Facilities (Personal Care Homes).
6. Bed and Breakfast Establishments.
7. Residential Group Homes.
8. Limited Residential Child Care Homes.

400.4 Modifications and Exceptions As Prescribed In Article VII.

400.5 Dimensional Requirements: Area, Yard, and Height Requirements shall be prescribed in Article VI.

SECTION 401 - USE REQUIREMENTS FOR RESIDENTIAL DISTRICT R-2

401.1 Purpose and Intent. The Residential District R-2 is hereby created in order that certain areas within the city be reserved exclusively for single-family residential and related uses. It is the intent of this ordinance that existing residential developments be protected from encroachment of undesirable and incompatible uses and new developments be constructed according to sound, reasonable, and desirable regulations as stated within this ordinance.

401.2 Permitted Uses. Within a Residential R-2 District as shown on the "Zoning Map, City of Waynesboro, Mississippi", the following use provisions shall apply:

1. All uses permitted in the R-1 District.
2. Two (2) unit residential structures (duplex).

401.3 Conditional Uses. Within a Residential R-2 District as shown on the "Zoning Map, City of Waynesboro, Mississippi", the following conditional land use provisions shall apply:

1. All conditional uses permitted in R-1 District.
2. Three (3) and four (4) unit residential structures (triplex and fourplex).
3. Shell homes subject to all the design, foundation, lot, parking and infrastructure requirements as conventionally built single-family detached residences.
4. Churches and related accessory buildings, provided they are located on a lot fronting a major artery or connecting route and are placed not less than fifteen (15) feet from any other property line and shall maintain a front yard setback of at least thirty (30) feet with required off-street parking spaces separated from property lines by a planted buffer at least five (5) feet in width and/or an impenetrable fence not less than three (3) feet in height.
5. Public utility stations such as electrical substations, sewage pumping stations, etc. provided that they are surrounded by an impenetrable fence at least eight (8) feet high, have a reasonable buffer zone on all four (4) sides, and there is no storage of vehicles or equipment on the premises.

401.4 Modifications and Exceptions As Prescribed In Article VII.

401.5 Dimensional Requirements: Area, Yard, and Height Requirements shall be prescribed in Article VI.

SECTION 402 - USE REQUIREMENTS FOR RESIDENTIAL DISTRICT R-3

402.1 Purpose and Intent. The Residential District R-3 is hereby created in order that certain areas within the City be developed for multi-family residential purposes, and that older, existing structures be converted to multi-family residential uses.

402.2 Permitted Uses. Within a Residential R-3 District as shown on the "Official Zoning Map, City of Waynesboro, Mississippi", the following use provisions shall apply:

1. All residential uses permitted in the R-1 and R-2 Districts.
2. All conditional uses in R-1 and R-2.
3. All non-residential uses permitted in the R-1 and R-2 Districts, subject to the R-1 and R-2 Use Requirements.
4. Multi-family dwellings, townhouses, and apartment complexes.

5. Group child care facilities, nursery schools and kindergartens.

402.3 Conditional Uses: Within a Residential R-3 District as shown on the "Official Zoning Map, City of Waynesboro, Mississippi", the following conditional use provisions shall apply:

1. Halfway houses.

402.4 Modifications and Exceptions as prescribed in Article VII.

402.5 Dimensional Requirements: Area, Yard, and Height Requirements shall be prescribed in Article VI.

SECTION 403 - USE REQUIREMENTS FOR RESIDENTIAL DISTRICT R-4

403.1 - Purpose and Intent. The Residential District R-4 is hereby created in order that certain areas within the City can be developed for new medium density Manufactured Housing Subdivisions, Manufactured Housing Parks and related uses.

It is the intent of this ordinance to protect existing residential areas of the City from encroachment by undesirable and incompatible uses, that development density be limited to that capable of being supported by City streets, utilities, and services, and that new developments be constructed according to sound, reasonable and desirable regulations as stated in all applicable City development ordinances.

It is the intent of this ordinance to provide appropriately located and fully developable sites for development of new manufactured housing subdivisions and manufactured housing parks. Manufactured housing subdivisions are intended to be primarily for owner occupancy of both the housing unit and the site upon which it is located. Manufactured housing parks are intended for primarily renter occupancy of either both the housing unit and the site upon which it is located or owner occupancy of the housing unit and renter occupancy of the site upon which it is located.

It is further the City's intention to accommodate affordable housing. This specifically includes manufactured housing, as defined in Article II of this Ordinance, in locations appropriate to this housing type and in situations where successful neighborhoods containing manufactured housing can be created. The City intends to upgrade its housing situation through encouraging new improved quality settings for new housing.

403.2 - Permitted Uses. Within a Residential R-4 District as shown on the "Official Zoning Map, City of Waynesboro, Mississippi", the following use provisions shall apply:

1. Manufactured housing subdivisions, subject to confirmation with standards established in Section 500.61 through 500.8 of the Zoning Ordinance to accommodate owner occupied manufactured housing units as defined in Article II of the Ordinance on individual lots, subdivided in conformance with the "Subdivisions Regulations, City of Waynesboro, Mississippi" and subject to subdivisions review and approval.

2. Manufactured housing parks designed to conform with standards established at Section 500.62 of the Zoning Ordinance to accommodate owner or renter occupied manufactured housing units as defined in Article II of the Ordinance, sited on rented spaces within a tract of land under single or unified ownership, management and operation that has been planned and improved for the placement of manufactured housing for dwelling purposes, and subject to site plan review and approval by the City Planning Commission.
3. All manufactured housing units in either a manufactured housing subdivision or a manufactured housing park must be individually connected to all necessary municipal and franchised utilities before they may be occupied.
4. All manufactured housing units as defined in Article II of this ordinance in the R-4 district regardless of situation must be installed on a properly engineered foundation.
 - a. A properly engineered foundation is one designed by an architect or structural engineer licensed by the State of Mississippi.
 - b. A permitted alternative properly engineered foundation may be one based on the latest edition of the Permanent Foundation Guide for Manufactured Housing prepared the U.S. Department of Housing and Urban Development (HUD).
 - c. Requirements for providing properly engineered foundations must fulfill all State of Mississippi rules and regulations promulgated under 75-49-5 of the Mississippi Code of 1972, as annotated; must adhere to the manufacturer's installation instructions for the individual unit, and comply with the City's properly engineered foundation requirements.
5. Common storage areas, either open or enclosed, intended to serve only residents of the manufactured housing subdivisions or manufactured housing park.
6. Ancillary non residential uses, intended to serve only residents of the manufactured housing subdivision or manufactured housing park, including but not limited to laundromat, car wash, day care facility, recreation room, swimming pool, playground, health studio or gymnasium, or small convenience store.
7. Public utility stations such as electrical substations, sewage pumping stations, etc., provided that they are surrounded by an impenetrable fence at least eight (8) feet high, have a reasonable buffer zone on all four sides, and there is no storage of vehicles or equipment on the premises.
8. Public parks and playgrounds.
9. Customary entrance, identify and directional signs within the subdivision or park.
10. One (1) non-illuminated sign advertising the sale or rent of the land or buildings upon which it is located. Such sign shall not exceed four (4) square feet in area and shall be located at a point not less than one-half (1/2) the front yard depth from the street line. The

sign may remain in place until no longer needed, provided it is kept in a non-deteriorating condition.

11. Customary signs in conjunction with residential usage, such as mailbox signs, names of residents and house numbers.
12. Individual accessory buildings (after completion of main dwelling), provided such shall be permitted only in a rear yard and shall not be less than five (5) feet from any property line.
13. Customary home occupations, including the professional offices of a physicians, musician, lawyer, architect, artist, and engineer, conducted within the dwelling, provided that not more than one-fourth (1/4) of the total habitable floor area be used for such occupation; and no external evidence of such occupation is except a non-illuminated sign not more than six (6) inches by eighteen (18) inches may be displayed.
14. Home occupations subject to Article V, Section 506.
15. Public streets and utility infrastructure.

403.3 Modifications and Exceptions as prescribed in Article VII.

403.4 Dimensional requirements and area, yard and Heights requirements shall be prescribed in Article VI.

SECTION 404 - USE REQUIREMENTS FOR COMMERCIAL DISTRICT C-1

404.1 - Purpose and Intent. The Commercial District C-1 is hereby created in order that there be areas within certain neighborhoods used for commercial uses which serve only the surrounding area and do not generate excessive traffic. It is the intent of this ordinance that these convenience centers be strictly limited to commercial uses which serve the day-to-day household needs of the surrounding area.

404.2 - Permitted Uses. Within a Commercial C-1 District as shown on the "Official Zoning Map, City of Waynesboro, Mississippi", the following use provisions shall apply:

1. All permitted uses or conditional uses in the R-1 and R-2 Districts.
2. Drug stores.
3. Barber shops, beauty shops, and similar personal service establishments.
4. Retail bakery shops.
5. Laundries, self-service or automatic, and laundry pickup stations.
6. Branch Banks, automatic teller machines including drive-through facilities.
7. Parking lots in compliance with Article V, Section 503.

8. Churches.
9. Hospitals, medical clinics and related health-care facilities.
10. Public parks.
11. Assisted living facilities (personal care homes).
12. Residential group homes.
13. Professional offices.
14. Public and private cemeteries.
15. Ground signs, wall signs, projecting signs and roof signs shall be permitted within the required building lines provided:
 - a. Signs shall bear only the name of the establishment and the principal business or service.
 - b. Professional offices and personal services shall be permitted one (1) sign not to exceed three (3) square feet in area for each professional office or personal service establishment.
 - c. Retail sales and services shall be permitted one (1) projecting sign or ground sign and one (1) wall or roof sign and a total sign area of five (5) square feet for each ten (10) feet of frontage on a public street.
16. Public streets and highways.

404.3 Conditional Uses. Within a Commercial C-1 District as shown on the "Official Zoning Map, City of Waynesboro, Mississippi" the following conditional use provisions shall apply:

1. All permitted uses or conditional uses in the R-1 District.
2. Convenience stores, including those with gas pumps except full service stations as first permitted in the C-3 District.
3. Neighborhood shopping center.
4. Nursing and convalescent homes.
5. Funeral homes.
6. Video stores.

