Pelahatchie

THE PLACE TO PROSPER

ZONING ORDINANCE

Prepared by:

Central Mississippi Planning & Development District

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2022

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OF

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ZONING REGULATIONS

TOWN OF PELAHATCHIE, MISSISSIPPI

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR TOWN OF PELAHATCHIE, MISSISSIPPI, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH.

PREAMBLE

WHEREAS, the Statutes of the State of Mississippi, Section 17-1-1 to 17-1-27, inclusive, of the Mississippi Code of 1972, annotated, as amended, empower the Town of Pelahatchie, Mississippi, to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, Section 17-1-9 of the Mississippi Code of 1972, annotated, as amended, states that "zoning regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, Section 17-1-1 of the Mississippi Code of 1972, annotated, as amended, defines the term "comprehensive plan" as "a statement of public policy for the physical development of the entire municipality or county adopted by resolution of the governing body, consisting of the following elements at a minimum: (1) goals and objectives for the long-range (twenty to twenty-five years) development of the county or municipality---; (2) a land use plan---; (3) a transportation plan---; and (4) a community facilities plan---"; and

WHEREAS, Section 17-1-11 of the Mississippi Code of 1972, annotated, as amended, states that "the governing authority of each municipality and county may provide for the preparation, adoption, amendment, extension and carrying out of a comprehensive plan--;" and

WHEREAS, the Mayor and Board of Aldermen have adopted a Comprehensive Plan, following public hearings relative to same; and

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

WHEREAS, the Mayor and Board of Aldermen have given due public notice of a hearing relating to said zoning ordinance and map and have held a public hearing in accordance with the requirements of Section 17-1-15 of the Mississippi Code of 1972, annotated, as amended:

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

ARTICLE I: TITLE AND PURPOSE

SECTION 100 - TITLE

The Ordinance shall be known as the “Zoning Ordinance of the Town of Pelahatchie, Mississippi,” and may be so cited, and further reference elsewhere as “Zoning Ordinance,” and herein as “the Ordinance” or “this Ordinance” shall imply the same wording and meaning as the full title.

SECTION 101 - PURPOSE

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

ARTICLE II: INTERPRETATION AND DEFINITIONS

SECTION 200 - RULES FOR WORDS AND PHRASES

For the purpose of this Ordinance, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory and not directory; the word "may" is permissive; the word "used" includes "designed" and "intended or arranged to be used or occupied"; and the word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual.

SECTION 201 - DEFINITIONS

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

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

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

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

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

A. Books, magazines, periodicals, or other printed matter, or photographs, films motion pictures, video cassettes, slide or other visual representations which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas,” or

B. instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities.”

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

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

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

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

Animal Control Ordinance: When used in this Ordinance, this term shall refer to the Animal Control Ordinance of the Town of Pelahatchie.

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

Arterial Street/Highway: See “Street.”

Automobile Wrecking Yard: Any lot or place that is exposed to the weather and upon which more than five motor vehicles of any kind incapable of being operated are place, located or found.

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

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

Bed and Breakfast Service: A small hotel or, more often, a private home that offers over night accommodations and breakfast for paying guests either on a daily or weekly rental basis.

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

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

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

Buffer Yard/Strip: A strip of land, identified on a site plan or by the zoning ordinance, which acts to separate two or more incompatible uses and/or districts. Normally, the area is landscaped and kept in open space use.

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

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

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

Building Permit: A permit issued by the Town official designated by the Pelahatchie Mayor and Board of Aldermen authorizing the construction, placement or structural alteration of a specific building on a specific lot.

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

Building Setback Line: See "Setback Line."

Building, Structural Alteration of: Any change or rearrangement in the supporting

members, including bearing walls, beams, columns, or girders of a building.

Campground: An area or premises operated as a commercial enterprise, generally providing space for accommodations for transient occupancy or use by tourists occupying camping trailers, self-propelled campers, cabins and/or lodges. The area or premises may also contain recreational facilities for outdoor activities such as swimming, picnicking, fishing and other sports and activities. A campground shall be designed for temporary occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a manufactured home park as defined herein.

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

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

Cemetery: Property used for the interring of the dead. All cemeteries are considered public/quasi-public facilities, subject to the regulations of Section 402.

Certificate of Occupancy: A certificate issued by the Town official designated by the Town of Pelahatchie Mayor and Board of Aldermen to ensure that new or altered buildings or structures are in conformance with the provisions of the Zoning Ordinance and any other Federal, state, Town and county laws (such as water, sewer, and other necessary infrastructure is in place) and to have a record on the point.

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

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

Church: A facility regularly used to hold religious services, meetings, and similar activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

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

Collector Street: See “Street.”

Comprehensive Plan: In accordance with Section 17-1-1 of the Mississippi Code of 1972, Annotated, As Amended, “comprehensive plan” shall be defined as “a statement of

public policy for the physical development of the entire municipality---adopted by resolution of the governing body, consisting of the following elements at a minimum: (I)Goals and Objectives---; (ii) a Land Use Plan---; (iii) a Transportation Plan---; and (iv) a Community Facilities Plan---." Community Facilities Plan: One of the elements of a Comprehensive Plan. Section 17-1-1 of the Mississippi Code of 1972, Annotated, As Amended, defines the term as follows: "a community facilities plan (serves as) a basis for a capital improvements program including, but not limited to, the following: housing; schools; parks and recreation; public buildings and facilities; and utilities and drainage."

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

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

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

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

Convenience Store: A store of not more than 3,000 square feet of retail sales area, not counting storage, which deals in grocery items of a convenience nature. Also, commonly referred to as a "drive-in" grocery store.

Country Club: A land area and buildings containing recreational facilities, clubhouse and the usual accessory uses, open only to members and their guests for a membership fee. Country clubs are regulated as public/quasi-public facilities and are subject to the provisions of Section 402 of this Ordinance.

Coverage: That part of a lot covered by buildings.

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

Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

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

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

Dimensional Variance: See "Variance."

Disabled Persons: Individuals suffering from a permanent condition resulting from a mental or physical impairment that leaves such persons unable to perform a "major life functions." (From: Accommodating Disabilities: Business Management Guide, published by the Commerce Clearing House, Inc., 1992; this publication deals with the requirements of the Americans with Disabilities Act).

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

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

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

Drive-In Restaurant: See "Restaurant, Drive-In."

Dwelling: Any building, or portion thereof, or manufactured home, which is designed and used for human habitation.

Dwelling, Single-Family: A site-built residential building designed for occupancy by one family. For the purposes of this ordinance, single-family dwelling does not refer to Mobile, Manufactured, Modular, Panelized or Pre-Cut homes.

Dwelling, Two-Family (Duplex): A detached residential building designed to be occupied by two families living independently of each other.

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

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

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

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

Easement: A grant by the property owner to the public, a corporation or persons for the use of a strip of land for specific purposes.

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

Facilities and Utilities, Public/Quasi-Public: Any building, structure, system, use, or combination of uses, which is customarily and ordinarily provided by either public or private agencies, groups, societies, corporations, or organizations, whose purpose is the provision of necessary and desirable goods and/or services for the general public health, safety, and welfare. Such uses shall include, but not be limited to:

A. Churches and other religious institutions.

B. Schools, including all private, public or parochial schools, excluding institutions of higher learning which shall be zoned "Special Use" districts only.

C. All governmental buildings (including municipal buildings and buildings

erected by County, State or Federal governments) and major governmental facilities, such as water pumping stations, sewage treatment plants, sanitary landfills and the like. (NOTE: Public recreation and open space facilities are a land use permitted outright in ANY district, and such facilities are not subject to the regulations of Section 402 as special exceptions.)

D. All hospitals, whether public or private.

E. Convalescent homes or nursing homes.

F. Civic organization buildings and major facilities.

G. Buildings and facilities erected by charitable organizations (e.g., American Red Cross, Salvation Army, etc.); (Note: When such facilities are erected as emergency measures, they shall be exempt from the Special Exception provisions of this Ordinance, including site plan review and public hearing requirements).

H. Country clubs and other major recreational facilities constructed by private groups.

I. All cemeteries.

J. Major facilities associated with privately-owned utilities (electrical, natural gas, telephone) including but not limited to electrical substations, telephone communications centers, microwave towers, cellular telephone antennas, natural gas pumping facilities and similar significant uses.

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

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

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

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

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

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

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

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

Gasoline Service Station: Any area of land, including the structures thereon, that is primarily used for the retail sale of gasoline, diesel fuel, oil or automobile accessories and incidental services including facilities for lubricating, washing (either automatic or by hand) and cleaning, or otherwise servicing automobiles and light trucks. This term does not include the painting or major repair of vehicles.

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

Grade or Grade Level: The finished elevation of land after completion of site preparations for construction.

Grandfather Clause: The section of the zoning ordinance which allows existing non-conforming uses, buildings, structures, and lots to continue until they are removed by any means.

Group Home: Housing occupied by groups of unrelated individuals with disabilities or in need of care, support, or supervision. Sometimes housing is provided by organizations that offer various services for individuals with disabilities or in need of care, support, or supervision, living in the group home.

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

Home Occupation: Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit or an accessory building.

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

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

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

Industry, Heavy: Those industrial uses which are not fully enclosed and/or which generate substantial amounts of noise, vibration, odors or possess other objectionable characteristics.

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

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

Inn (or Bed and Breakfast Inn): An establishment operated in conjunction with a private dwelling where lodging is available lodging and food are available for up to twenty (20) persons for compensation.

Internal Building Space: The required minimum space between principal or accessory

buildings on the same lot.

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

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

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

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

Lodging House: See "Rooming House."

Lot: A parcel of land at least sufficient size to meet the minimum requirements for use, coverage, and area and to provide such yards and other open spaces as specified in the Zoning Ordinance of the Town of Pelahatchie, Mississippi.

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

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

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

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

Lot Frontage: The front of a lot shall be construed to be that dimension of a lot abutting on a street. For the purpose of determining yard requirements on corner lots or double frontage lots, ALL SIDES OF SUCH LOTS ABUTTING ON PUBLIC STREETS SHALL BE CONSIDERED LOT FRONTAGE, and yards shall be provided as indicated in this Ordinance.

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

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

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

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

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

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

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

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

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

or in which both the space and the manufactured home are offered to the public on a rental or lease basis only.

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

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

Mobile Home: This is the term used for factory-built homes produced prior to June 15, 1976.

Modular Homes: These factory-built homes are built to the state, local or regional code where the home will be located. Modules are transported to the site and permanently installed on a concrete slab or conventional foundation rather than attached to a steel frame.

Mortuary: See "Funeral Home."

Motel: See "Hotel."

Multiple Family Dwelling: See "Dwelling, Multiple Family."

Nonconformities: Any land, lot, building, structure or parts thereof existing prior to the enactment of this Ordinance, which subsequent to the enactment of this Ordinance or amendment thereto, does not conform with the use regulations and/or dimensional regulations of the district in which it is situated, and/or does not comply with any other requirements herein. (See Section 2001 of this Ordinance for definitions of the various types of nonconformities, including (1) nonconforming undeveloped lots of record, (2) nonconforming structures, and (3) nonconforming uses).

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

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

Nursing Homes: See "Convalescent Home."

Open Space or Common Open Space: A parcel or parcels of land not occupied by dwellings or residential structures, accessory structures and yards, which may consist of jogging trails, tennis courts, a golf course, swimming pool, associated recreational buildings and the like, and which is permanently maintained in a suitable state for the shared enjoyment by the owners and/or occupants of individual dwelling units or

residential structures within a particular development (such as a conventional residential subdivision, an apartment complex, a manufactured home park or a Planned Unit Development).

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

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

Panelized Homes: These are factory-built homes in which panels - a whole wall with windows, doors, wiring and outside siding - are transported to the site and assembled. The homes must meet state or local building codes where they are sited.

Pre-Cut Homes: This is the name for factory-built housing in which building materials are factory-cut to design specifications, transported to the site and assembled. Pre-cut homes include kit, log and dome homes. These homes must meet local, state or regional building codes.

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

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

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

Planning/Zoning Commission: The duly appointed Planning/Zoning Commission of the Town of Pelahatchie, Mississippi.

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

Plat: A map, plan or layout of a subdivision.

Portable Building: See "Building, Portable."

Principal Structure or Use: The main building(s) or dominant use(s) of a lot.

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

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

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

Rest Home: See "Convalescent Home."

Restaurant: A commercial establishment where food and beverages are prepared, served and consumed primarily within the principal building, but not including "drive-in restaurants" as defined herein. Restaurants may offer some "carry-out" services where food and beverages are consumed off the premises. This definition is not intended to exclude restaurants which provide food and beverages to customers at "drive-through windows," where customers in motor vehicles merely pick up food and beverages at such windows and consume same usually off the premises.

Restaurant, Drive-In: A commercial establishment where food and beverages are prepared and where all or a significant portion of the consumption takes place outside of the building, often in a motor vehicles parked for "curb-service" (with two-way speakers) on the site.

Schools: The term "school" as used in this Ordinance shall include public, private, and parochial institutions of learning, including trade or industrial schools (i.e., those schools offering training to students in skills required for the practice of trades and industry), but excluding institutions of higher learning (colleges and universities), which shall be zoned as "special use" districts only.

Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms or other features. Sometimes used in conjunction with a buffer yard.
Service Station: See "Gasoline Service Station."

Setback: The area between the street right-of-way line and the building setback line. Setback Line or Building Setback Line: A line delineating the minimum allowable distance between the street right-of-way and the front of a structure within which no building or other structure shall be placed. The minimum distance is prescribed by this Ordinance. The building setback line is parallel to or concentric with the street

right-of-way line.

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

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

Single Housekeeping Unit: The functional equivalent of a traditional family, whose members are a non-transient interactive group of persons jointly occupying a single dwelling unit, including the joint use of common areas and sharing household activities and responsibilities such as meals, chores, and expenses.

Site Plan: A drawing indicating the location of existing and proposed buildings or other structures, and, where required by this Ordinance, landscaping and planting screens and points of access/egress and driveways on a single lot. A "site plan" differs from a "subdivision plat" in that a subdivision plat reflects certain required information for two or more lots.

Site Plan Review: The process specified under Sections 2307 through 2310 of this Ordinance in which site plans for certain proposed developments and/or site plans (when required by the Zoning Administrator in coordination with other Town officials) accompanying applications for dimensional variance, conditional use, and rezoning are reviewed by Town officials, the Planning/Zoning Commission and the Mayor and Board of Aldermen for conformance with this Ordinance and other applicable laws and codes, and to determine what other special restrictions (if any) need to be applied if the site plan and application are approved by the Mayor and Board of Aldermen.

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

Special Exception: See "Conditional Use."

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

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

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

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

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

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

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

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

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

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

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

Subdivision: The division of any lot, tract or parcel of land into two (2) or more lots for the immediate or future purpose of sale or building development.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either; (1) before the improvement is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alterations of any structural part of the building commences.

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

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

Through Lot: See "Lot, Double Frontage."

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

Tobacco Shop: A shop selling tobacco products.

Town: The Town of Pelahatchie, Mississippi.

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

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

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

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

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

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

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

Undeveloped Lot: A vacant lot or parcel of land.

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

Use, Accessory: See "Accessory Use."

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

Vape Shop (or Electronic Cigarette Shop): A shop selling electronic cigarettes, personal vaporizers, electronic nicotine delivery systems or other vaping products.

Variance: A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. However, financial hardship shall not be considered justification for granting a variance. The criteria for issuance of a variance are listed under Section 2204 of this Ordinance. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining district.

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

Veterinary Hospital: See "Hospital, Veterinary."
Yard (or "Minimum Yard" or "Setback"): The required open space between any main building or portion thereof and the adjoining lot lines, which shall remain unoccupied and unobstructed by any portion of a structure, except as otherwise specifically provided herein. In measuring a lot for the purpose of determining the minimum front, side or rear yard, the shortest horizontal distance between the lot line and the nearest vertical structure shall be used.

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

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

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

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

Zoning Commission: See “Planning/Zoning Commission.”

Zoning District: See “District.”

ARTICLE III: ESTABLISHMENT OF ZONING DISTRICTS PROVISION FOR OFFICIAL ZONING MAP

SECTION 300 - ZONING DISTRICTS

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

A-1	Agricultural District
R-1	Single-Family Residential District
R-2	Medium Density Residential District
R-3	High Density Residential District
R-E	Residential Estate District
MHP	Manufactured Home Park District
PUD	Planned Unit Development Overlay District
C-1	Low Intensity Commercial District
PHD	Pelahatchie Heritage District
C-2	General Commercial District
I-1	Limited Industrial District
I-2	Heavy Industrial District
S-1	Special Use District
S-2	Pelahatchie Lake Special Use District
S-3	Pelahatchie School Special Use District
PCO	Pelahatchie Corridor Overlay District

SECTION 301 - OFFICIAL ZONING MAP

The aforesaid zoning districts are identified and delineated on a map entitled "Official Zoning Map: Town of Pelahatchie, Mississippi," and said map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

301.01 Map Certified: The Official Zoning Map shall be identified by the signature of the Mayor, attested by the Town Clerk, and shall bear the seal of the Town under the following words:

"This is to certify that this is the Official Zoning Map of the Town of Pelahatchie, Mississippi, as adopted by the Mayor and Board of Aldermen on _____."

301.02 Location of Official Zoning Map: Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be prepared or printed, the Official Zoning Map bearing the certificate specified under Section 301.01 and located in the Town Hall of Town of Pelahatchie shall be the final authority as to the zoning status of land and water areas, buildings, and other structures in the Town of Pelahatchie.

301.03 Public Inspection of Map: The Official Zoning Map shall be available for public inspection as provided by law during normal business hours of the Town Hall of Town of Pelahatchie.

301.04 Map Amendment: If, in accordance with the provisions of this Ordinance and Statutes of the State of Mississippi, changes are made in the zoning district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made WITHIN THIRTY (30) DAYS AFTER THE AMENDMENT HAS BEEN APPROVED BY THE MAYOR AND BOARD OF ALDERMEN.

Since the Official Zoning Map is part of this Ordinance, any amendments to the Official Zoning Map shall be accomplished in accordance with state statutes relating to passage of ordinances. Therefore, before the Official Map may be amended, an "Ordinance of Rezoning" shall be drafted and passed by the Mayor and Board of Aldermen in accordance with state law. An unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 2314.

SECTION 302 - REPLACEMENT OF OFFICIAL ZONING MAP

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 Mayor and Board of Aldermen may, by ordinance, designate a new Official Zoning Map which shall replace the prior zoning map. The new Official Zoning Map may correct drafting errors or other omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the Town Clerk, and shall bear the seal of the Town under the following words:

"This is to certify that this Official Zoning Map replaces the Official Zoning Map adopted as part of the Zoning Ordinance of the Town of Pelahatchie, Mississippi, on _____."

SECTION 303 - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

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

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following Town limits shall be construed as following such Town limits.

D. Where the boundary of a district follows a railroad right-of-way, such boundary shall be deemed to be located on the right-of-way line to which it is closest.

E. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.

F. Boundaries indicated as parallel to or extensions of features indicated in Section 303, Subsections (A) through (H) above shall be so construed.

G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Section 303, the Mayor and Board of Aldermen shall interpret the district boundaries.

H. Where a district boundary line divides a lot which was in a single ownership at the time of passage or amendment of this Ordinance, the Mayor and Board of Aldermen may permit, as a special exception, the extension of the use not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

ARTICLE IV: GENERAL REGULATIONS

SECTION 400 - APPLICATION OF REGULATIONS

400.01 Compliance Required: No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered EXCEPT IN CONFORMANCE WITH ALL OF THE REGULATIONS SPECIFIED FOR THE DISTRICT IN WHICH IT IS LOCATED. Furthermore, no person shall use or occupy a building, structure or land within the Town of Pelahatchie for an activity which requires a federal, State of Mississippi and/or Town license until said license is obtained from the appropriate authorities.

400.02 Nonconformities Defined: "Nonconformities" shall consist of any land, lot, building, structure, or parts thereof, or the various uses to which those items are or were put, and which lawfully existed prior to the enactment of this Ordinance; but which subsequently do not comply with the provisions of this Ordinance and the requirements of the district wherein located. The regulations pertaining to such nonconformities are established in the district regulations and under Article XXII.

400.03 Permitted Uses Constitute Conforming Uses: Any land use which is permitted as a conditional use in a particular district under the terms of this Ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

400.04 District Regulations Constitute Minimum Regulations: The regulations established in this Ordinance within each district (Articles V through XX) shall constitute minimum regulations unless otherwise noted.

400.05 Uniformity within Districts: The regulations and provisions established by this Ordinance for each district shall apply uniformly within each district of the same name and shall apply uniformly to each class or type of building, structure, use, or land therein except as otherwise provided.

400.06 Areas Annexed After Enactment of This Ordinance: Any land annexed into the Town of Pelahatchie following enactment of this Ordinance shall bear the zoning classifications of Rankin County and be subject to the zoning regulations of Rankin County, until due public notice of hearings is given to consider the zoning of all or part of such annexed land in accordance with the Zoning Ordinance of the Town of Pelahatchie. Following such public hearings and action by the Mayor and Board of Aldermen, the annexed land shall be subject to the regulations of this

Ordinance rather than those of Rankin County.

400.07 Pending Applications for Building Permits: Nothing in this Ordinance shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approvals and required building permits have been legally granted before the enactment of this Ordinance. Construction shall have been started within six (6) months of the effective date of this Ordinance and completed within a subsequent two year period and not discontinued until completion except for reasons beyond the builder's control. All permits for which construction has not begun within six (6) months of the effective date of this Ordinance are hereby revoked and void.

SECTION 401 - DIMENSIONAL CONTROLS

401.01 Reduction of Yards and Lots Below Minimum Requirements Prohibited: No yard or lot of record existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots of record created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

401.02 Front Yards on Corner or Double Frontage Lots: On corner lots or double frontage lots ("through lots"), each side fronting on a street shall be considered a front yard, and the required front yard setback shall be measured from each existing right-of-way upon which the lot abuts. Rear yards for corner lots shall be the yard opposite the main entrance to the building.

401.03 Determination of Setbacks: In measuring a required front yard (i.e., setback), the minimum horizontal distance between the existing right-of-way line and the main structure shall be used.

401.04 Visibility at Intersections: On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede the vision of motor vehicle operators between a height of two and one-half (2 ½) and ten (10) feet above the center line grades of the intersecting streets and within a triangular area bounded by the right-of-way lines for a distance of twenty-five (25) feet from the intersection and a straight line connecting said points twenty-five (25) feet back from the intersection of said right-of-way lines.

401.05 Accessory Buildings or Uses: No accessory building or use shall be placed within the required front yard or side yard of any main building or use in any district. However, an accessory building or use may be placed in the required rear yard of any main building or use, provided that the accessory building or use is in compliance with the minimum yard setback requirements of the zoning district in which it is located. Accessory buildings shall not cover more than ten percent (10 %) of the rear yard. No accessory building shall exceed a height of twenty (20) feet.

401.06 Railroad Setbacks: In ALL residential zoning districts a buffer strip of at least one hundred (100) feet in depth in addition to the normal setback required in the district shall be provided adjacent to the railroad right-of-way. This strip shall be part of the platted lots in a residential subdivision (or apartment/ condominium complex lot) and the following wording shall be shown on the plat or site plan: "This strip is reserved for screening. The placement of structures hereon is prohibited."