7. Business offices.

404.4 Modifications and Exceptions as prescribed in Article VII.

404.5 Dimensional Requirements: Area, Yard, and Height Requirements shall be prescribed in Article VI.

SECTION 405 - USE REQUIREMENTS FOR COMMERCIAL DISTRICT C-2

405.1 - Purpose and Intent. The Commercial District C-2 is hereby created in order that there be one central area of retail and office use which shall constitute the central business district of the city including adjacent highway frontage which extends from the central business district. It is the intent of this ordinance that the Commercial District C-2 not be encroached upon by other commercial, industrial, or residential uses which are not compatible with the existing and future retail businesses located within the central business district.

405.2 - Permitted Uses. Within a Commercial C-2 District as shown on the "Official Zoning Map, City of Waynesboro, Mississippi", the following use provisions shall apply:

1. All uses permitted in C-1 District.
2. All conditional uses permitted in C-1 District.
3. All commercial uses where products and services are displayed, sold and/or delivered entirely within a completely enclosed structure.
4. Banks and other financial institutions.
5. Hotels and motels which may have exterior pools and recreational areas.
6. Restaurants and fast food establishments which may have drive through facilities.
7. Full service gasoline service stations, provided the service station shall be located on a lot lying at an intersection of two (2) or more streets. Any tube or tire repairing, storage of merchandise and supplies shall be conducted wholly within the building. No provision of this paragraph shall be interpreted to permit general automotive repairing, painting, body and fender work or steam cleaning. Any structure, such as a grease rack or automobile washing apparatus, gasoline pumps, buildings and underground storage tanks, including principal use signs, shall be set back not less than twenty-five (25) feet from any property line. Such areas between the property lines and any service station will be kept free from trash and rubbish, and no part therein shall serve as a collection point for waste material. The means of access or egress shall be provided no less than twenty (20) feet from intersection of street rights-of-way and not less than twenty-five (25) feet from any residential district boundary line. Access and egress shall be arranged and designed so as to minimize the interference with the flow of traffic through the intersection.

8. Theaters and other enclosed commercial recreation facilities.
9. Pawn shops.
10. Pet stores.
11. Automotive specialty service center.
12. Full and self-service car wash.
13. Governmental offices and facilities excluding utility infrastructure.
14. Funeral homes.
15. Nursing and convalescent homes.
16. Convenience stores including gas pumps.
17. Laundry and dry cleaning facilities.
18. Business offices of public utilities.
19. Bars.
20. Public parks.
21. Public parking lots or garages.
22. Existing and historic residences for residential uses or commercial adaptation retaining their original residential characteristics.
23. Parking lots, provided they shall be paved with an impervious surface so as to provide a durable and dustless surface so as to dispose of all surface water accumulation. Lights so used to illuminate the parking area will be so arranged as to reflect away from any adjacent premises.
24. Ground signs, wall signs, projecting signs and roof signs shall be permitted within the required building lines provided:
 - a. Signs shall bear only the name of the establishment and the principal business or service.
 - b. Professional offices and personal services shall be permitted one (1) sign not to exceed three (3) square feet in area for each professional office or personal service establishment.

- c. Retail sales and services shall be permitted one (1) projecting sign or ground sign and one (1) wall or roof sign and a total sign area of five (5) square feet for each ten (10) feet of frontage on a public street.
- d. Business and non-commodity sales establishments shall be permitted one (1) projecting sign or ground sign and one (1) wall or roof sign, and a total sign area of three (3) square feet for each ten (10) feet of frontage on a public street.
- e. Hotels shall be permitted one (1) ground sign or projecting sign not to exceed twenty (20) square feet in area and two (2) signs only of a wall or roof sign variety, and five (5) square feet in area for each twenty (20) feet of street frontage.
- f. For each establishment, there shall be permitted one (1) projecting or ground sign overhanging the public right-of-way up to four (4) feet beyond the right-of-way line and not exceeding forty (40) square feet in area overhanging the public right-of-way, provided there is a clearance of ten (10) feet above the ground and that such signs shall not overhang a vertical projection of the curb line. No support or any part of the sign structure shall be upon the public right-of-way. No permit shall be issued for any sign overhanging the public right-of-way in accordance with this provision unless such applicant posts a bond, or public liability insurance, in the amount of Ten Thousand and no/100 (\$10,000) Dollars per person, Twenty Thousand and no/100 (\$20,000) Dollars for any accident, and Five Thousand and no/100 (\$5,000) Dollars for property damage. Such bond or liability insurance shall remain in force at all times while such sign overhangs the public right-of-way.

25. Public streets and highways.

405.3 Conditional Uses. Within a Commercial C-2 District as shown on the "Official Zoning Map, City of Waynesboro, Mississippi", the following conditional use provisions shall apply:

- 1. Automobile repair garage.
- 2. Full and self-service carwash.
- 3. Commercial recreation facilities.

405.4 - Modifications and Exceptions as prescribed in Article VII.

405.5 - Dimensional Requirements: Area, Yard, and Height Requirements shall be prescribed in Article VI.

SECTION 406 - USE REQUIREMENTS FOR COMMERCIAL DISTRICT C-3

406.1 - Purpose and Intent. The Commercial District C-3 is hereby created in order that there be designated areas along major highways used for commercial activities oriented toward use of the

automobile or other forms of transportation. It is the intent of this ordinance that certain areas along such major transportation routes be reserved for those uses which normally require larger sites, outdoor display of products, and direct access to major thoroughfares.

406.2 - Permitted Uses. Within a Commercial C-3 District as shown on the "Official Zoning Map, City of Waynesboro, Mississippi" the following use provisions shall apply:

1. Any use or structure permitted in the C-1 and C-2 Districts.
2. All conditional uses permitted in C-1 and C-2 Districts.
3. Public garages for retail service only including automobile repairing, painting, upholstering, body and fender work, provided that these and other operations shall be conducted within a building enclosed on at least three (3) sides; provided further that, if the building is located within fifty (50) feet of a lot in a residential zone with no intervening street, the wall of the building nearest such zone shall have no openings other than doors or stationary windows, and such doors shall be permitted only if the building is adjacent to any alley and the doors may be opened only at intervals necessary for ingress or egress.
4. Auto sales, provided all repair and servicing shall be done within an enclosed building subject to Article IV, Section 407.2(3).
5. Recreational vehicle parks.
6. Wholesale fruit and vegetable markets.
7. Commercial lawn and garden nurseries.
8. Outdoor flea markets.
9. Gasoline full service stations.
10. Retail building material yards.
11. Self-service storage complexes.
12. Automotive detail shops.
13. Outdoor commercial recreational facilities.
14. Mobile home sales.
15. Nightclubs.
16. Full and self-service carwashes.
17. Billboards.

18. Automotive, farm equipment and implement dealerships.
19. Truck stops.
20. Kennels.
21. Public Streets and Highways.

406.3 - Modifications and Exceptions as prescribed in Article VII.

406.4 - Dimensional Requirements: Area, Yard, and Height Requirements shall be prescribed in Article VI.

SECTION 407 - USE REQUIREMENTS FOR INDUSTRIAL DISTRICT I-1

407.1 - Purpose and Intent. The Industrial District I-1 is hereby created in order that there be areas within the city used exclusively for light industrial, manufacturing, processing, and related operations which are not considered heavy industry and which are incompatible with the residential and commercial areas of the city. It is the intent of this ordinance that these areas be reserved exclusively for industrial and related purposes.

407.2 - Permitted Uses. Within an Industrial I-1 District as shown on the "Official Zoning Map, City of Waynesboro, Mississippi" the following use provisions shall apply:

1. Uses permitted in the C-3 District except uses permitted in C-1 and C-2 Districts, which shall be permitted only by special exception.
2. Any industrial, manufacturing or processing establishment, upon approval of the City Planning Commission and the Mayor and Board of Aldermen, shall be permitted, provided no nuisance will result with regard to excessive:
 - a. Smoke and other particulate matter.
 - b. Noise.
 - c. Odor.
 - d. Fire or explosive hazard.
 - e. Gases.
 - f. Glare or heat.
3. Recycling plants.
4. Trucking terminals and related shipping businesses.

5. Warehouse distribution centers.
6. Wholesale trade establishments.
7. Free standing light industrial facilities.
8. Public Streets and Highways.

407.3 - Conditional Uses. Within an Industrial I-1 District as shown on the "Official Zoning Map, City of Waynesboro, Mississippi" the following conditional use provisions shall apply:

1. Adult entertainment establishments.
2. Towers.

407.4 - Off-Street Parking and Loading Requirements shall conform to Article V, Section 503.

407.5 - Signs and Outdoor Advertising Requirements shall conform to Article V, Section 505.

407.6 - Dimensional Requirements: Area, Yard, and Height Requirements shall be prescribed in Article VI.

SECTION 408 - USE REQUIREMENTS FOR INDUSTRIAL DISTRICT I-2

408.1 - Purpose and Intent. The Industrial District I-2 is hereby created in order to establish a planned industrial park district and to allow for heavy industrial use, including production and assembly plants, to be conducted so the noise, odor, dust and glare of each operation is properly controlled.

408.2 - Permitted Uses. Within an Industrial I-2 District as shown on the "Official Zoning Map, City of Waynesboro, Mississippi". The following use provisions shall apply:

1. Uses permitted in the I-1 District.
2. Conditional uses in I-1 District.
3. Planned industrial parks.

In a Planned Industrial Park District, no building or structure shall hereafter be erected, constructed, re-constructed or altered until such use, erection, construction, reconstruction or alteration shall have been specifically authorized by the governing authority, after study and recommendation by the City Planning Commission.

4. Any industrial use, upon approval of the City Planning Commission and the Mayor and Board of Aldermen, shall be permitted in a Planned Industrial Park District, provided appropriate safeguards are installed and all state and federal regulations followed, with regard to excessive:

- a. Smoke and other particulate matter.
 - b. Noise.
 - c. Odor.
 - d. Fire or explosive hazard.
 - e. Gases.
 - f. Glare or heat.
 - g. Vibration.
 - h. Water pollution.
 - i. Other factors detrimental to the health, safety and welfare of the area.
- 5. Billboards.
 - 6. Towers.
 - 7. Airports.
 - 8. Transfer stations.
 - 9. Waste disposal facilities.
 - 10. Free standing heavy industrial facilities.
 - 11. Public Streets and Highways.

408.3 - Conditional Uses. Within an industrial I-2 District as shown on the "Official Zoning Map, City of Waynesboro, Mississippi", the following conditional use provisions shall apply:

- 1. Junkyards, salvage yards, recycling plants and other businesses for exterior display and sale of used auto parts and recycled metal and paper goods may be permitted as a special exception subject to such conditions and requirements as determined to be appropriate by the City Planning Commission and Mayor and Board of Aldermen.