401.07 Exceptions to Height Regulations: The height regulations contained in the District Regulations of this Ordinance do not apply to spires, belfries, cupolas, antennas, water tanks, ventilation chimneys, masts, towers, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

SECTION 402 - PUBLIC/ QUASI-PUBLIC FACILITIES AND UTILITIES

All public and quasi-public facilities and utilities, as defined under Article II of this Ordinance, may be located in ANY district in the Town, provided:

A. That all applicable requirements of federal, state and county or Town laws shall be met.

B. That all such proposed uses shall be subject to the procedures stated under Section 2305 relative to Special Exceptions (Conditional Uses).

No public or quasi-public facility or utility shall be located in a residential district or other district where such land use would adversely affect the surrounding area.

SECTION 403 - DIMENSIONAL REQUIREMENTS FOR PUBLIC/QUASI-PUBLIC FACILITIES AND UTILITIES IN ALL DISTRICTS

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

403.01 Maximum Building Height: 35 feet, unless greater height is specifically

approved by the Mayor and Board of Aldermen based upon the required site plan review.

403.02 Minimum Lot Area: Minimum lot areas for ALL public/quasi-public uses shall be based upon the proposed use, subject to approval of a site plan submitted in accordance with Sections 2307 through 2310 of this Ordinance.

403.03 Minimum Lot Width: Established based upon proposed use.

403.04 Minimum Yards: Minimum yards for public/quasi-public structures shall be the same as for all other structures in individual zoning classifications.

SECTION 404 - REQUIRED LANDSCAPING ALONG ALL ARTERIAL STREETS IN ALL ZONING DISTRICTS

404.01 Arterial Street Landscaping for Subdivisions: Developers of all residential, industrial subdivisions shall provide a landscaped easement at least ten (10) feet in width consisting of grass, shrubs and trees along all existing or proposed streets or highways designated as Principal Arterial or Minor Arterial on the adopted Thoroughfares Plan of the Town of Pelahatchie. The spacing, sizes and specific types of landscaping material to be installed within this landscaped easement shall be shown on the preliminary plat for all proposed subdivisions. A preliminary plat shall not be approved unless the developer's proposals for the landscaped strip are acceptable to the Mayor and Board of Aldermen. This requirement is intended to ensure consistent treatment along the traffic frontage, which is essential for appearance and permanency.

At the time the final subdivision plat is submitted for ANY subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the assumption of liability insurance, taxes and maintenance of the required landscaped easement shall rest with the developer, if he retains ownership of such areas, or with a homeowners association if ownership of such landscaped areas is transferred to a homeowners association.

No fence shall be erected in a manner in which blocks access to this required landscaped easement.

404.02 Arterial Street Landscaping for Developments Not Involving the Subdivision of Land: Developers of all multiple family residential (apartments or condominiums), manufactured home parks, commercial, industrial or public/quasi-public uses not involving the subdivision of land shall provide a landscaped strip at least ten (10) feet in width consisting of

grass, shrubs and trees along all existing or proposed streets or highways designated as Principal Arterial or Minor Arterial on the adopted Thoroughfares Plan of the Town of Pelahatchie. The spacing, sizes and specific types of landscaping material to be installed within this landscaped easement shall be shown on the required site plan. A site plan shall not be approved unless the developer's proposals for the landscaped strip are acceptable to the Mayor and Board of Aldermen. This requirement is intended to insure consistent treatment along the traffic frontage, which is essential for appearance and permanency. Maintenance of this required landscaped strip shall be the responsibility of the property owners and not the Town of Pelahatchie. Failure to maintain the landscaping in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties imposed herein.

No fence shall be erected in a manner in which blocks access to this required landscaped easement.

404.03 Recommended Planting Materials:

Trees: American Holly (Ilex opaca), Leyland Cypress (Cupressocyparis leylandii), Southern Magnolia (Magnolia grandiflora), Yaupon Holly (Ilex vomitoria).

Shrubs: Abelia (Abelia x grandiflora), Burford Holly (Ilex cornuta), Camellia (Camellia japonica), Japanese Barberry (Berberis thunbugi), Pampass Grass (Cortaderia selloeana), Pfitzer Juniper (Juniperus chinensis), Thorny Olive (Elaeagnus pungens Thunb), Wintergreen Barberry (Berberis julianae).

SECTION 405 - BUFFER YARDS/SCREENING STANDARDS

405.01 Purpose and Intent: The purpose and intent of the Buffer/Screening Standards is to maintain many of the environmental features and amenities of the Town for present and future generations. Adherence to these regulations will improve the appearance and compatibility of land uses and other development within the Town through the installation and maintenance of plantings and fencing for screening and aesthetic effects, thereby serving to protect and preserve the appearance, character, value and safety of the total urban area and nearby properties. Attractive, well maintained buffer yards improve the quality of developing neighboring

property ensuring that the adjacent project will remain relatively unobtrusive. It is intended that these provisions shall constitute minimum requirements.

405.02 Purpose of Buffer Yards and Screens: The purpose of a buffer yard is to provide a space or distance between two (2) incompatible uses. The purpose of screening is to provide an effective visual barrier between an unsightly or distracting activity and adjacent properties or public ways to preserve property values and assure compatibility of uses. It is also the purpose of these provisions to prescribe standards for development and maintenance of planning, fences, and walls, for conservation and protection of property through provision of barriers against traffic, trespass, noise, heat, glare, and dust, and through improvement of the appearance of individual properties, neighborhoods, and the Town. These standards shall apply to all landscaping and screening required by other provisions of the zoning regulations.

405.03 General Standards: Buffer yards and screens require Site Plan Review. Such required site plan shall set forth yards and open spaces, screening walls, or fences and other development and protective requirements considered necessary to create a reasonable transition to and protection of the adjacent property. When the developer needs to ask for a variance from these Buffer Yard Regulations, an alternative Design Plan which shall fulfill the intent of this Ordinance must be submitted to the Planning/Zoning Commission, which will, upon review, make a recommendation regarding the submission. Reference: Site Plan Review, Sections 2307-2310. Variances shall not be granted, which are less than the next lowest minimum standard, and only then if the size of the lot is such that a full buffer is not possible. The site plan should show plant succession, drainage patterns, and landscape design in order to determine if the trees/vegetation grow well in this region, and also if they make good visual screens.

405.04 Buffer Yard Standards Relating to Abutting Properties: In the table below, when a district abuts a use indicated, a buffer yard and screen shall be provided by the developing use applying for a building permit as listed in Table I:

TABLE I

Use District	Abutting Use District	Minimum Width In Ft.	Screen Minimum Ht. in Ft.
R-1	A-1	10	6
R-2	A-1,R-1	10	6
R-3	A-1,R-1,R-2	10	6
MHP	All Agricultural and Residential Districts	10	6
C-1	All Agricultural and Residential Districts	15	6
C-2	All Agricultural and Residential Districts and C-1	20	6
I-1	All Districts except I-2	30	6
I-2	All Districts Except I-1	30	6

405.05 Screening Relative to Abutting Properties: In the table above, when a district abuts a use indicated, screening shall be provided as listed. Screening/fencing may consist of architectural and/or vegetative materials as follows:

a) Architectural Screening: A screen/fence of wood, masonry, stone, concrete or metal may be placed along the property line or along the inner perimeter of the buffer yard so as to provide visual screening at minimum height requirements, at the time of issuance of the Certificate of Occupancy.

b) Vegetative Screening: Trees and other vegetation as needed, shall be planted so as to provide year round visual screening at heights required by Table I. If screening is exclusively vegetation, minimum height requirements shall be met at the time of issuance of the Certificate of Zoning compliance. Earthen berms are considered a part of vegetative screening.

c) Combination of materials: Whenever two or more alternative types of landscaping, fences, or walls are prescribed, they may be provided singly or in any combination.

405.06 Installation and Maintenance: All buffer yards and screening shall be installed in a sound workman like manner and according to accepted good planting procedures with the quality of plant material as herein described. All screening elements of buffer yards shall be installed so as to meet all other applicable ordinances and code requirements. Buffer yards shall

require protection from encroachment. (Encroachment is defined as any protrusion of a vehicle outside of a parking space, display area or access way into a buffer yard.) The owner shall be responsible for the maintenance of all buffer yards which shall be maintained in good condition so as to present a clean and orderly appearance.

In the event that plants are destroyed or die of natural causes, such materials shall be replaced within six (6) months. Failure of the owner of the property to maintain the buffer yard in good condition, as set forth above, shall subject him to the penalties as set forth in this Ordinance.

No buffer yard shall be abandoned, paved or otherwise employed for purposes other than screening.

405.07 Visibility at Intersections: See Section 401.04

405.08 Intersection of Driveway and Public ROW and/or Private Street: In any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impair or block vision between a height of two and one half (2.5) and ten (10) feet above the center line grades of any interesting street/driveways in the area bounded by the street lines/driveway lines of such corner and a line joining points along said street lines fifteen (15) feet from the point of intersection.

405.09 Credit for Existing Plant Material: If the owner can demonstrate that healthy plant material exists on a site prior to its development for the purposes of buffer yard, the application of the above landscape standards may be adjusted by the Planning/Zoning Commission to allow credit for such plant material if such an adjustment is in keeping with and will preserve the intent of this Ordinance.

405.10 Planned District Standards: Fences, walls or vegetative screening shall be provided at the perimeter of planned developments where necessary to screen improvements, glare, uses or other influences having an adverse impact either on the planned development or on adjacent property. Such screening shall be of sufficient height as determined by the topography to improve the impact of such adverse elements on the first floor of any use located either within or adjacent to the planned development.

405.11 Zone Screening Standards: A screen (wall, fence, or landscaping) not less than six (6) feet or more than eight (8) feet in height shall be erected between commercially zoned property and abutting residentially zoned property at the time that any building or structure is erected on the commercial property. The height of the screening shall be the vertical distance measured from the top of the screen to the lowest point to grade

within three (3) feet of such screen on the commercially zoned property. The screening shall be constructed on or immediately adjacent to the line dividing the residential and commercial properties. A new screen shall not be required where there is an existing screen, which substantially conforms to this section on the abutting residential property. If the existing screen on abutting residential property is the only screen that conforms to this section, and if is removed, a new screen shall be required.

405.12 Fencing and Landscape Standards: The screen required herein shall consist of a solid fence or wall not less than six (6) nor more than eight (8) feet in height, but shall not extend within fifteen (15) feet of any street or driveway opening onto a street. The screening shall be placed along the property lines or in case of screening along a street, fifteen (15) feet from the street ROW with landscaping (trees, shrubs, grass, and other planting) between the screening and the pavement. A louvered fence shall be considered solid if it blocks direct vision. Planting of a type approved by the Site Plan Review Committee may also be required in addition to, or in lieu of, fencing. Existing screening which complies with minimum standards may be used to meet the requirements of this Ordinance.

405.13 Exceptions to Screen Requirements: The landscaping and screening requirements set forth in other provisions of the zoning regulations shall be subject to the following exceptions:

a) Equivalent Screening of Abutting Lot. Prescribed fences, walls, or dense landscaping need not be provided along a lot line if a building, fence, wall or dense landscaping of at least equivalent height, opacity, and maintenance exists immediately abutting and on the opposite side of said lot line.

b) Height Within Required Minimum Yard. Required fences, walls, or dense landscaping need not be higher than 3 and ½ feet in that portion of any required minimum yard which lies within ten (10) feet of any street line.

c) Lot Too Small to Accommodate a Full Buffer. Property owner may be allowed to substitute a berm or landscaped wall for all or part of the transitional yard requirements. The solid fence or wall should be constructed of materials that are compatible with the principal building.

405.14 Maintenance of Screens: All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences and walls shall be

permanently maintained in good condition and, whenever necessary, repaired or replaced.

In the event that the owner fails to maintain a buffer yard or planting strip as required, the Town shall have the right to go onto said property, maintain said buffer yard or planting strip and assess the property owner in the same manner as for taxes. Before such work by the Town the owner shall be given notice of the offending condition and a reasonable opportunity to repair it and is entitled to a due process hearing concerning the same.

405.15 Permits: Whenever a buffer yard or planting strip is required, it shall be completed prior to issuance of any certificate of occupancy and shall thereafter be maintained with permanent plant materials to provide a screen to abutting properties.

405.16 Design Standards for Screens, Buffers, Berms, and Walls: The purpose of
these standards is to screen parking areas from view, to improve the appearance of parking areas near streets, to break the views of large expanses of pavement, to enhance property values and protect investments, to reduce erosion and storm water run-off problems, to provide shade, to reduce glare, to encourage the saving of large trees and to reduce fumes and dust.

a) Screens and buffers are not required along abutting bridge embankments, railroad tracks, slopes and retaining walls and where permanent landscaping is already provided.

b) Masonry walls, sight proof fencing, or dense landscaping are required between commercial parking lots in side and rear yards abutting parcels that are residentially zoned or contain dwellings. These walls or fencing must be at least six feet high and may be combined with landscaping.

c) Landscaped buffer strips are required between streets and parking lots or other driving surfaces except those serving single family and duplex dwellings. Interior parking islands are encouraged to be planted with trees and other shrubbery. If earthen berms are

used, the berms must be used in conjunction with vegetation. Commercial establishments over one story tall must combine architectural screening with vegetative/ landscaping screening.

SECTION 406 - HOME OCCUPATIONS

Home occupations, as defined under Article II of this Ordinance, may be permitted in any district where residential uses are allowed, subject to the following limitations and such conditions as may be determined by the Mayor and Board of Aldermen for the protection of the health, safety and welfare of the citizens of Town of Pelahatchie:

406.01 Display and Storage: No storage or display of materials, goods, supplies, or equipment related to the operation of a home operation shall be visible from the outside of any structure located on the premises.

406.02 Maximum Area: Not more than twenty-five percent (25%) of the floor area of the dwelling shall be used for the conduct of the home occupation. Any accessory building used in connection with the home occupation shall not exceed 400 square feet in area.

406.03 Traffic and Parking Restrictions: No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood (as determined by the Zoning Administrator), and any need for parking generated by the conduct of such home occupations shall be met off the street and other than in a required yard. Furthermore, an ample amount of such off-street parking shall be provided as determined by the Zoning Administrator at the time of the application for a building permit or change of use permit.

406.04 Exterior Lighting: There shall be no exterior lighting which would indicate that the dwelling and/or accessory building is being utilized in whole or in part of any purpose other than residential.

406.05 Other Provisions: No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses outside of the dwelling unit or accessory building in which the occupation is conducted. No equipment or process shall be used in any home occupation which creates visual or audible electrical interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

406.06 Privilege License: Existing and new home occupations are required to have a privilege license in accordance with state law. A building permit (if construction is necessary in connection with proposed home occupation) or a change of use permit (if no construction is necessary)

must be obtained from the Zoning Administrator prior to the initiation of a home occupation.

SECTION 407 - MISCELLANEOUS GENERAL REGULATIONS

407.01 Street Access Required: Every structure hereafter constructed, moved, or structurally altered shall have direct access to a public (dedicated) street or to an approved (through a building permit issued by the Zoning Administrator) private street or parking area, and shall be so located as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

407.02 Fences, Walls and Hedges: Fences, walls, and hedges or other densely planted vegetation shall be permitted in any required side or rear yard or along the edge of any side or rear yard. Upon the effective date of this Ordinance, the erection of fences or walls and the planting of dense vegetation (hedges, etc.) in front yards in such a manner as to impede the vision of motor vehicle operators entering a public street shall be prohibited.

407.03 Parking and Storage of Derelict Vehicles: Vehicles that are wrecked, dismantled, partially dismantled, inoperable, abandoned or discarded and are not capable of being legally driven upon the streets of the Town of Pelahatchie shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings, nor shall such vehicles be parked on public streets.

407.04 Materials and Growth Constituting Public Health and/or Safety Hazards Prohibited: No rubbish, salvage materials, junk or hazardous waste materials, including inoperable vehicles and parts and any combustible matter, shall be openly stored, allowed to accumulate or kept in the open, and no weeds or other growth shall be allowed to go uncut within any district when the same shall be determined by the appropriate Town Official (the Zoning Administrator, Fire Chief, or other authorized Town employee) or health official to constitute a menace to the public health and/or safety.

407.05 Operation of Any Business from a Temporary Structure or Vehicle Prohibited: No business shall be operated from any vehicle, temporary or portable structure, Mobile Home, House Trailer, Portable Building, Manufactured Home, Modular Home, Modular Building, Panelized Home or Building. However a temporary construction office may be temporarily placed at construction sites with the written approval of the Building Official for a period not to exceed six (6) months and in no event beyond completion of the construction project.

407.06 Required Enclosure of Garbage Disposal Facilities: Upon the effective date of this Ordinance, all garbage disposal facilities (i.e., any container with a capacity of over 40 gallons) located on the site of existing (at the effective date of this Ordinance) or new multiple family residential uses, manufactured home parks, commercial, industrial or public/quasi-public uses shall be enclosed at least three sides by solid fencing or other material in a manner that prevents direct visibility of the garbage cans, dumpster, etc., from the street side (or sides) of such uses. Failure to maintain such garbage disposal facilities in a neat and sanitary manner shall constitute a violation of this Ordinance and be subject to the penalties imposed herein.

All site plans for multiple-family residential, manufactured home parks, commercial, industrial or public/quasi-public uses proposed following the effective date of this Ordinance shall indicate the location of garbage disposal facilities on the site and the type of enclosure (materials, height, etc.) to be installed.

SECTION 408 - GARAGES AND CARPORTS

In all residential zones and the Pelahatchie Heritage District detached and attached garages and carports are required to be designed and constructed of similar design and materials as the main residential unit or structure. New garages and carports are required to incorporate architectural elements of the existing residence such as roof height and pitch, exterior siding and roof materials and colors. The purpose of this regulation is to promote architectural consistency.

SECTION 409 - SWIMMING POOLS

Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of 10 feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four (4) feet in height and shall have a self-latching gate.

ARTICLE V: AGRICULTURAL DISTRICT (A-1)

SECTION 500 - PURPOSE OF THIS DISTRICT

The Agricultural (A-1) District is established and intended to accommodate existing farms and other agricultural uses in rural areas of the town, uses that complement or support those agricultural uses, very low-density residential development that is compatible with the district's rural character (e.g., single-family detached homes and accessory structures). Conditional uses allowed are Public/Quasi-Public Facilities and the replacement of existing manufactured homes. It is the intent of this Ordinance that such districts be located primarily in those areas of the Town of Pelahatchie 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.

SECTION 501 - DIMENSIONAL REQUIREMENTS

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

501.02 Minimum Lot Area:

a) For lots where Town of Pelahatchie sanitary sewerage service is NOT available: three (3) acres.

b) For lots where Town of Pelahatchie sanitary sewerage service is available: one (1) acre.

501.03 Minimum Lot Width: 200 feet at the building setback line.

501.04 Minimum Yards:

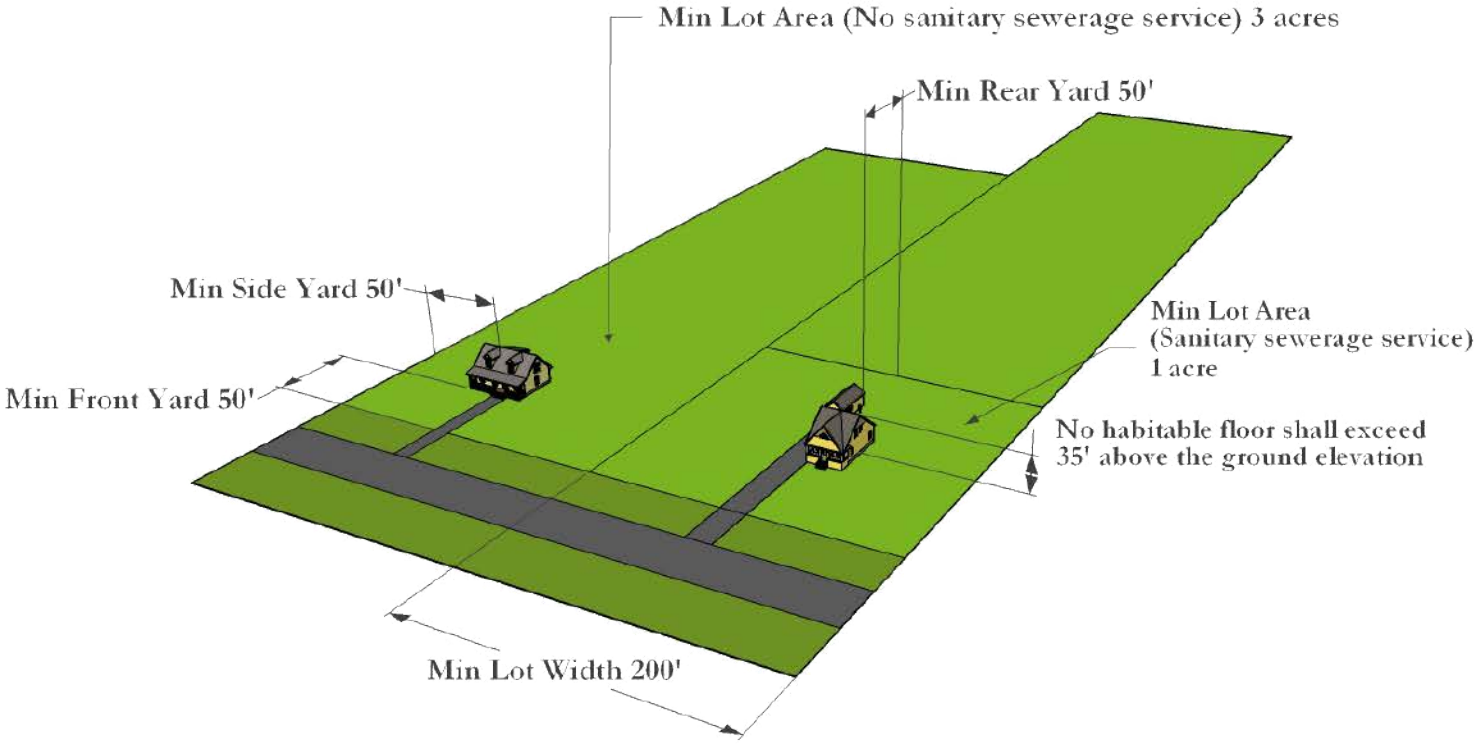
a) Front yard: 50 feet from the existing right-of-way line to the building setback line.

b) Side yard and rear yards: 50 feet.

Figure V-1: Example Lot Pattern

Figure V-2: Example Building Form

Figure V-3: Example Lot Configuration



ARTICLE VI: SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1)

SECTION 600 - PURPOSE OF THIS DISTRICT

The Low-Density, Single-Family Residential (R-1) District is established and intended to accommodate principally single-family detached dwellings at relatively low densities in an urban residential environment. Only one (1) single-family dwelling per lot is allowed. Conditional uses allowed are Public/Quasi-Public Facilities and the replacement of existing manufactured homes. No new single-family residential subdivisions shall be developed in R-1 districts after the effective date of this Ordinance without public sewerage.

SECTION 601 - DIMENSIONAL REQUIREMENTS

601.01 Maximum Building Height: 35 feet.

601.02 Minimum Lot Area: 11,500 square feet.

601.03 Minimum Floor Area: 1,800 square feet.

601.04 Minimum Lot Width: 80 feet at the building setback line.

601.05 Minimum Yards:

a) Front yard: 30 feet from the street right-of-way line to the building setback line.

b) Side yards (main building): 8 feet.
Side yards (accessory building): 5 feet.

c) Rear yard: 25 feet.

SECTION 602 - OFF-STREET PARKING REQUIREMENTS

See Article XXI for off-street parking and loading requirements.