408.4 - Special Requirements. The Planning Commission shall satisfy themselves that the conditions listed above are met before recommending approval of any use in a planned Industrial Park District. Pursuant to this Section, the applicant shall be required to furnish:

- 1. Overall development plan.

2. Data describing all processes and equipment involved in the proposed use.
3. Plans showing location and design of structures, delivery points, loading and storage areas, walls, fences, screen planting, signs, lighting devices, and pedestrian walks.
4. Plans illustrating adequate off-street parking according to standards established by the City Planning Commission.
5. Traffic routing system so designed as to minimize nuisance effects due to the generation of traffic to and from the use.
6. Comprehensive landscaping plan.
7. Any other information the City Planning Commission may need to adequately consider the effect the proposed uses may have upon the cost of providing adequate service to the area.

The City Planning Commission shall further satisfy themselves that the uses proposed for any Planned Industrial Park District shall be compatible with the adjacent and nearby uses of land and that they are consistent with the intent and purposes of this Ordinance to promote the public health, safety, morals, and general welfare.

408.5 - Off-Street Parking and Loading Requirements shall conform to Article V, Section 503.

408.6 - Signs and Outdoor Advertising Requirements shall conform to Article V, Section 505.

408.7 - Dimensional Requirements: Area, Yard, and Height Requirements shall be prescribed in Article VI.

SECTION 409 - AGRICULTURAL DISTRICT A-1

409.1 - Purpose and Intent. The purposes of these districts are 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 Waynesboro 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. The City of Waynesboro shall not be obligated to provide water and sanitary sewer to areas zoned as Agricultural (A-1).

409.2 - Land Uses Permitted.

1. Single-family detached dwellings. Only one (1) principal dwelling per lot may be erected in A-1 districts, except where the lot consists of five (5) acres or more, in which case up to three (3) single family detached dwellings may be erected on the same lot.
2. Accessory buildings and structures associated with the use of the land for residential purposes.

3. 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 acre of land or greater. 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 150 feet from any adjoining property lines or existing/proposed street right of way line.
4. Breeding, raising and feeding of swine, provided that pens for the keeping of swine are located no closer than 250 feet from any adjoining property line or existing/proposed street right of way line. Large scale commercial swine raising and feeding facilities shall not be permitted in the City of Waynesboro.
5. Breeding, raising and feeding of chickens, ducks, turkeys, geese, or other fowl, provided that if more than twelve (12) 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.
6. Row crops, forestry and timber uses.
7. Private recreational or open space facilities, excluding country clubs, vacation or recreational resorts or camps, and the like which shall be regulated as commercial uses.
8. Home occupations in compliance with Article V, Section 506 of this Ordinance.
9. Public utility sub-stations, generating, production, and transfer facilities.
10. Public streets and highways.

409.3 - Conditional Uses. Within an Agriculture A-1 District as shown on the "Official Zoning Map, City of Waynesboro, Mississippi", the following conditional use provisions shall apply:

1. Public or quasi-public facilities and utilities.
2. Child care facilities.
3. Stables and riding academies, providing that there shall be at least one (1) acre of land for each horse normally kept on the premises. In no case shall a stable or riding academy be located on a lot with an area of less than five (5) acres.
4. 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.
5. Commercial fish production.

6. Extraction of minerals, including sand and gravel, provided that when "open-pit" operations are conducted a Reclamation Plan must be approved by the Mayor and Board of Aldermen.
7. Veterinary hospitals and kennels.
8. Animal cemeteries (small domestic animals such as cats and dogs).
9. Landfills.
10. Billboards.

409.4 - Dimensional Requirements: Area, yard and height requirements shall be prescribed in Article VI.

409.5 - Signs: As prescribed in Section 505 of Article V of this Ordinance.

ARTICLE V

GENERAL REGULATIONS

SECTION 500 - REGULATIONS FOR DEVELOPMENT

500.1 - Coordination with Other Regulations. The provisions of all other applicable city regulations shall apply in addition to the provisions of the Zoning Ordinance.

500.2 - Principal Building Regulation. Unless a plat has been approved for a planned development project, only one principal building may be erected on any lot of record or any conforming lot. Temporary structures are permitted during the construction period only.

500.3 - Use. 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 unless in conformity with all of the regulations herein specified for the district in which it is located.

500.4 - Approved Water Supply and Sewage Disposal for Building. It shall be unlawful to construct any building or occupy any mobile home without water supply and sewage disposal facilities approved by the County Health Officer. Wherever water or sewer mains are accessible, buildings and mobile homes shall be connected to such mains. In every other case, individual water supply and sewage disposal must meet the requirements set by the County Health Officer. The County Health Officer's certificate approving proposed and completed water and sewage facilities must accompany application for zoning permits and certificates for occupancy.

500.5 - Junk Yards. Junk yards are not designated as permitted uses in any district and are consequently non-conforming uses in all districts. They shall conform with the section of this zoning ordinance prescribing regulations for non-conforming uses. The Building Inspector shall insure that all existing junk yards maintain valid permits to operate issued by the Mississippi Department of Highways as required by the Mississippi Revised Statutes, and he/she shall insure that all screening required by the Department of Highways is maintained. The City Planning Commission may authorize the Building Inspector to require that all existing junk yards, in addition to the permit to operate, shall maintain valid certificates of occupancy as non-conforming uses according to this Zoning Ordinance.

500.6 - Mobile Home Parks. Mobile home parks may be permitted only in those zoning districts where they are designated under the zoning district regulations. All mobile home parks shall conform with all provisions of the Mississippi Revised Statutes and shall conform with all applicable provisions of this Zoning Ordinance and all attached special conditions, All mobile home parks shall be subject to the following regulations:

500.61 - Procedure: In applying for a zoning permit for a mobile home park, the applicant shall submit a plan to the City Planning Commission through the Zoning Administrator showing at least the following information:

1. Name and address of applicant.
2. Location, description, and current zoning of the property to be developed.

3. Engineering plans and specifications including proposed site plan showing the number, location, and size of all lots; the location and width of all roadways, driveways, and walkways; topographic survey showing contours at one (1) foot intervals; the location and size of all water and sewer lines and riser pipes; the locations and details of all lighting and electrical systems and easements.
4. Public areas such as visitors' parking, recreational areas, etc. if such areas are proposed.
5. Location of planting for landscaping purposes or as required for protective buffer purposes as a special condition.

500.62 - Standards: All mobile home parks shall conform with following standards for development:

1. All mobile home parks shall include lots for at least ten (10) mobile homes. Mobile homes are permitted only on lots in approved mobile home parks in the R-4 district, except those mobile homes permitted as pre-existing non-conforming uses under Section 501.
2. Each mobile home shall have a lot of at least four thousand five hundred (4,500) square feet. The over-all density for a mobile home park or manufactured housing subdivision shall not exceed six (6) dwelling units per gross acre.
3. No mobile home shall be located closer than twenty (20') feet to another mobile home.
4. A road with pavement at least twenty (20') feet wide shall provide direct access to a public street and to each mobile home lot. The area occupied by the road shall not fulfill part of the area requirements for any lot. All roads shall be designed to enable mobile homes entering the park to reverse directions without having to back more than one mobile home length.
5. Automobile parking area be in accordance with 593.2.
6. All mobile home parks shall conform with the State Board of Health Regulations which prescribe standards for water supply, sewage disposal and other facilities. Each mobile home park shall be adequately drained so that no mobile home lot shall be subject to the collection of storm water.
7. Mobile home parks shall be surrounded by a buffer strip at least twenty (20') feet in depth on the rear, and ten (10') feet on the sides, and twenty-five (25') feet in depth along the front measured from the street right-of-way line.
8. Buffers shall otherwise be unoccupied except for landscaping, utility facilities, signs or entrance ornamentation.
9. A minimum of ten (10%) percent of the gross land area of the mobile home park shall be required for recreational purposes.

10. All streets, roadways and driveways within the park shall meet the minimum construction standards recommended by the City Engineer. They shall be adequately lighted at night.
11. No mobile home park shall contain less than four (4) acres.
12. The approval of a mobile home park as a conditional use shall be dependent upon the applicant constructing and maintaining the mobile home park as shown in the site plan. Any variation in the site plan must be approved by the City Planning Commission. Failure to provide any required improvements or to develop the park according to the site plan shall constitute a violation of this Ordinance.

500.63 -Issuance of Zoning Permit: The City Planning Commission, or the Mayor and Board of Aldermen if delegated by the City Planning Commission, may attach reasonable special conditions to its approval of a mobile home park and may direct the Zoning Administrator to issue a zoning permit. The Zoning Administrator shall not issue the zoning permit until he has received written authorization from the, and the applicant shall not start construction until he/she has also obtained a valid construction permit from the State Department of Health as required by the Mississippi Revised Statutes.

500.64 - Issuance of Certificate of Occupancy: The Building Inspector shall issue a Certificate of Occupancy only after he has determined that the mobile home park has been prepared according to all applicable regulations and special conditions. The applicant must also obtain a valid permit to operate from the State Department of Health as required by Mississippi Revised Statutes.

500.7 - Individual Mobile Homes. A mobile home is permitted only on a lot of land in a mobile home park in the R-4 District except those mobile homes permitted as pre-existing non-conforming uses under Section 501.

500.8 - Planned Development Projects. A planned development project of at least five acres may be permitted in those zoning districts where it is designated as a special use under the zoning district regulations or may be permitted in any district after an amendment to the zoning map. A planned-development project may depart from literal conformance with individual lot dimension and area regulations. A planned-development project may be under single or divided ownership. All planned-development projects shall be subject to the following regulations:

500.81 - Procedure: When a planned-development project is proposed, the procedure for subdivision approval as set forth in the Subdivision Regulations shall be followed in its entirety even though the ownership of land may not be divided. A preliminary plat and final plat, both approved by the City Planning Commission, shall be required for every planned-development project. The City Planning Commission may establish a schedule of reasonable fees to be charged for plat review. The project shall be developed according to the approved final plan. Zoning permits and certificates of occupancy shall be required for each building.