Figure VI-1: Example Lot Pattern

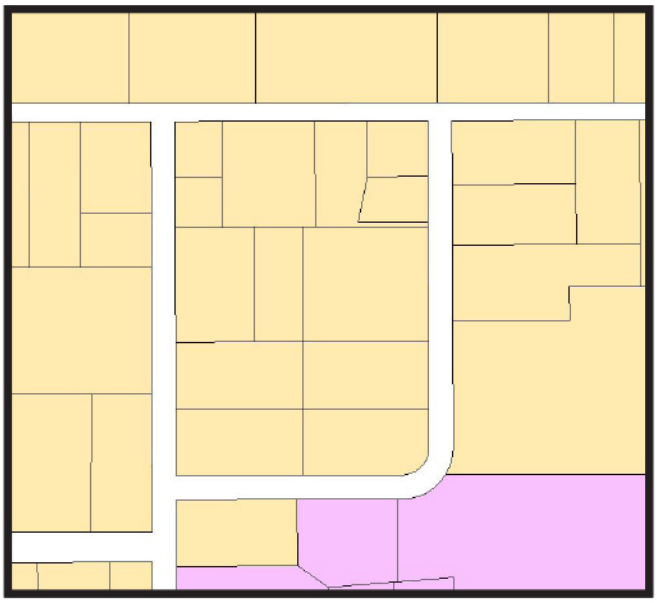
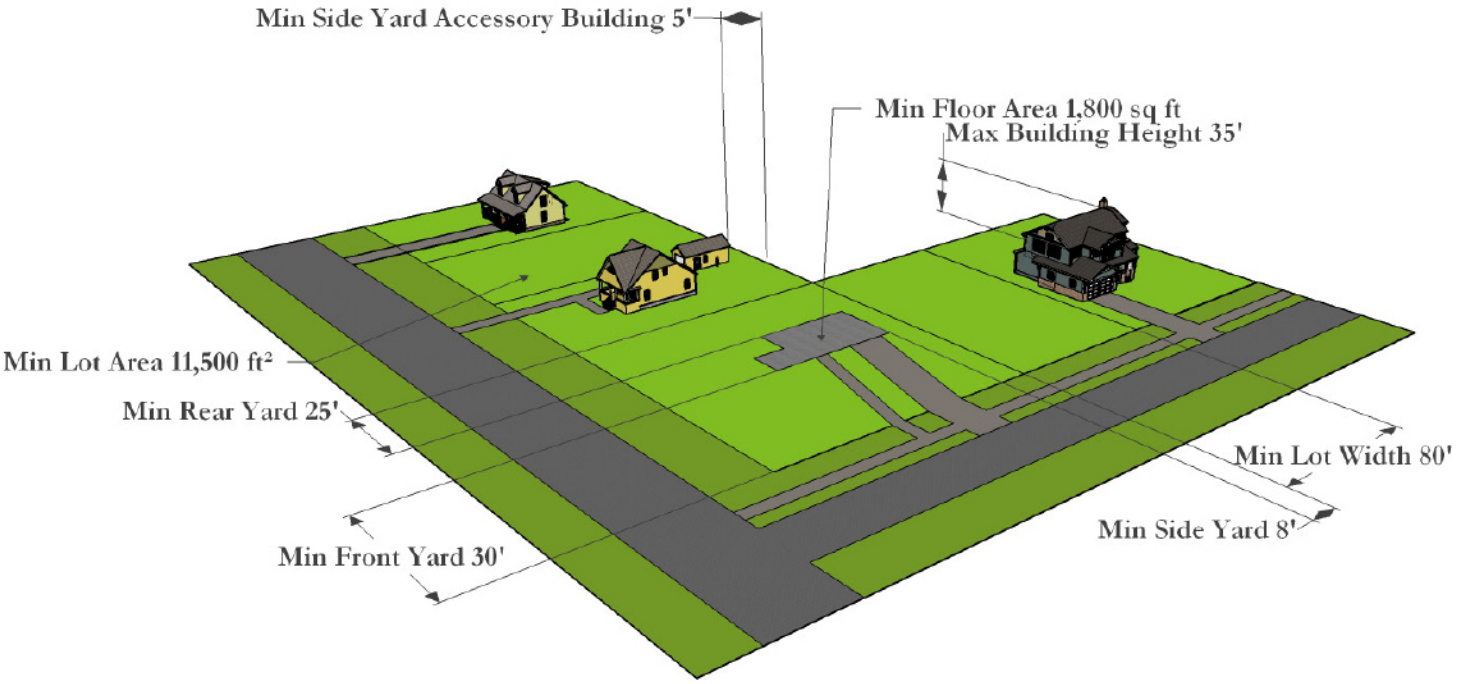


Figure VI-2: Example Building Forms

Figure VI-3: Example Lot Configuration



ARTICLE VII: MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)

SECTION 700 - PURPOSE OF THIS DISTRICT

The Medium-Density Single-Family Residential (R-2) district is established and intended to accommodate principally single-family detached dwellings at medium densities, as well as single-family attached or townhouse dwellings. Only one (1) single-family dwelling per lot is allowed. Conditional uses allowed are Public/Quasi-Public Facilities and the replacement of existing manufactured homes. R-2 Zoning is generally appropriate for established medium-density single-family residential neighborhoods and areas near or conveniently accessible to business areas and activity centers designated on the comprehensive plan's future land use map.

SECTION 701 - DIMENSIONAL REQUIREMENTS

701.01 Maximum Building Height: 35 feet.

701.02 Minimum Lot Area: 8,500 square feet.

701.03 Minimum Floor Area: 1,200 square feet.

701.04 Minimum Lot Width: 80 feet at the building setback line.

701.05 Minimum Yards:

a) Front yard: 25 feet from the street right-of-way line to the building setback line.

b) Side yards: 5 feet.

c) Rear yard: 20 feet.

SECTION 702 - OFF-STREET PARKING REQUIREMENTS

See Article XXI for off-street parking and loading requirements.

Figure VII-1: Example Lot Pattern

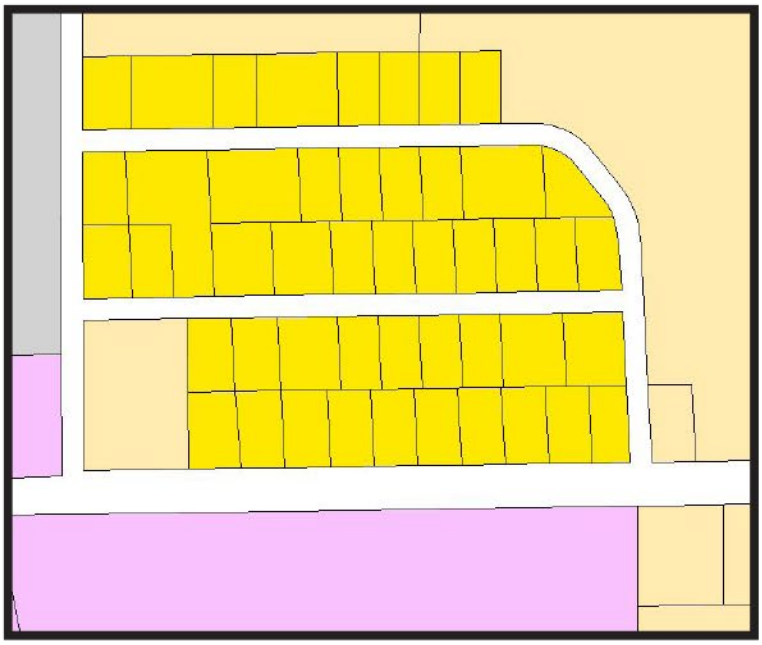
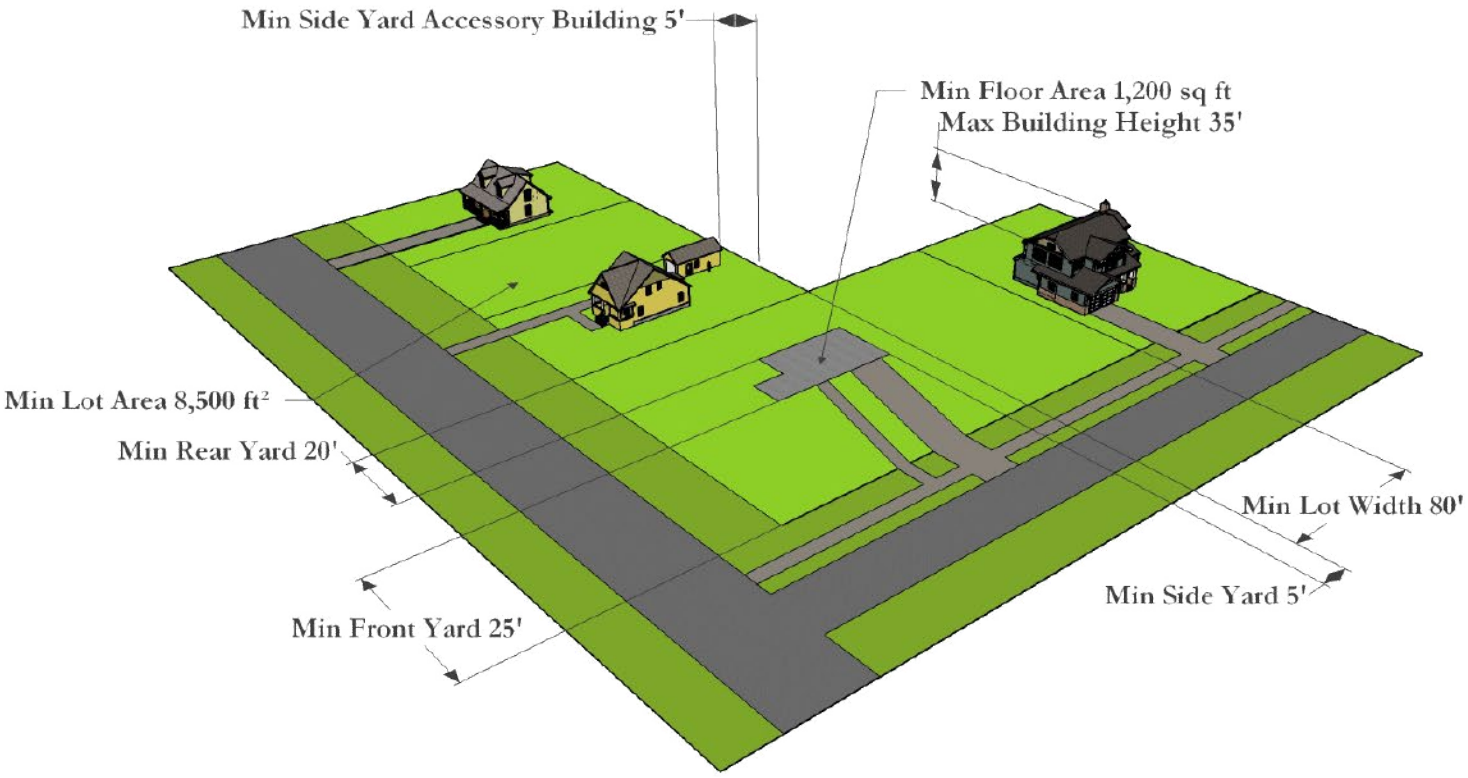


Figure VII-2: Example Building Forms

Figure VII-3: Example Lot Configuration



ARTICLE VIII: HIGH DENSITY RESIDENTIAL DISTRICT (R-3)

SECTION 800 - PURPOSE OF THIS DISTRICT

High Density Residential (R-3) district is established and intended to accommodate principally multi-family dwellings, as well as a variety of other dwelling types (including group homes, live/work dwellings, single-family attached or townhouse dwellings, two-family dwellings, three- to four-family dwellings, and detached single-family dwellings), and conditional uses such as Public/Quasi-Public Facilities. It is the intent of this Ordinance that these districts be carefully located only in areas where the infrastructure of the Town (i.e., the street/highway system, storm drainage and water and sanitary sewer systems) is adequate to serve such higher density housing.

SECTION 801 - DIMENSIONAL REQUIREMENTS FOR ALL MULTIPLE FAMILY USES

801.01 Maximum Height: 35 feet unless greater height is specifically approved by the Mayor and Board of Aldermen at the time the site plan is approved.

801.02 Minimum Lot Area: Two (2) acres.

801.03 Minimum Floor Area:

a) One bedroom units: 750 square feet.

b) Two bedroom units: 950 square feet.

c) Three or more bedroom units: 1,200 square feet.

801.04 Maximum Density: 6 dwelling units per gross acre.

801.05 Minimum Lot Width: 100 feet at the building setback line.

801.06 Minimum Yards:

a) Front yard: 40 feet from the right-of-way line. This yard shall be a landscaped open area with no encroachments permitted including parking lots, patios or swimming pools, or other paved areas except for entrance/exit driveways.

b) Side and rear yards: 25 feet from each side lot line or rear lot line to any building, except where a side or rear lot line abuts an R-1or R-2 district, in which case the side or rear yard shall be 50 feet

from any building to the lot line abutting the R-1 or R-2 district.

This yard shall be a landscaped open area with no encroachments permitted including driveways, parking lots, patios or swimming pools, or other paved areas.

801.07 Minimum Space between Buildings: No principal building or accessory building shall be constructed nearer than thirty (30) feet to any other principal building or accessory building.

SECTION 802 - REQUIRED OPEN SPACE RESERVATION/ DEDICATION FOR MULTIPLE FAMILY DEVELOPMENTS

A minimum of 30% of the gross site area to be developed for a condominium or apartment complex shall be devoted to open space. In calculating this open space requirement, the front, side and rear yards may be included. Parking lots and driveways, however, MAY NOT be included in calculating this required open space. The required site plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

802.01 Maximum Amount of Common Open Space Covered by Water: No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.

802.02 Steep Slopes: In reviewing the site plan for a proposed apartment or condominium development, the Planning/Zoning Commission shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Planning/Zoning Commission shall make a recommendation to the Mayor and Board as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

802.03 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Mayor and Board of Aldermen as part of the site plan review process. Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

802.04 Performance Bonds: Prior to the rental/ lease of any apartment or the sale of any condominium, the developer may be permitted, at the discretion of the Mayor and Board of Aldermen, to post with the Town a performance

bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and admitted to business in the State of Mississippi. The Director of Public Works and the Town Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

SECTION 803 - SITE PLAN REQUIRED

The developer of any apartment or condominium complex shall submit a site plan to the Planning/Zoning Commission in accordance with Sections 2307 through 2310 of this Ordinance.

SECTION 804 - ARCHITECTURAL REVIEW REQUIRED

The developer of any apartment or condominium complex shall submit an application for approval by the Board of Architectural Review as required by the Architectural Review Ordinance.

SECTION 805 - OFF-STREET PARKING REQUIREMENTS

See Article XXI for off-street parking and loading requirements.

Figure VIII-1: Example Lot Pattern

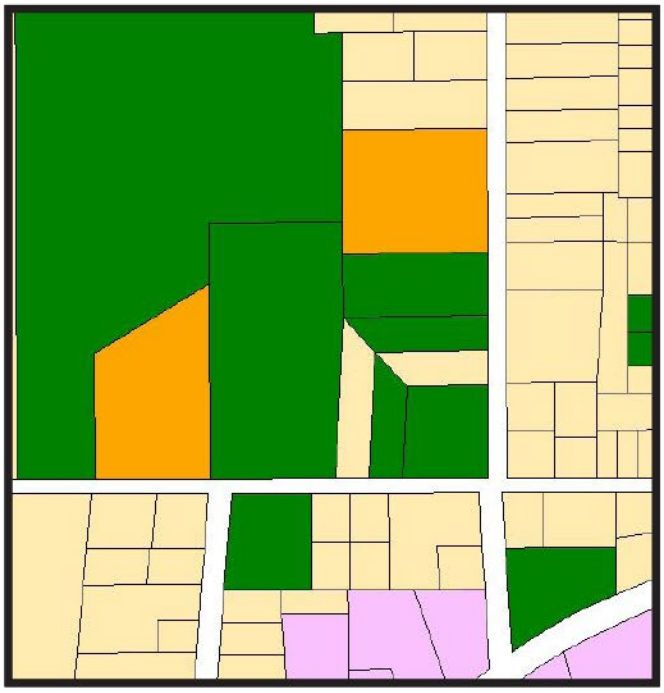
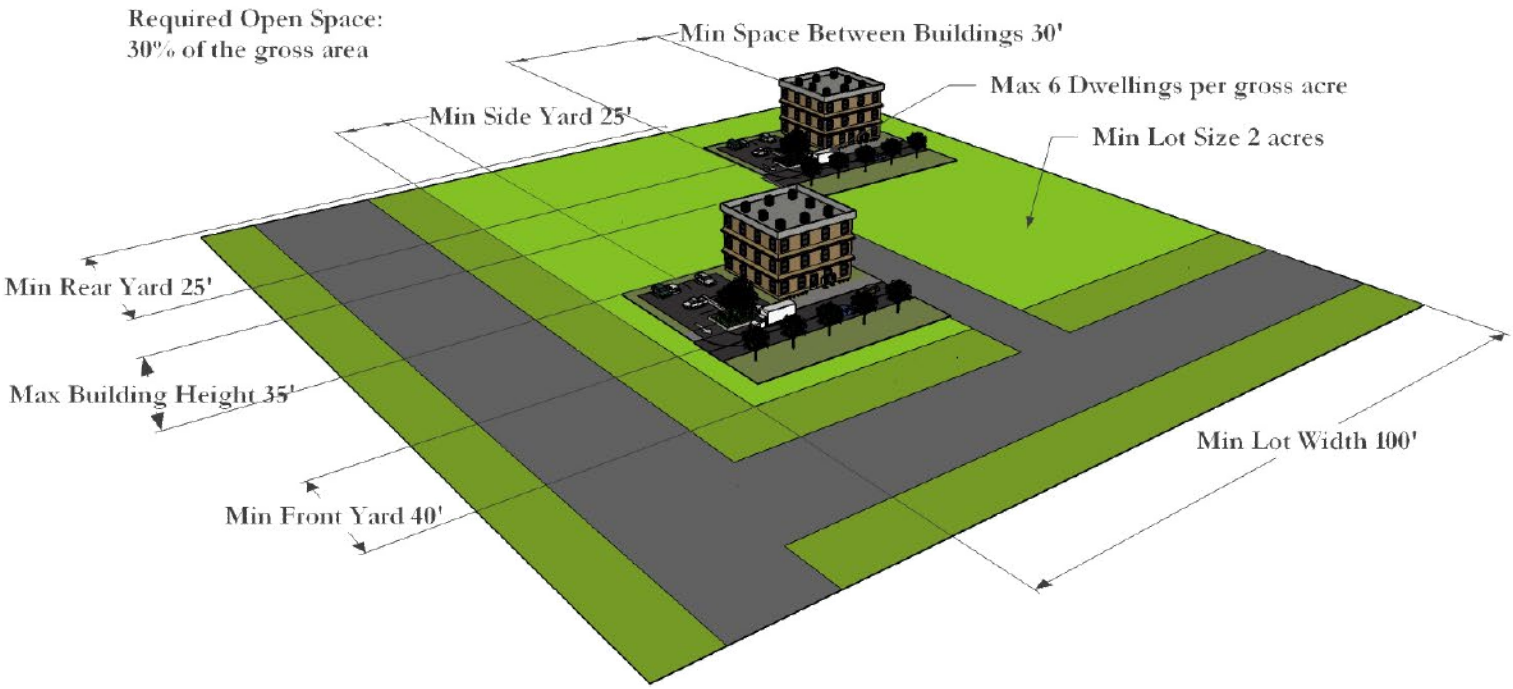


Figure VIII-2: Example Building Forms

Figure VIII-3: Example Lot Configuration



ARTICLE IX: RESIDENTIAL ESTATE DISTRICT (R-E)

SECTION 900 - PURPOSE OF THIS DISTRICT

The Residential Estate (R-E) District is established and intended to accommodate principally very low density, large-lot, single-family detached residential development. Only one (1) single-family dwelling per lot is allowed. Conditional uses allowed are Public/Quasi-Public Facilities and the replacement of existing manufactured homes. It is the intent of this Ordinance that such districts be located primarily in those areas of the Town of Pelahatchie that are not served by the public sewer system.

SECTION 901 - DIMENSIONAL REQUIREMENTS

901.01 Maximum Building Height: 35 feet

901.02 Minimum Lot Area: One (1) acre

901.03 Minimum Lot Width: 100 feet at the building setback line.

901.04 Minimum Yards:

a) Front Yard: 30 feet from the street right of way line to the building setback line.

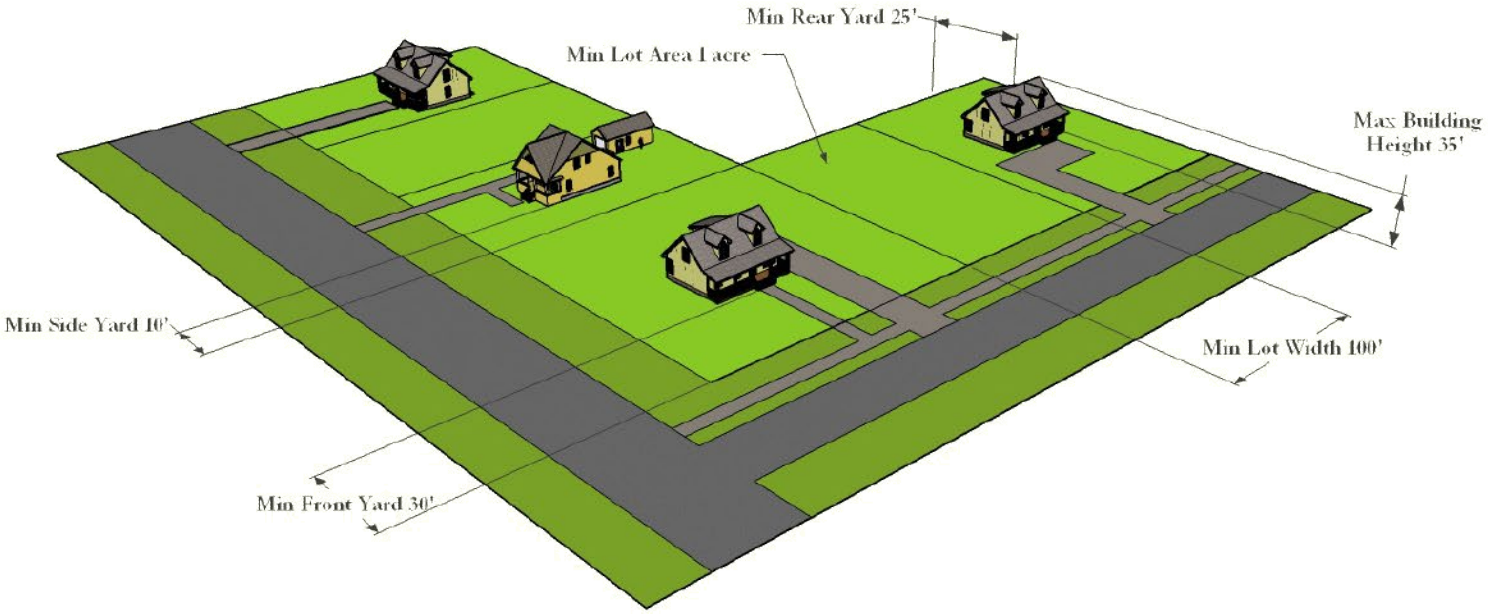
b) Side Yards: 10 feet from any adjoining property line.

c) Rear Yard: 25 feet

Figure IX-1: Example Lot Pattern

Figure IX-2: Example Building Form

Figure IX-3: Example Lot Configuration



ARTICLE X: MANUFACTURED HOME PARK DISTRICT (MHP)

SECTION 1000 - PURPOSE OF THIS DISTRICT

The Manufactured Home Park (MHP) District is established and intended to accommodate manufactured home dwellings in manufactured home parks, as well as limited accessory and supporting uses (e.g., recreation facilities and laundry facilities) and conditional uses such as Public/Quasi-Public Facilities.