500.82 - Uses and Densities: The uses of premises and densities in a planned-development project shall conform with the permitted uses and densities of the zoning district in which it is located when it is permitted as a special use. If a planned-development project is proposed which includes uses or densities that are not permitted in any zoning district, the project may be permitted after an Amendment to the

Official Zoning Map designating the proposed location as a planned-development project district in conformance with this Zoning Ordinance. The Amendment may be made after the conditional approval of the preliminary plat and shall be valid only for the project, as approved.

500.83 - Standards: In any planned-development project, although it is permissible to depart from literal conformance with the individual lot dimension and area regulations, there shall be no reduction in the total equivalent lot, parking area, loading and unloading area requirements that would be necessary for the equivalent amount of individual lot development in the zoning district where it is located unless an amendment is made to permit a greater density according to Article IV of this Zoning Ordinance.

500.84 - Special Conditions: The City Planning Commission shall attach reasonable special conditions to insure that there shall be no departure from the intent of this Zoning Ordinance. The planned-development project shall conform with all such conditions. Since a planned-development project is inherently more complex than individual lot development and since each such project must be tailored to the topography and neighboring uses, the standards for such projects cannot be inflexible. In addition to imposing the standards for total area, parking area, and loading and unloading areas defined in Paragraph 500.83 above, the City Planning Commission shall attach special conditions based on all the following standards:

1. It is desirable that access points to all arterial streets shall be located no more frequently than once every one-eighth (1/8) to one-quarter (1/4) mile.
2. Wherever there is an abrupt change in use (i.e., residential to commercial), it is desirable that a buffer area of open space with protective planting be placed between the uses which will protect each use from the undesirable affects of the other.
3. Parking and other public areas used at night shall be adequately lighted. Private areas shall be protected from such lighting or any other lighting from public areas. Public streets may also require protection from excessive glare of lighted areas.
4. The City Planning Commission may also attach any other reasonable special conditions as they deem necessary.

SECTION 501 - REGULATIONS FOR CONTINUING NON-CONFORMING EXISTING USES AND STRUCTURES

501.1 - Purpose. If, within the zones established by the Ordinance (or Amendments that may be adopted later), there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, but which are prohibited under the terms of this Ordinance, such uses shall be termed non-conforming uses. Such uses are declared by this Ordinance to be incompatible with permitted uses in the zones involved.

However, it is the intent of this Ordinance to permit these nonconformities to continue in their present condition. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded, extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same zone. A non-conforming use of a structure, a non-conforming use of land or a non-conforming use of a structure and land will not be extended or enlarged after passage of this Ordinance by attachment of

additional signs to a building, the placement of additional signs or display devices on the land outside the building or by the addition of other uses, if such additions are of a nature which would be prohibited generally in the zone involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of a building on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance, or Amendment thereto, and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, demolition, elimination and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

501.2 - Explanation. When a lot, structure or use legally exists prior to the adoption of this Ordinance, but does not meet the requirements of this Ordinance, it is permitted to continue within the limits set forth in this Section. Under such circumstances, it is said to have "non-conforming" status. There are three types of non-conforming status:

1. Non-conforming Land: The lot, or acreage, is smaller than the minimum permitted in the zone in which it is located.
2. Non-conforming Structure: The structure comes closer to the lot lines, is taller than, or otherwise violates the minimum or maximum space requirements established for the zone in which it is located.
3. Non-conforming Use: The use to which land and/or structures is being put is not a principal, accessory or conditional use permitted in the zone in which it is located, and is not otherwise permitted in the zone in which it is located, and is not otherwise permitted in this Ordinance. Uses in existence at the time of the adoption of this Ordinance which fall within the category of conditional use in the zone in which they are located are automatically conditional uses and have the same status as if they had been issued a permit from the for the use.

501.3 - Non-Conforming Lots of Record. In any zone in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption of this Ordinance, or Amendment hereto. Such lot must be in separate ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zone, provided that yard dimensions and other requirements (not involving the area or width of the lot) shall conform to the regulations for the district in which the lot is located. Variance of area, or width requirements for other than the lot as a whole, may be obtained only through action of the in the usual manner.

If two or more lots, combination of lots or portions of lots are continuous frontage in a single ownership and are of record at the time of passage of this ordinance, or Amendment hereto, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for purposes of this Ordinance, and no portion of said parcel shall be used which does not meet lot width and area requirements established by this Ordinance, nor shall

any division of this parcel be made which leaves remaining any lot width or area below the requirements stated in this Ordinance.

501.4 - Non-Conforming Use of Land. Where, at the effective date of adoption of this Ordinance, or Amendment hereto, a lawful use of land exists that is made no longer permissible under the terms of this Ordinance, as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming use shall be moved in whole, or in part, to any other portion of the lot or parcel occupied by such use at the effective date of adoption of this Ordinance or Amendment hereto.
2. If such non-conforming use of land ceases, or is discontinued or abandoned for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which the land is located.
3. Notwithstanding the foregoing, a variance may be granted to this Ordinance upon recommendation by the City Planning Commission to the Mayor and Mayor and Board of Aldermen.

501.5 - Non-Conforming Use of Structures. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption of this Ordinance, or Amendment hereto, which would not be allowed in the zone under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Any existing structure devoted to a use not permitted by this Ordinance in the zone in which it is located shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zone in which it is located.
2. Any non-conforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption of this Ordinance, or Amendment hereto, but no such use shall be extended to occupy any land outside such building.
3. No non-conforming use may be changed to another non-conforming use.
4. Where any non-conforming land, structure or use, in part or whole, is made to conform to the regulations for the zone in which it is located, the part or whole which has been made to conform may not thereafter be changed in such manner as would be non-conforming.
5. Advertisement for a variance is required if the structure is old and in noncompliance, only if the addition to be made is added to the existing noncompliance area. Otherwise, if the structure is old and in noncompliance and the new addition is in compliance, no further action need be taken.

6. Notwithstanding the foregoing, a variance may be granted to this Ordinance upon recommendation by the City Planning Commission to the Mayor and Mayor and Board of Aldermen.

501.6 - Repairs. Repairs, replacement and modernization are permitted on any building devoted in whole or in part to any non-conforming use that the cubical content of the building as it existed at the time that it became non-conforming due to adoption of this Ordinance, or any Amendment hereto, shall not be increased.

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 City official charged with protecting the public safety, upon order of such official.

501.7 - Loss of Non-Conforming Status. Where a structure is non-conforming, or where the use of a structure, or of land, has non-conforming status, such status shall be forfeited under any of the following circumstances:

1. If non-conforming land is legally joined under common ownership with other adjoining land so that the entirety is conforming.
2. If a non-conforming use of land ceases for any reason for a period of twelve (12) months.
3. If a non-conforming structure is made to conform.
4. If a non-conforming use of a structure, or of a structure and land in combination, is discontinued, or abandoned, for twelve (12) consecutive months, or for eighteen (18) months during any three (3) year period.
5. The non-conforming use is changed to a conforming use no matter how short the period of time.
6. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50%) percent of the replacement cost at time of destruction. Once forfeited, non conformance may not again be used as a defense against prosecution for violation of the provisions of the Zoning Ordinance.

SECTION 502 - REGULATIONS FOR GENERAL EXCEPTIONS TO SPACE REQUIREMENTS

502.1 - Street Frontage. No lot shall contain any dwelling unless such lot abuts at least thirty-five (35) feet on at least one street and was subdivided previous to the enactment of this Ordinance. However, not more than two (2) lots may share a common and unobstructed easement of access at least forty (40) feet wide; and such frontage, or said easement, shall abut at least forty (40) feet on a developed street.

502.2 - Front Yard.

1. Measurement of depth:
 - a. The normal method of measurement is the shortest possible distance measured horizontally between any part of a main building and any part of the front lot line.
 - b. When the street right-of-way line describes a curve, an alternate method of measurement is herein provided and may be used at the option of the property owner, or developer. The front yard may be measured at right angles to a chord extended between the points where the right-of-way line intersects the side lot line.
 - c. When adjoining front yards are less than required in the zone, when the average depth of existing front yards located within two hundred (200) feet of either side of a lot and within the same block and zone is less than that required in the zone, the minimum depth of the front yard required for any newly constructed building shall be the average front yard depth of the aforementioned lots on either side.
2. Determination of front yard on corner lots: Where a lot is a corner lot fronting on two existing, or proposed, streets that intersect, both sides bordering the streets are the front yard for the purposes of the setback requirements. The owner of the lot must designate the front yard for all other purposes.

502.3 - Rear Yard.

1. When abutting an alley, may be measured to the center line of the alley.
2. Where a lot is wedge-shaped or otherwise irregularly shaped in the rear yard, a rear yard of less than normal depth is permitted under the following conditions: the minimum depth is at least one-half (1/2) the normally required rear yard depth, and the total area in the rear yard is not less than the total area in the rear yard of a rectangular shaped lot having the minimum width required for the zone in question. The rear yard in such instances shall be computed by extending a line that intersects the side lot lines and intersects or coincides with the rearmost wall of the main building, and which line parallel to the front property line, or a chord extended across the curve of the property line. All the area enclosed by the aforementioned line, the side lot lines and the rear lot line or lines shall be computed as the rear yard area.
3. In less restrictive zones and within one hundred (100) feet of a residential, or business zone, rear yards which abut the residential, or business zone, shall have a minimum depth equal to that required in the more restricted zone.

502.4 - Side Yard.

1. In less restrictive zones and within one hundred (100) feet of a residential or business zone, side yards which abut the residential or business zone, shall have a minimum width equal to that required in the more restricted zone, unless a greater width is required for the zone in which it is located.

502.5 - Irregular Yard Lines. Where a wall of a building is not parallel with the lot line or where the lot line is irregular: The required depth or width of any such yard may be taken as the average depth or width provided, however, that the side yard shall not be narrower than ten (10) feet at any point and the front yard not less than fifteen (15) feet at any point.

502.6 - Courts.

1. The width of an outer court is that "horizontal dimension" which is substantially parallel to principal open end of such court. If the two sides of the court are not parallel, the width shall be the average distance between the two sides (which usually can be measured along a line between the midpoint of the opposite sides).
2. The depth of an outer court is the horizontal distance between the midpoint of the principal open end to the midpoint of the opposite end.
3. The minimum space shall be fifty (50) feet if the buildings are located so that the front on one building faces either the front or rear of another building and twenty (20) feet when buildings are oriented in any manner (e.g., front to side).