SECTION 1001 - DIMENSIONAL REQUIREMENTS

1005.01 Minimum Size of Park: 10 acres.

1005.02 Maximum Density: The maximum density shall not exceed 5 manufactured homes per gross acre.

1005.03 Maximum Building Height within Manufactured Home Parks: 35 feet.

1005.04 Minimum Set-Backs for Park Perimeter: All manufactured homes shall be located at least thirty (30) feet from any property line or any existing or proposed right-of-way line of a public street or road. This park perimeter set-back shall be a landscaped open area with no encroachments permitted, including parking lots, patios, or swimming pools, or other paved areas except for entrance/exit driveways (front yard only).

1005.05 Minimum Manufactured Home Space Area: 8,500 square feet.

1005.06 Minimum Space Width: 80 feet measured at the front set-back line.

1005.07 Required Set-Backs for Individual Manufactured Home Spaces Within the Park:

a) Front yard: There shall be a minimum distance of 25 feet between an individual manufactured home and the adjoining pavement of a park street, or common parking area or other common areas.

b) Side yards: There shall be a minimum distance of 5 feet between all manufactured homes and the side yard lines of each manufactured home space (lot). On corner lots there shall be a minimum side yard of 20 feet on the corner side.

c) Rear yards: There shall be a minimum distance of 20 feet between all manufactured homes and the rear yard lines of manufactured home space (lot).

SECTION 1002 - SITE PLAN REQUIRED

The developer of any Manufactured Home Park shall submit a site plan to the Planning/Zoning Commission in accordance with Sections 2307 through 2310 of this Ordinance.

SECTION 1003 - OFF-STREET PARKING REQUIREMENTS

See Article XXI for off-street parking and loading requirements.

Figure X-1: Example Lot Pattern

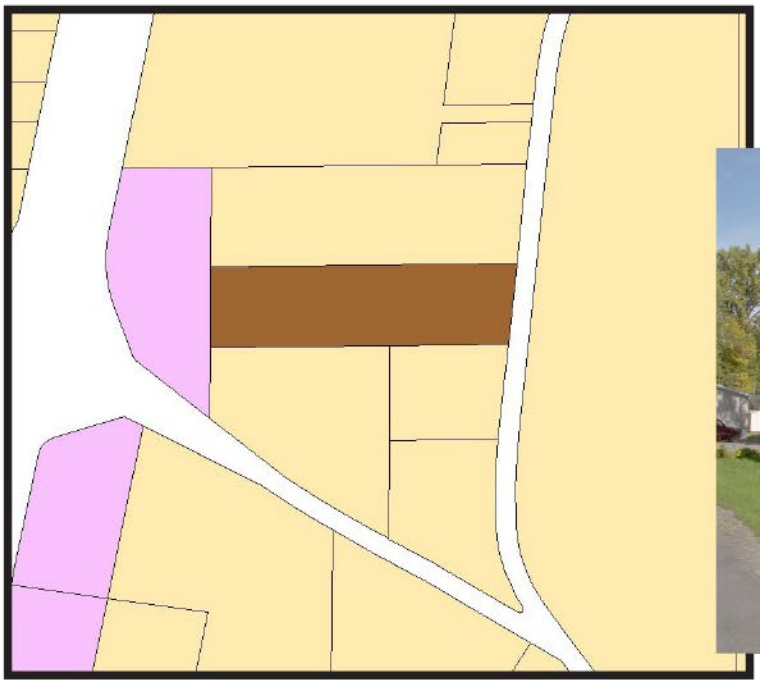
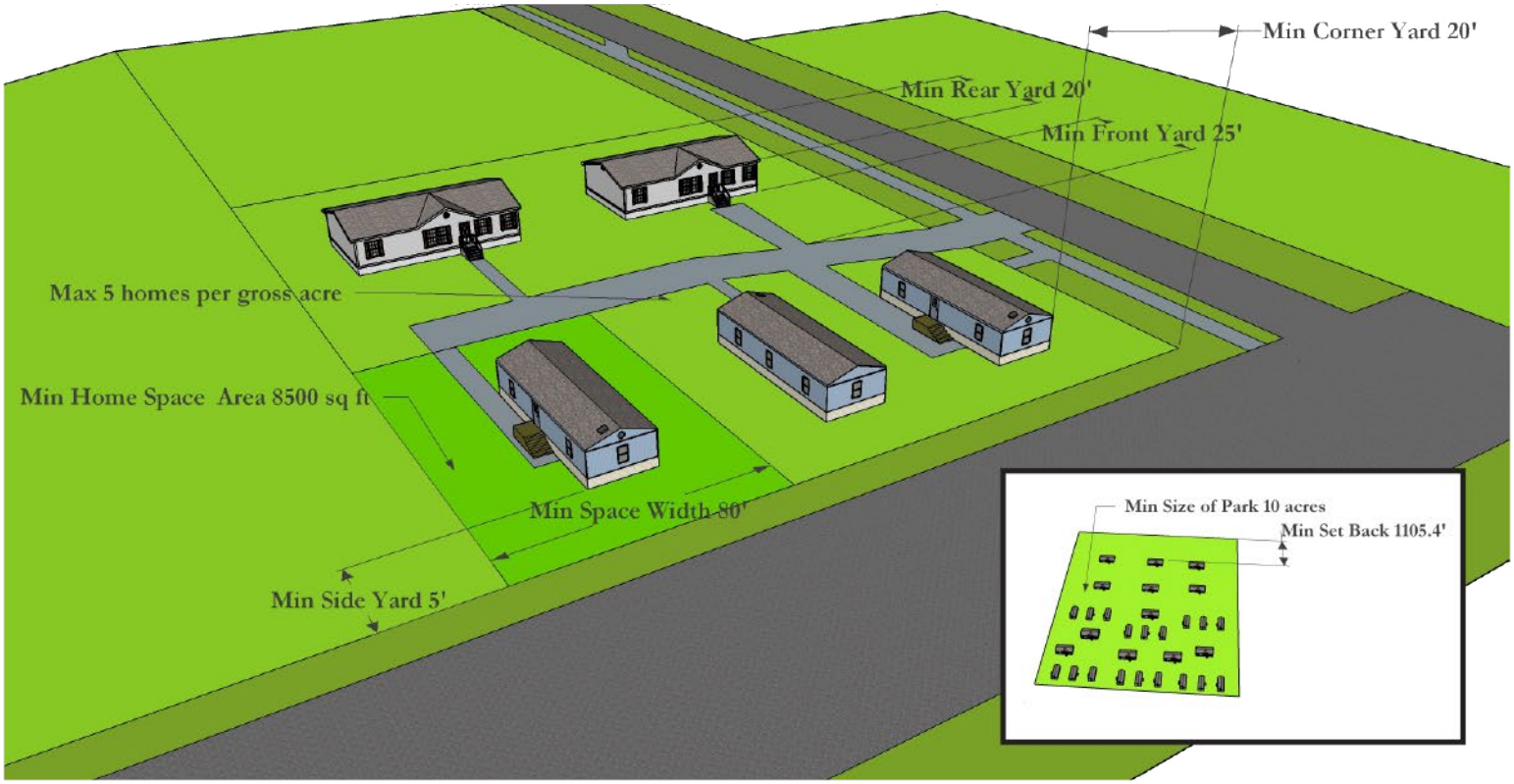


Figure X-2: Example Building Form

Figure X-3: Example Lot Configuration



ARTICLE XI: PLANNED UNIT DEVELOPMENT ("PUD") OVERLAY DISTRICT

SECTION 1100 - PURPOSE OF THIS DISTRICT

The purposes for establishing Planned Unit Development ("PUD") districts are:

A. To provide for the development of relatively large land areas as total cohesive and coordinated units, rather than development on a lot-by-lot basis.

B. To permit more flexible and advantageous use of sites, especially with regard to natural features of the landscape, through the relaxation of conventional zoning requirements including minimum lot size and minimum lot width, while at the same time retaining approximately the same overall density as would ordinarily apply if the same areas were developed by conventional methods. (Note: However, minimum yard requirements are the same as for conventional districts.)

C. To help reduce the cost of residential development by allowing more dwelling units per gross acre than could be built in a conventional low density subdivision (due to the extensive space requirements of roads rights- of-way, utility easements, etc., in a conventional subdivision) and by reducing the length of roads and utility extensions through concentration or clustering of housing.

D. To provide for the development of sites in which land not used for structures and yards but not required by the basic zoning of the site shall be reserved collectively in contiguous units accessible to all dwellings within the PUD as open space; this open space will provide recreational opportunities for the residents of the PUD, and will also afford improved, safer pedestrian circulation within the PUD.

SECTION 1101 - PLANNED UNIT DEVELOPMENTS SHALL BE SUPERIMPOSED DISTRICTS

A Planned Unit Development shall be a superimposed designation on a residential district, thereby providing a broader latitude of design to achieve the purposes stated under Section 1100. As a superimposed designation, Planned Unit Developments shall be subject to the overall density requirements of the residential district over which they are superimposed. The maximum residential density shall be calculated as prescribed under Section 1106.02.

SECTION 1102 - PRELIMINARY SUBDIVISION PLAT APPROVAL REQUIRED PRIOR TO DESIGNATION OF PLANNED UNIT DEVELOPMENT ON OFFICIAL ZONING MAP

Any person desiring to subdivide land for purposes of creating a PUD shall first prepare and submit a sketch plat (or "Development Plan" if the PUD is proposed to contain uses other than single-family detached residences) to the Zoning Administrator and Town Engineer in

accordance with the Subdivision Regulations. All sketch plats for proposed PUD shall be reviewed by the Town Engineer.

SECTION 1103 - REZONING REQUIRED FOR DEVELOPMENT OF PORTION OF PUD FOR TOWNHOUSES, PATIO HOMES, MULTIPLE-FAMILY RESIDENTIAL, OR COMMERCIAL USES

If a person desires to reserve a portion of a proposed Planned Unit Development for townhouses, patio homes, or multiple-family residential uses (condominiums or apartments), and such areas are not zoned appropriately for such densities, he shall submit an application for rezoning in accordance with Section 2306 of this Ordinance indicating which areas he desires to be rezoned.

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

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

SECTION 1104 - LAND USES PERMITTED

The uses that are permitted outright in PUD districts are subject to the regulations and restrictions as prescribed in the initial underlying zone over which the PUD is superimposed.

SECTION 1105 - DIMENSIONAL REQUIREMENTS

1105.01 Minimum Size of PUD: The minimum size of any PUD shall be five (5) acres.

1105.02 Maximum Residential Development Density: The basic control of residential development density shall be the density requirement of the particular conventional district (i.e., R-1 or R-2) over which the PUD is superimposed. The maximum density shall be calculated by dividing 43,560 square feet by the minimum lot size and then multiplying that quotient by the total gross acreage minus 10% for roads and ROW to be included in the PUD. EXAMPLE: If a subdivider proposes to develop a 30 acre tract zoned "R-1" as a PUD, the basic control of density is that of the R-1 district: 43,560 square feet divided by 11,500 square feet (minimum lot size in R-1 districts), resulting in a quotient of 3.78 lots or

dwelling units; 27 acres multiplied by 3.78 = 102 lots or single-family detached dwelling units.

1105.03 Minimum Lot Size: No minimum.

1105.04 Minimum Lot Width: No minimum.

1105.05 Minimum Yards: The minimum yard requirements for single-family detached dwellings in PUD districts shall be the same as those required in underlying base districts.