502.7 - Visibility at Intersections. On a corner lot in any Residential Zone, nothing shall be parked, erected, placed, planted, or allowed to grow in such a manner as materially to impede visibility across the corner between a height of two and one-half (2 1/2) feet and ten (10) feet above the center-line grades of the intersecting streets and within twenty-five (25) feet of the corner as measured at the property line.

502.8 - Projections.

1. Cornices, coves, belt courses, ornamental features, and fire escapes may extend into the required yard area a maximum of one and one-half (1 1/2) feet, or one-third (1/3) the required yard depth, whichever is less, if they are at least seven (7) feet above ground level at their lowest point.
2. Covered porches, terraces, and enclosed vestibules or entryways, not over twelve (12) feet in width may extend five (5) feet into a required front or rear yard provided the nearest point of the projection is at least ten (10) feet from the front or rear lot line.
3. Chimneys, open stairways, eaves and gutters may extend two (2) feet into the required side yard or one-third (1/3) the required distance, whichever is less, providing that they do not occupy in the aggregate more than one-third (1/3) of the length of the building wall on which they are located.

502.9 - Accessory Buildings.

1. Shall not exceed twenty (20) feet in height in residential zones.
2. Shall occupy no part of the front yard or required side yard of a residential lot.

3. Shall be included in determining lot coverage by the principal building, or buildings. The following shall be exceptions:
 - a. Swimming pools.
 - b. Not more than one single-story accessory building which occupies five hundred (500) square feet or less in rear yard per site.

502.10 - Area Cannot Be Reduced.

1. No lot, yard, court, parking area or other space shall be so reduced in area or dimension as to make said area or dimension less than the minimum required under the Zoning Ordinance. If already less than the minimum required, said area or dimension shall not be further reduced.
2. No part of the space required about any building, or group of buildings, for the purpose of complying with the Zoning Ordinance shall be used as part of the required space for another building, or group of buildings, unless provided for in this Ordinance.

SECTION 503 - REGULATIONS FOR OFF-STREET PARKING AND LOADING AREAS

503.1 - Total Amount of Space Required. In all zones, regarding every permitted use, sufficient off-street parking shall be provided to accomplish the principles set forth in this Ordinance and to meet the parking demands generated by residents, employees, owners and officials, visitors, customers, clients, and company vehicles. Each parking space shall contain not less than nine (9) feet of width and not less than eighteen (18) feet of depth, exclusive of access and circulation aisles. Where there is more than one use in a single structure on a site (e.g., doctor, attorney, and retail grocery) or two or more separate instances of the same use (e.g., two doctors' offices), off-street parking requirements shall be the sum of the requirements for the various uses. Off-street parking required for one occupant of a structure shall not be considered as satisfying the required parking facilities for another occupant of the structure unless otherwise provided in this Ordinance. The minimum number of required spaces shall be determined by the following criteria.

503.2 Guide to Calculating Number of On-Site Parking Spaces Required

<u>Type of Land Use</u>	<u>Minimum Number of Off-Street Parking Spaces Required</u>
<u>1. Dwellings and Lodgings:</u>	
a. Single-family detached dwellings, two to four family dwellings, structures and group homes of all types.	Two (2) parking space per dwelling unit.
b. Multiple-family apartment complexes and other places	Two (2) spaces per dwelling unit.

containing dwelling units.

c. Hotels, rooming houses and other structures containing sleeping rooms other than in addition to dwelling units.

Two (2) spaces plus one (1) space per guest capacity.

d. Mobile Homes and Mobile Home Parks.

Two (2) spaces per dwelling unit

e. Motels.

One (1) space per unit.

2. **Public and Semi-Public:**

a. Mortuaries and Funeral Homes.

Twenty (20) spaces or one (1) space for each fifty (50) square feet of gross floor area up to a maximum of seventy (70) spaces, whichever is greater.

b. Churches, auditoriums, theaters.

One (1) space for each five (5) seats in the principal place of assembly.

c. Public buildings, community centers, museums, public libraries, post offices, art galleries, etc.

One (1) space for each employee plus one (1) space for each official vehicle plus one (1) space for visitor parking for each one thousand (1,000) square feet of office or display space.

d. Assembly, fraternal and exhibition halls.

One (1) space for each employee plus one (1) space for each fifty (50) square feet of floor area used for assembly, exhibition, dancing, or dining.

e. Vocational and trade schools, art and music schools, dance studios and other private schools and colleges for non-academic instruction.

One (1) space for each instructor plus one-half (1/2) space for student, based upon the maximum capacity for students attending class at one time.

f. Hospital, sanitariums, nursing and rest homes.

One (1) parking space for each resident professional plus one (1) space additional staff professional and employee on the maximum, plus one (1) space for each five (5) beds plus one (1) space for each institutional vehicle.

g. Day care, pre-school, group

One (1) space for each staff member and

homes and kindergartens.

employee plus one (1) space for each five hundred (500) square feet of gross floor area.

3. **Offices**

a. Office buildings, bank buildings and loan companies and similar institutions.

One (1) space for each employee plus one (1) space for each five hundred square feet of gross floor area.

b. Professional and medical office buildings.

Four (4) spaces for each practitioner plus one (1) space for each laboratory employee.

4. **Entertainment and Services**

a. Pool halls, billiard parlors.

Three (3) spaces for each table.

b. Bowling alleys.

Six (6) spaces per alley.

c. Indoor sports, playgrounds and recreational facilities.

One (1) space for each person of occupancy.

d. Restaurants, cafes, eating and drinking places, etc.

One-half (1/2) space for each employee plus one (1) space for each five (5) seats.

e. Beauty and barber shops, tanning, and nail salon.

Two (2) spaces for each work station.

f. Laundry and dry-cleaning establishments.

One (1) space for each employee plus two (2) spaces.

g. Self-service dry cleaning and laundry establishments.

One (1) space per four washing machines and/or dry cleaning machines.

h. Household services and trades such as carpentry, electrical servicing, plumbing and heating shops, paper hanging, painting, furniture upholstery, decorating shops and other similar service establishments.

One (1) space for each full time employee plus one (1) space for each company vehicle plus one (1) space for each five hundred (500) feet of floor area.

- i. Convenience gas/grocery stores. One (1) space for each employee plus two (2) spaces for each five hundred (500) square feet of store space.
 - j. Automotive service. One (1) space for each employee plus four (4) spaces for each work bay.
5. **Commercial**
- a. Grocery stores, delicatessens, drug stores, general merchandise or discount stores. One (1) space for each employee plus one (1) space for each company vehicle plus one space for each two hundred (200) square feet of gross floor area.
 - b. Nurseries and greenhouses. One (1) space for each employee not living on the premises plus five (5) spaces for customer parking.
 - c. Shopping center (Neighborhood type). One (1) space for each one hundred (100) square feet of gross floor area including storage and warehouse space.
 - d. Retail and wholesale stores. One (1) space for each employee plus one (1) space for each company vehicle plus one (1) space for each two hundred square feet of sales area.
 - e. Retail and wholesale stores of bulky items (e.g., furniture and major appliances). One (1) space for each employee plus one (1) space for each company vehicle plus one (1) space for each one thousand (1000) square feet of gross floor area.
 - f. Wholesale, retail, and commercial storage. One (1) space for each employee plus one (1) space for each company vehicle plus two (2) spaces, but a total of no less than four (4) spaces.
6. **Industry**
- a. Manufacturing industries One (1) space for each employee on the maximum employee shift plus one (1) space for each company vehicle. An additional parking lot, or reserved space, shall be provided for visitor parking equal to five (5) percent of the employee parking spaces, but not less than three (3) spaces.
 - b. Printing, publishing or allied One (1) space for each employee on the

industries, welding shops, and bakeries.

maximum employee shift plus one (1) space for each company vehicle.

c. Manufacturing, research, and laboratories.

One space for each employee plus one (1) space for each company vehicle. An lot, or reserved place, shall be provided for visitor parking equal to five (5%) of the employee parking spaces but not less than three (3) spaces.

d. Trucking terminals, distribution storage yards, building contractors, lumber yards, etc.

One (1) parking space for each on site employee plus one (1) parking space for each company vehicle, truck, tractor or trailer stored at the site when not in use.

e. Veterinarian offices, clinics and kennels.

One (1) parking space for each doctor and employee plus four (4) spaces for each customer.

503.3 - Calculating Parking for Uses Not Otherwise Specified. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the number of parking spaces required for such use shall be the same as for a similar use which is mentioned herein.

503.4 - Determining Parking Requirements When Use Changes. Additional off-street parking spaces shall be provided whenever in any structure there is a change in use, an increase in floor area, in the number of employees, or other unit measurement specified in this Ordinance if such change creates a need for an increase of more than ten (10%) percent in the off-street parking requirements. The additional spaces required for the new use or changes in units in this Section. In case a change in use or unit of measurement creates a need for an increase of less than three (3) off-street parking spaces, no additional off-street parking facilities shall be required.

503.5 - Exception. When a portion of the required off-street parking is provided for by municipal parking lots, or by joint private facilities, such portion may be credited against the total space required.

503.6 - Commercial Parking Areas. All standards, specifications, and requirements that pertain to private parking areas shall pertain to commercial parking areas.

503.7 - Parking Commercial Vehicles in Residential Zones. Of the vehicles allowed as accessory to a dwelling, not more than one (1) shall be a commercial motor driven vehicle.

503.8 - Joint Use of Parking Space and Interior Block Parking. Nothing in this Ordinance shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses. Where joint facilities are provided, the minimum requirement will be seventy-five (75%) percent of the sum of the requirements for the various uses computed separately when the individual requirements total fifty (50) or more spaces.

503.9 - Location of Parking Space.

1. Off-street parking facilities shall be located on the same lot as the principal

structure or on an adjacent lot, except as provided in this Section.

2. Off-street parking is prohibited in the front yard set back area in residential zones and in the required front or side yard set back area in other zones which lie across the street from, or adjacent to, a residential zone, except as otherwise provided for in this Ordinance.
3. Trailers, boats, automobiles and other motorized vehicles shall not be stored in the required front yards of residential zoned parcels.
4. A garage or carport may be located wholly or partly inside the walls of the principal structure, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard or a court. The space above an underground garage shall be deemed to be part of the open space of the lot on which it is located if the roof of the garage is at ground level.
5. Jointly used parking areas in businesses and manufacturing zones may be located on lots adjacent to the principal use of within four hundred (400) feet thereof. If located in a high density residential zone, the following provisions shall be made to protect existing or proposed residences:
 - a. The parking area shall be screened from the street and pedestrian traffic by means of an edge fence, planted strip or other similar means of enhancement, to a height of four (4) feet.
 - b. No portion of the area used for parking shall be within twenty (20') feet of a residential structure.
 - c. No portion of the area used for parking shall be closer than five (5) feet to a sidewalk.
6. Inoperative or abandoned vehicles without a current license plate and inspection sticker may not be parked outdoors in any residential or commercial zone.

503.11 - Off-Street Loading and Unloading. Every building or structure used for business, trade, or industry and normally requiring truck loading or unloading with respect to the use, shall provide space as herein indicated for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley or, if there is no alley, to a street. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirement for off-street parking space. Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street or adjoining property. The minimum off-street loading and unloading space required for specific uses shall be as follows:

1. Retail business and service establishments shall provide one (1) off-street loading and unloading space at least ten (10) feet wide and thirty-five (35) feet long with a fourteen (14) foot height clearance.

2. Industrial plants shall provide one (1) off-street loading and unloading space for each twenty thousand (20,000) square feet of gross floor area. Each loading space shall be a minimum of twelve (12) feet wide and fifty (50) feet long with a fourteen (14) foot height clearance.

503.12 - Improvement Standards.

1. All parking spaces and areas, and access ways to and from such spaces and areas shall be constructed with a permanent, hard surface material. Surfacing, lighting, screening, landscaping, maintenance and underground improvements shall be developed according to the standards set forth by the administrative office.
2. The minimum width shall be nine (9) feet for access drive-ways serving residences.
3. The minimum width shall be twelve (12) feet for all other access ways.

503.13 - Site Plan Review. Plans for any parking area hereafter designed or altered for the purpose of providing off-street parking space for four (4) or more automotive vehicles and/or plans for decreasing existing parking areas for four (4) or more vehicles must be submitted to the City Planning Commission. If the City Planning Commission finds that the plans conform to the requirements established by this Ordinance, they shall approve the plans as submitted. If the plans do not conform to this Ordinance, the City Planning Commission shall mark the plans "rejected" and return the plans to the applicant with a statement indicating the reasons for rejection.

SECTION 504 - REGULATIONS FOR AUTO ORIENTED COMMERCIAL ESTABLISHMENTS

504.1 - Entrances and Exits. For filling stations, commercial parking areas, automobile repair shops, drive-in restaurants, and similar establishments catering to shoppers conducting business transactions primarily while in their automobile.

1. Shall be a minimum of two hundred (200) feet, as measured along each side of the street on which they abut, from any school, public playground, church, hospital, public library, or institution for care of children or elderly.
2. Shall be a minimum of fifty (50) feet from any residential zone located on either side of the street on which the entrance or exit abuts.
3. Shall be a minimum of twenty-five (25) feet from any corner as measured from the point where the right-of-way lines of the intersecting streets meet or from the midpoint of the curve where a corner exists but is not an intersection ("L" curve in a street).

504.2 - Screening. There shall be a four (4) foot high solid fence or a ten (10) feet wide planted strip predominantly containing plants, trees and shrubs so planted and maintained as to provide a screen along all lot lines adjoining residential purposes or if the adjoining lot contains a residential use on the first floor regardless of the zone.

SECTION 505 - REGULATIONS FOR SIGNS

505.1 - All signs shall be regulated by this Ordinance where applicable and by the Sign Ordinance of the City of Waynesboro, Mississippi, which shall be supplemental to the regulations contained herein.

SECTION 506 - HOME OCCUPATIONS

The following criteria shall be employed to determine a valid home occupation:

506.1. No employment of help other than members of the resident family and domestic help.

506.2. No use of material or mechanical equipment not recognized as being a part of reasonable household uses.

506.3. No sales of products or services not produced on the premises.

506.4. The use shall not generate pedestrian or vehicular traffic beyond that reasonable to the district in which it is located.

506.5. It shall not involve the use of commercial vehicles for delivery of material to or from the premises.

506.6. No storage of materials and/or supplies outdoors.

506.7. It shall not involve the use of signs other than those permitted in the district of which it is a part.

506.8. No building or space outside of the main building shall be used for home occupational purposes.

506.9. No more than one room in the dwelling shall be employed for home occupation.

506.10. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use (either by color, materials, construction, lighting, signs, sound, noises or vibrations).

506.11. There shall be no use of utilities or of community facilities beyond that reasonable to the use of the property for residential purposes.

SECTION 507 - FENCES, WALLS, AND HEDGES

Notwithstanding other provisions of this Ordinance, fences, walls and hedges may be permitted in

any required yard or along any yard, subject to the following restriction: said fence in the rear and side yard may be of solid construction or may be open to light and air, including steel mesh, chain link, louvered, stake or similar materials.

Fences may be constructed on corner lots: however, no such fence, whether solid or otherwise constructed in such a manner that the view of the drivers on the adjacent thoroughfare shall be obstructed.

All fences on the front yard of each lot may be permitted, provided not less than fifty (50) percent of vertical surface is open to permit the transmission of light, air and vision through said surfaces in a horizontal plane. This shall include wire mesh, chain link, and similar materials, which do not obstruct vision.

Height limit on any fence shall be six (6) feet in R-1 through R-4 Districts.

In R-1, R-2, R-3 and R-4 Districts, barbed wire fences are prohibited.

ARTICLE VI

AREA, YARD, AND HEIGHT REQUIREMENTS

[Insert Table: Area, Yard, and Height Requirements]

ARTICLE VII

EXCEPTIONS AND MODIFICATIONS

SECTION 700 - EXISTING LOTS

Where the owner of a plot of land consisting of one or more adjacent lots of record at the time of enactment of this Ordinance, or his successor in title thereto, does not own sufficient land to enable him/her to meet minimum lot size requirements of this Ordinance, such plot of land may, nevertheless, be used as a building site. Yard and other space requirements for the district in which the lot is located must be met, unless a variance is granted in accordance with the provisions of Article IX, Section 904.3.

SECTION 701 - ADJOINING AND VACANT LOTS OF RECORD

If two, or more, adjoining and vacant lots with continuous frontage are in single ownership at any time after adoption of this Ordinance, and such lots are individually less than the lot width requirements for the zone in which they are located, such group of lots shall be considered as a single lot, or several lots of minimum permitted size; and the resulting lot, or lots, shall be subject to the dimensional requirements of this Ordinance.

SECTION 702 - FRONT YARD SETBACK FOR DWELLINGS

The setback requirements of this Ordinance for proposed dwellings shall not apply to any lot where the average setback on developed lots, located wholly, or in part, within two hundred (200) feet of each side of such lot and within the same block, and zoning district fronting on the same street on such lot, is less than the minimum. The setback requirements for such lots shall be equal to the average of the existing setbacks on the adjoining developed lots.

SECTION 703 - HEIGHT LIMITS

The height limits of this Ordinance shall not apply to church spires, belfries, monuments, transmission towers, water towers, flag poles, derricks, chimneys, cooling towers, fire towers, and other structures not intended for human occupancy. These exceptions shall not apply in an airport flight zone.

SECTION 704 - GROUP HOUSING PROJECTS

In the case of group housing projects of two (2) or more buildings to be constructed on a plot of ground having an area of not less than four (4) acres, not subdivided into customary streets and lots, and which will not be subdivided, or where existing or contemplated street and lot layout make it impracticable to apply the requirements of this Ordinance to the individual building units in such group housing projects, the application of the terms of this Ordinance may be varied by the Mayor and Board of Aldermen in a manner that will be in harmony with the character of the neighborhood and will insure substantially the same character of occupancy and intensity of land use no higher and a standard of open space no lower than that permitted by this Ordinance in the district in which the proposed project is to be located. However, in no case shall a use prohibited in the district in which the project is to be located or a smaller

lot area per dwelling unit than the minimum required in such district be authorized.

SECTION 705 - TEMPORARY AND PORTABLE BUILDINGS AND STRUCTURES

A temporary or portable structure may be erected only in connection with the erection of a permanent building, street, utility or other structure. A permit for the erection of any temporary structure shall be obtained from Zoning Administrator after posting a sufficient bond to insure removal of same within two (2) weeks after issuance of the certificate of occupancy on the permanent structure. A temporary, or portable, structure may be used for a temporary construction office and for housing of tools, equipment and materials.

Subdivision sales offices may be erected only after approval by the Mayor and Board of Aldermen, subject to such conditions as may be determined by the Board to be necessary to insure termination of the use after a reasonable period by removal or conversion to a conforming use.

No trailers for dwelling, storage or business shall be parked in any district, except upon approval by the Mayor and Board of Aldermen in connection with a permanent building or construction project. Such approval shall be for a period of time not to exceed one (1) year, renewable for periods of six (6) months, stating the use for which approved. Upon completion of the project, the trailer shall be removed from the premises.

No building shall be moved into and placed within the City limits excepting such building conforming to the standards for new construction for dimensions, use and placement upon the lot, and requirements of this and other City Ordinances.

SECTION 706 - EMERGENCY SHELTER REGULATIONS AND EXCEPTIONS

Emergency shelters are permitted as an accessory structure in any district, subject to the yard and lot coverage requirements of the district. Approved emergency shelters may be used, in addition to an emergency shelter, for any principal or accessory use permitted in the district, except for the habitation by persons other than the occupants of a principal dwelling. Structures, or portions of shelters, qualifying as approved emergency shelters shall meet the minimum requirements of the building code and standards issued by the Office of Civil Defense Mobilization.

When, after review of plans, it is established that an emergency shelter would not be permitted under the foregoing provisions owing to topographic conditions, the location and coverage upon the lot of existing structures, or other characteristics peculiar to the site, the Mayor and Board of Aldermen may grant the following exceptions, subject to whatever conditions the Board may find desirable to control the appearance in relation to the street and effect on abutting properties:

1. Underground, or partially below ground, shelters without restriction on side or rear yard location, or spacing in relation to the principal structure, or other accessory buildings.
2. An above ground approved shelter located anywhere in a side or rear yard, provided an underground type shelter is not feasible.
3. When no other reasonable alternative is possible, an above ground approved shelter may be

permitted in the front yard. Whenever it is considered feasible and desirable, the Board may require such shelters to be attached and constructed to a height conforming to the principal dwelling.

When, after review of plans and public hearing, the Mayor and Board of Aldermen finds it feasible, the construction of a common, approved shelter by two or more property owners across two, or more, property lines may be permitted. All side and rear yard requirements may be waived except where an abutting property is not included in the joint proposal. The Board shall require the execution of an agreement between all property owners involved concerning rights and obligations of taxation, access, and maintenance.

The Mayor and Board of Aldermen may, after review of plans and public hearing, permit a community owned, approved shelter, or one owned by several parties, to be permitted as a principal use in any district.

ARTICLE VIII

ADMINISTRATION, ENFORCEMENT, AND PENALTIES

SECTION 800 - BUILDING INSPECTOR AND/OR ZONING ADMINISTRATOR

The provisions of this Ordinance shall be administered and enforced by a Building Inspector and/or Zoning Administrator designated by the Mayor and Board of Aldermen. His/Her duties shall include receiving applications, assisting applicants and appellants in the procedures required hereunder, inspecting premises and issuing building permits and certificates of occupancy.

SECTION 801 - BUILDING PERMIT REQUIRED

A building permit issued by the Building Inspector is required in advance of the initiation of construction, erection, moving or alteration of any building or structure. No building permit shall be issued by the Building Inspector except where all the provisions of the Ordinance have been complied with. The permit shall be issued in accordance with the applicable building code in effect at the time of the application.

SECTION 802 - APPLICATION FOR A BUILDING PERMIT

All applicants for a building permit shall be accompanied by plans in duplicate and drawn to scale, showing the actual dimensions of the lot to be built upon, the width of the street, or streets, upon which the lot fronts or abuts, the setback lines of buildings on adjoining lots, the exact sizes and locations on the lot or buildings already existing, if any, the location and dimension of the proposed building or alteration, the number of dwelling units the building is designed to accommodate, and such other information as may be necessary to provide for the enforcement of this Ordinance.

If the proposed excavation, filling, construction, or movement as set forth in said plans is in conformity with the provisions of this Ordinance and other Ordinances of the City of Waynesboro, Mississippi, then in force, the Building Inspector shall sign and return one (1) copy of the plans to the applicant and shall issue a building permit upon payment of any required fees.

The Building Inspector shall retain one (1) copy of the building permit and one (1) copy of the plans.

802.1. Time Limitations: Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months of its date of issue, or if the work authorized by it is suspended, or abandoned, for a period of six (6) months.

If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be canceled by the Building Inspector; and written notice thereof shall be given to the person affected, together with notice that further work, as described in the canceled permit, shall not proceed unless, and until, a new building permit has been obtained.

SECTION 803 - CERTIFICATE OF OCCUPANCY REQUIRED

A certificate of occupancy issued by the Building Inspector is required in advance of occupancy or use of:

1. Any lot, or change of use, thereof;
2. A building hereafter erected, altered or changed in the use of occupancy of an existing building;
3. Each non conforming use created by the passage of, and subsequent amendment to, this Ordinance or its change, extension, alteration, rebuilding thereafter.

The certificate of occupancy will state specifically where the occupancy fails to meet the requirements of occupancy. A record of occupancy permits shall be kept on record in the Buildings Inspector's office.

SECTION 804 - REMEDIES

If the Building Inspector and/or Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall, in writing, notify the persons responsible for such violations, indicating the nature of the violation and ordering action necessary to correct it, among which he shall order discontinuance of any work being done. In such instances and under circumstances whereby the Building Inspector and/or Zoning Administrator is left without any further recourse but to seek police assistance, he may call upon the Police Chief to furnish him with the necessary police personnel to fulfill his duties.

In case any building or structure is erected, constructed, re-constructed, altered, repaired, converted, maintained, or any building or land is used in violation of this Ordinance, the Building Inspector, or any person who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the violation in the case of each such building or use of land.

SECTION 805 - PENALTIES FOR VIOLATION

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished for each offense by paying a fine not to exceed One Hundred and no/100 (\$100) Dollars and/or imprisonment not to exceed the limits according to the State Statutes of Mississippi.

Each day such violation continues shall be deemed a separate offense. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent, or remedy, any violation.

ARTICLE IX

CITY PLANNING COMMISSION

SECTION 900 - CREATION, MEMBERSHIP, AND AUTHORITY OF THE CITY PLANNING COMMISSION

The Waynesboro City Planning Commission, which shall also be known as the "City Planning Commission" pursuant to Ordinance #P-72-94, heretofore adopted on December 6, 1994, shall act as an advisory board to the Mayor and Board of Aldermen and shall have all the powers and duties set out by ordinance or statute.

SECTION 901 - POWERS AND DUTIES OF THE CITY PLANNING COMMISSION

In addition to the powers and duties authorized by ordinance or statute the City Planning Commission shall be authorized and empowered to perform the following additional duties with respect to this Zoning Ordinance:

1. To receive all petitions for re-zoning filed with the Mayor and Board of Aldermen as referred to it and to conduct public hearing on objections thereto in the form and manner provided bylaw, providing such notice as is required by law and ordinance.
2. To recommend changes, amendments and modifications to the Zoning Ordinance and to advise the Mayor and Board of Aldermen concerning such.
3. To act on all requests for variances, special exceptions or deviations from the Zoning Ordinance as may be referred to it, and conduct such public hearings as may be deemed appropriate thereon and report such findings and recommendations to the Mayor and Board of Aldermen.
4. To advise the Mayor and Board of Aldermen on all matters concerning or affecting land use within the City.
5. To initiate action for the purpose of re-zoning property if in the judgment of the members such is deemed to be in the public interest.
6. To have such powers and authority as is necessary and appropriate in the discharge of the duties and responsibilities set forth above.
7. To exercise the powers and perform the duties of the Mayor and the Board of Aldermen regarding administrative reviews, specials exceptions, variances and zoning changes as set forth under 1001 of this Ordinance as referred to it by the Mayor and Board of Aldermen.
8. As provided by statute, the Mayor and Board of Aldermen may act upon any petition referred to the City Planning Commission upon receipt of the recommendation of the City Planning Commission without conducting further hearings and without publishing or posting additional notice. However, the recommendation of the City Planning Commission shall be advisory and not mandatory.

9. Nothing herein shall limit the authority of the Mayor and Board of Aldermen to retain jurisdiction over any petition filed with respect to this ordinance, and conduct such hearings and take such action regarding same as it may deem appropriate.

SECTION 902 - APPEALS, HEARINGS, NOTICE

Appeals to the City Planning Commission may be made by any person aggrieved or affected by any decision of the Zoning Administrator and/or Building Inspector regarding the interpretations of any provision of this ordinance. Such appeal shall be taken not more than ten (10) days from date of the decision of the Zoning Administrator and/or Building Inspector by filing a notice of appeal with the City Clerk. Every appeal or application shall refer to the specific provision of the Ordinance involved and shall set forth the interpretation that is claimed, the use for which a special exception is sought, or the details of the variance that is applied for, and the grounds upon which it is claimed that the variance should be granted, as the case may be, and accompanied by a plat or plan, drawn to scale, showing the actual dimensions of the parcel of land to be built upon and used, the size of any building to be erected, and the location of the building upon the lot, the materials to be used and other such information as may be deemed necessary to provide full information regarding the intended use. The Zoning Administrator and/or Building Inspector shall forthwith transmit the appeal or application to the City Planning Commission together with all papers constituting the record upon which the action appealed from was taken.

The City Planning Commission shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give due notice to the parties in interest, as provided under this Ordinance, and decide the same within a reasonable time. Any party may appear at a hearing in person, by agent or by attorney.

Appeals to the Mayor and Board of Aldermen made by any person aggrieved or affected by any decision of the City Planning Commission shall be made in the same manner and within the same time set forth herein for appeals from decisions of the Zoning Administrator and/or Building Inspector.

SECTION 903 - STAY OF PROCEEDINGS

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator and/or Building Inspector certifies to the City Planning Commission after the notice of appeal shall have been filed that, by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Mayor and Board of Aldermen or by a court of record upon application, with due notice to the Zoning Administrator and/or Building Inspector from whom the appeal is taken and after due cause is shown.

ARTICLE X

MAYOR AND BOARD OF ALDERMEN

SECTION 1000 - SCOPE OF AUTHORITY

It is the intent of this Ordinance that the duties of the Mayor and Board of Aldermen under this Ordinance shall include acting as the Mayor and Board of Aldermen and as the final Zoning Authority.

SECTION 1001 - POWERS AND DUTIES OF THE MAYOR AND BOARD OF ALDERMEN

The Mayor and Board of Aldermen shall have the following powers and duties:

1001.1. Administrative Reviews: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Inspector and/or Zoning Administrator or the City Planning Commission in the enforcement of this Ordinance.

1001.2 Special Exceptions: To hear and decide special exceptions to the terms of this Ordinance upon which this Board is required to pass under this Ordinance; to decide such questions that are involved in determining whether special exceptions in such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purposes and intent of this Ordinance. A special exception shall not be granted by the Mayor and Board of Aldermen unless and until:

1. The owner of the property for which the special exception is sought or his/her agent shall be notified by mail at least fifteen (15) days in advance of a public hearing. Notice of such hearing shall be posted at the City Hall and on the property at least fifteen (15) days prior to the public hearing, and notice of hearing shall be published in a local newspaper at least fifteen (15) days before the hearing.

2. The Mayor and Board of Aldermen shall make a finding that it is empowered under the section of this Ordinance described in the application to grant the special exception and that the granting of the special exception will not adversely affect the public interest.

3. In granting any special exception, the Mayor and Board of Aldermen may prescribe appropriate conditions and safeguards. A violation of the prescribed conditions and safeguards, shall be deemed a violation of this Ordinance and punishable under Section 805 of this Ordinance. The Mayor and Board of Aldermen shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception. A special exception may not be transferred without permission of the Mayor and Board of Aldermen.

1001.3. Variances: To authorize upon appeal in specific cases such variances from the density and dimensional requirements of this Ordinance as will not be contrary to the public interest where, owing to special conditions, literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this Ordinance shall be

observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such case of unnecessary hardship upon a finding by the Mayor and Board of Aldermen that all of the following conditions exist:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
2. A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
3. Granting the variance requested will not confer upon applicant any special privileges that are denied to other residents of the district in which the property is located.
4. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.
5. The special circumstances are not the result of the actions of the applicant.
6. The existence of a non-conforming use of neighboring land, buildings or structures in the same district, or of permitted or non-conforming uses in other districts shall not constitute a reason for the requested variance.
7. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.
8. The variance shall not permit a change in the use of any land, building, or structures.
9. Notice of public hearing shall be given as in Article X, Section 1001.2(1).

1001.4. Variances Granted Without Public Hearings: The Mayor and Board of Aldermen may, when in the public interest, grant a variance without a public hearing, in which case no filing fee will be required to allow the use of a lot for either zone in the case of a lot divided by a zone boundary and which it would not be practical to divide into separate lots in the different districts.

1001.5. Amendments to the Zoning Ordinance text or the Official Map (Re-Zoning).

1. 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 citizen may initiate an amendment to this Ordinance by filing an application with the Zoning Administrator (on a form furnished by him/her).

2. Criteria for Rezoning: No amendment to the Official Zoning Map shall be approved unless the proposed rezoning meets one of the following criteria:

- (a) There was a mistake in the original zoning; or,

- (b) The character of the neighborhood surrounding the subject property has changed since the most recent zoning decision; and
- (c) There is a public need for the requested land uses.

The "mistake", which is mentioned above, does not refer to an error in judgment on the part of the governing authority in enacting the zoning ordinance or in classifying property.

The type of mistake referred to here is in the nature of a clerical error in transcribing the Ordinance or the boundaries involved, or in drawing up the zoning map.

3. Public Hearing Required: In accordance with Section 17-1-17 of the Mississippi Code of 1972, as amended, a public hearing 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 newspaper in such municipality specifying the time and place of said hearing.

4. 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, and shall be mailed to such property owners at least fifteen days prior to the public hearing with notification of receipt of the letter returned to the City Clerk. The City Clerk 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 amendment as listed in the most recent property assessment rolls. 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 Waynesboro. (Note: The 160-foot distance is consistent with Section 17-1-17 of the Mississippi Code of 1972.)

SECTION 1002 - SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Mayor and Board of Aldermen shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals and other matters pertaining to this Ordinance. The schedule of fees listed below shall be posted in the office of the City Clerk and may be altered or amended only by the Mayor and Board of Aldermen.

No permit, certificate, special exception, variance or zoning change shall be issued unless, or until, such costs, charges, fees or expenses listed below have been paid in full; nor shall any action be taken on

proceedings before the Mayor and Board of Aldermen unless, or until, preliminary charges and fees have been paid in full.

1002.1 - Applying For a Variance or Special Exception. To apply for a variance, the applicant must submit the following:

1. Letter stating what is being requested and what type of development is proposed;
2. Two (2) copies of plot plan detailing existing structures, proposed development and encroachment, dimensions of property, location of all streets bordering property, and the names and mailing addresses of all property owners adjacent to side of property affected;
3. The legal description of the subject property; and,
4. A fee of Fifty (\$50) dollars, payable in advance, to help defray the expense of advertising and processing.

These items must be submitted to the City of Waynesboro Zoning Administrator in time for the variance or special exceptions request to be advertised in the legal section of the local newspaper, a minimum of fifteen (15) days prior to the next regular meeting of the City Planning Commission. A letter must be mailed by the Zoning Administrator to all property owners lying adjacent to the property line for which said variance or special exception is being requested. The City Planning Commission will hear testimony from any concerned citizen of Waynesboro at the designated public hearing and will make a recommendation on the variance or special exception request to the Mayor and Board of Aldermen based on testimony heard at the public hearing.

1002.2 - Applying For a Zoning Change. In applying for a zoning change, the applicant will be required to submit the same information required for a variance, as well as the following:

1. Application for zoning change;
2. Names and mailing addresses of all property owners within one hundred sixty (160) feet of the proposed change according to the most recent tax roll;
3. A One Hundred (\$100) Dollar Petition/Application fee payable in advance; and
4. The estimated cost of publishing the notice of hearing, payable in advance.

1002.3 - Appeals. Should a notice of appeal be filed, a fee of Seventy-five (\$75) Dollars shall be paid to the City Clerk at the time the notice of appeal is filed, which fee shall be deposited to the credit of the account of the City of Waynesboro.

1002.4 - Other Fees and Charges. Such other fees and charges as may prove necessary shall be made from time to time, upon due public notice by the Mayor and Board of Aldermen.

1002.5 - Amendment of Schedule of Fees and Charges. The schedule of fees and charges set forth in this Ordinance may be reviewed or amended by order or resolution duly adopted by the Mayor and

Board of Aldermen.

SECTION 1003 - DECISIONS OF THE MAYOR AND BOARD OF ALDERMEN

In exercising the above-mentioned powers, the Mayor and Board of Aldermen may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Authority from which appeal is taken.

SECTION 1004 - APPEALS FROM THE MAYOR AND BOARD OF ALDERMEN

Any person or persons, jointly or severally aggrieved by any decision of the Mayor and Board of Aldermen may seek review by a Court of record of such decision in the manner provided by the laws of the State of Mississippi, and particularly Section 11-51-35 of the Mississippi Code of 1972 and all amendments thereto.

ARTICLE XI
AMENDMENTS

SECTION 1100 - AMENDMENTS

The Mayor and Board of Aldermen may, from time to time, on its own motion or on petition from a property owner or on recommendation of the City Planning Commission, amend the regulations and districts herein established. All amendments may be forwarded to the City Planning Commission for their review, comments and recommendations to the Mayor and Board of Aldermen for their consideration.

No change in regulation, restrictions or district boundaries shall become effective until after a public hearing is held, at which time interested agencies and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in Waynesboro, Mississippi.

The City Planning Commission may recommend to the Mayor and Board of Aldermen to attach reasonable special conditions to the approval of any amendment to insure that there will be no departure from the intent of this Zoning Ordinance.

Each amendment shall be voted upon in accordance with local ordinances or state statutes except in a case of a protest against such change. If a protest against such a change is presented and is signed by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending 160 feet therefor or of those directly opposite thereto, extending 160 feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the Mayor and Board of Aldermen of the City of Waynesboro, Mississippi, as provided by 17-1-17, Miss. Code of 1972 (as amended).

ARTICLE XII

LEGAL STATUS PROVISIONS

SECTION 1200 - CONFLICT WITH OTHER REGULATIONS

Whenever the regulations of this Ordinance require a greater width or size of yards, a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied or impose other more restrictive standards than are required in or under any other statute, the requirements of this regulation shall govern.

1200.1. All construction shall adhere to the minimum building standards set by the Southern Standard Building Code and all other building codes, fire codes, electrical codes and the like adopted by the City of Waynesboro.

SECTION 1201 - SEPARABILITY

Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such declaration shall not effect any other portion or provision of this Ordinance.

ARTICLE XIII

PUBLIC NOTICE

SECTION 1300 - PUBLIC NOTICE

Public notice shall be given in accordance with the following provisions:

1300.1 - Public Notice Required. On any appeal to the Mayor and Board of Aldermen from the decision of the City Planning Commission on request for variance, special exception and any Zoning change; or whenever a public hearing is otherwise required hereunder, notice of such hearing shall be given by publishing a notice to all interested persons one time at least fifteen (15) days prior to the date fixed for said hearing, such notice to be published in an official paper or a newspaper of general circulation in the municipality, specifying the time and place for said hearing. Notice of such hearing shall also be posted by the Zoning Administrator on the property involved, at the City Hall and in one other public place for at least fifteen (15) days prior to the hearing.

1300.2 - Property Signs. The notice to be posted on the property involved shall consist of a sign at least two (2) feet by two (2) feet in size, supported by center posts with the bottom of the sign at least four (4) feet above ground level, reading in letters legible from the nearest street, or of a size and description to be determined by the City, and shall contain the following information: "Notice of Zoning Hearing - For more information call the Waynesboro Zoning Administrator at (601) 735-4874."

Where more than one parcel or tract of land is involved in the proposed change, the sign shall be posted at a centrally located point, and, in addition, at least one sign shall be posted on each block of each street involved in the proposed change.

Signs shall be posted by the City Planning Commission and/or Mayor and Board of Aldermen not less than fifteen (15) calendar days prior to the date of the public hearing to be held by the City Planning Commission and/or the Mayor and Board of Aldermen on the proposed variance, special exception, or zoning change. Prior to posting of such signs by the City Planning Commission and/or the Mayor and Board of Aldermen the applicant shall deposit with the City Clerk the estimated cost of the appeal or Petition/Application payable to the account of the City of Waynesboro.

SECTION 4: Because the enforcement of the land use regulations contained in this ordinance is urgently needed by the taxpayers and citizens of the City of Waynesboro for the protection of their property values in order to preserve the public peace, health, and safety of the residents of the City, this ordinance shall be in full force and affect from and after passage.

SO ORDAINED BY MAYOR AND THE BOARD OF ALDERMEN OF THE CITY OF WAYNESBORO on this the 15th day of June, 1998.

Alderman Mary Joyce Woodson seconded the motion to adopt the above and foregoing ordinance and the matter was put to a roll call vote with the following results:

Alderman Johnny Gray	voted: <u>AYE</u>
Alderman Johnny Walker	voted: <u>AYE</u>
Alderman Tammie Wilson	voted: <u>AYE</u>
Alderman Marshall Wood	voted: <u>AYE</u>
Alderman Mary Joyce Woodson	voted: <u>AYE</u>

Whereupon the Mayor announced that the motion to adopt the ordinance was passed by unanimous vote of all members of the Board, and therefore, the ordinance was finally passed and adopted by the Mayor and Board of Aldermen, and approved by the Mayor on this the 15th day of June, 1998.

**MAYOR AND BOARD OF ALDERMEN OF
THE CITY OF WAYNESBORO, WAYNE
COUNTY, MISSISSIPPI**

APPROVED

**BY: _____
T. J GORDON, MAYOR**

ATTESTED:

**_____
SYTRECIA BUSBY HULL, CITY CLERK**

(SEAL)

CLERK'S CERTIFICATE

I, SYTRECIA BUSBY HULL, do hereby certify that I am the duly appointed City Clerk of the City of Waynesboro, Wayne County, Mississippi, and that the foregoing ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF WAYNESBORO, WAYNE COUNTY, MISSISSIPPI, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, AND FOR OTHER PURPOSES RELATED THERETO, is true and correct copy of said document as same appears among the Minutes of the meetings of the Mayor and Board of and Aldermen of the City of Waynesboro, Mississippi.

SO CERTIFIED this the 15th day of June, 1998.

SYTRECIA BUSBY HULL, CITY CLERK OF THE
CITY OF WAYNESBORO, MISSISSIPPI

(SEAL)