1105.06 Maximum Height: 35 feet, unless greater height is specifically approved by the Board of Aldermen.

SECTION 1106 - COMMON OPEN SPACE REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS

Common open space shall be provided as a condition to the approval of a Planned Unit Development. Such common open space shall consist of land reserved exclusively for the recreational use of the PUD residents and owned and maintained by the residents through a Homeowner's Association.

Common open space shall be integrated throughout the PUD, easily accessible to all the residents. The sketch plat or Development Plan shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

1106.01 Minimum Percentage of Land Reserved as Common Open Space: Common open space shall comprise at least fifteen percent (15%) of the gross area (total acreage) minus ten percent (10%) of the PUD as shown on the required development plan. Public roads, parking lots (for example, a parking lot for a PUD recreational building), and utility easements shall not be considered in meeting the open space requirements of this Section.

1106.02 Maximum Amount of Common Open Space Covered By Water: No more than fifty percent (50%) of the required amount of open space may be covered by water (lakes, ponds, streams, etc.)

1106.03 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed Planned Unit Development, the Town Engineer shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Town Engineer shall make a recommendation to the Board of Aldermen as to whether or not any steep slope land should be approved for use in meeting

the requirements of this Section.

1106.04 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Aldermen as part of the preliminary subdivision plat review process.

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

1106.05 Staged Development of a Planned Unit Development: If a Planned Unit Development is to be developed in stages or parts and the first part is to consist of the minimum of 5 acres, fifteen percent (15%) must be reserved for open space, or .75 acres. The open space requirements for subsequent parts or phases shall be calculated based upon the total open space requirement for the entire subdivision, including the initial phase or phases. Thus, if a developer proposes to ultimately develop 40 acres of land for a Planned Unit Development and the first phase will only contain 5 acres, the developer must reserve a total of at least 6 acres for the entire subdivision, which may include the .75 acres reserved for the first part.

1106.06 Performance Bond Required: Prior to the sale of any lot in a Planned Unit Development, the developer shall post with the Town a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and admitted to business in the State of Mississippi. The Town Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

1106.07 Maintenance/Liability in the Operation and Use of Common Open Space Areas: Authority granted by the Town for the development of a PUD shall not be construed as, nor constitute, an obligation on the part of the Town either for maintenance or liability in the operation and use of common open space and recreational facilities located in the PUD.

At the time the final subdivision plat is submitted for a PUD, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the assumption of liability insurance, taxes and maintenance of open space and other common

facilities shall rest with the owners of the several lots or parcels of land located within the PUD. In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.

1106.08 As Built Letter: Within 30 days of final plat approval, the engineer of record who submitted the site plan for a PUD shall provide the Zoning Administrator with a letter certifying that all density requirements set by the underlying zoning were adhered to.

ARTICLE XII: LOW INTENSITY COMMERCIAL DISTRICT (C-1)

SECTION 1200 - PURPOSE OF THIS DISTRICT

The Low Intensity Commercial District (C-1) is established and intended to accommodate principally small-scale, low-intensity, predominately indoor, retail, service, and office uses that provide goods and services primarily serving the daily needs of residents of the immediately surrounding neighborhoods (e.g., personal service uses, professional offices, recreational facilities, small restaurants, banks, convenience stores, drug stores, and grocery stores), live-work and upper story residential uses as well as conditional uses such as Public/Quasi-Public Facilities.

SECTION 1201 - DIMENSIONAL REQUIREMENTS

1201.01 Maximum Building Height: 35 feet.

1201.02 Minimum Lot Area: No minimum lot area is required.

1201.03 Minimum Lot Width: No minimum lot width is required.

1201.04 Minimum Yards: No requirement.

SECTION 1202 - SITE PLAN REQUIRED

A site plan shall be submitted to the Planning/Zoning Commission in accordance with Sections 2307 and 2310 of this Ordinance.

SECTION 1203 - ARCHITECTURAL REVIEW REQUIRED

An application shall be submitted for approval by the Board of Architectural Review as required by the Architectural Review Ordinance.

SECTION 1204 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets.

SECTION 1205 - REQUIRED OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXI for off-street parking, loading and access control requirements.

Figure XII-1: Example Lot Pattern

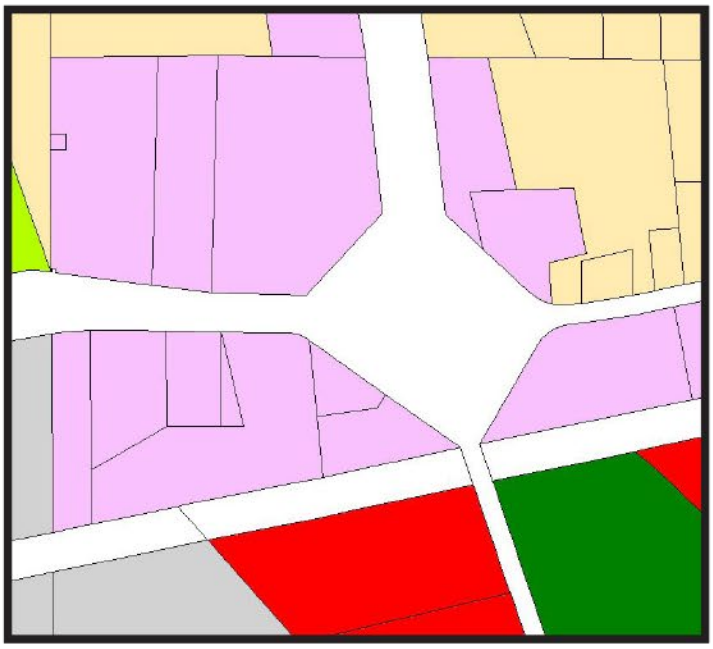


Figure XII-2: Example Building Forms

Figure XII-3: Example Lot Configuration

ARTICLE XIII: PELAHATCHIE HERITAGE DISTRICT (PHD)

SECTION 1300 - PURPOSE OF THIS DISTRICT

The Pelahatchie Heritage District (PHD) is established and intended to foster vibrant, walkable, mixed-use, and economically-sustainable development and redevelopment in Pelahatchie's traditional core. The PHD District is intended to accommodate a wide range of retail, service, office, healthcare, dining, entertainment, and upper-floor residential uses that generate daytime and nighttime activity on weekdays and weekends as well as conditional uses such as Public/Quasi-Public Facilities. Standards applicable in the PHD District are intended to encourage development or redevelopment that complements the downtown area's unique architectural and historical character and encourages pedestrian activity and connections within the downtown and between it and nearby key destinations (e.g. parks, schools, and residential areas). The need to meet parking demands created by new development is intended to be balanced with the need to protect and enhance the downtown's character and pedestrian orientation. Rear parking is encouraged for most commercial uses in the PHD.

SECTION 1301 - DIMENSIONAL REQUIREMENTS

1301.01 Maximum Building Height: 35 feet.

1301.02 Minimum Lot Area: No minimum lot area is required.

1301.03 Minimum Lot Width: No minimum lot width is required.

1301.04 Minimum Yards: No requirement.

SECTION 1302 - LAND USES NOT PERMITTED

Within the Pelahatchie Heritage District the land uses that are not permitted, regardless of zoning classification, are as follows: Bail Bonds, Check Cashing/Cash for Title, Child Care Facility, Game room/Pool Hall, Pawn Shop, Used Car Lot, Cell or Radio Towers, Tattoo Parlor, Massage Parlor, Tobacco/Vape Shops or any Adult Entertainment Business.

SECTION 1303 - SITE PLAN REQUIRED

The developer of any principal or accessory structure or use in the PHD shall submit a site plan to the Planning/Zoning Commission in accordance with Section 2307 through 2310 of this Ordinance.

SECTION 1304 - ARCHITECTURAL REVIEW REQUIRED

An application shall be submitted for approval by the Board of Architectural Review as required by the Architectural Review Ordinance.

ARTICLE XIV: GENERAL COMMERCIAL DISTRICT (C-2)

SECTION 1400 - PURPOSE OF THIS DISTRICT

The General Commercial (C-2) District is established and intended to accommodate a diverse range of medium to high intensity retail that produces higher traffic volumes than those uses found in the C-1 District and may include outdoor storage and display of items, and provides goods and services serving the residents and businesses in the community at large (e.g., most retail sales including big-box retail, restaurants, office uses, recreational and entertainment uses, auto and equipment sales and service uses (excluding Junk yards and Automobile Wrecking Yards), hotels, lawn and garden centers, and medical clinics) as well as conditional uses such as Public/Quasi-Public Facilities.

SECTION 1401 - DIMENSIONAL REQUIREMENTS

1401.01 Maximum Building Height: 35 feet, unless greater height is approved by the Mayor and Board of Aldermen.

1401.02 Minimum Lot Area:

a) Shopping centers: Three (3) acres.

b) Independent commercial uses: No minimum lot area is required.

1401.03 Minimum Lot Width:

a) Shopping centers: 200 feet at the building setback line.

b) Independent commercial uses: No minimum lot width required.

1401.04 Minimum Yards: The minimum yard requirements for all uses permitted in a C-2 district shall be as follows:

a) Front yard: 40 feet. The first ten (10) feet inside this front yard setback shall remain open except for entrance/exit driveways and shall be landscaped in accordance with Section 404 of this Ordinance; no parking shall be permitted in these driveways.

b) Side yards and rear yards where NOT abutting a residential district: 15 feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance standards adopted by the Town of Pelahatchie.

c) Side yards and rear yards where abutting ANY residential district: 50 feet, which shall remain open and be landscaped in accordance with standards adopted by the Town of Pelahatchie; OR 20 feet, which shall remain open and be landscaped in accordance with standards adopted by the Town of Pelahatchie AND a fence along side or rear yards abutting such residential district; said fence shall be a minimum of six (6) feet in height and shall be constructed of brick or solid (plank-to-plank) wood. Where this fencing option is chosen, the property owner shall be responsible for the maintenance of the fence, and failure to maintain it shall constitute a violation of this Ordinance.

1401.05 Minimum Space between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (2/3%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with standards adopted by the Town of Pelahatchie.

SECTION 1402 - SITE PLAN REQUIRED

The developer of any use in a C-2 General Commercial district shall submit a site plan to the Planning/Zoning Commission in accordance with Sections 2307 through 2310 of this Ordinance.

SECTION 1403 - ARCHITECTURAL REVIEW REQUIRED

An application shall be submitted for approval by the Board of Architectural Review as required by the Architectural Review Ordinance.

SECTION 1404 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets.

SECTION 1405 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXI for off-street parking, loading and access control requirements.

Figure XIV-1: Example Lot Pattern

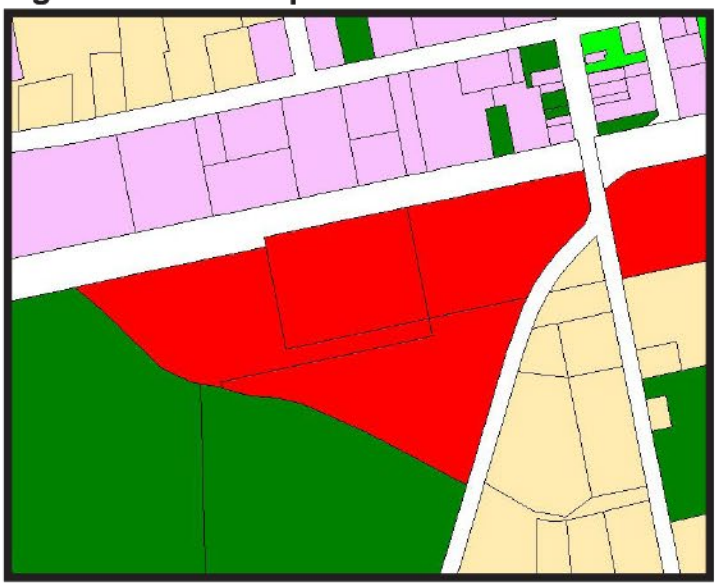
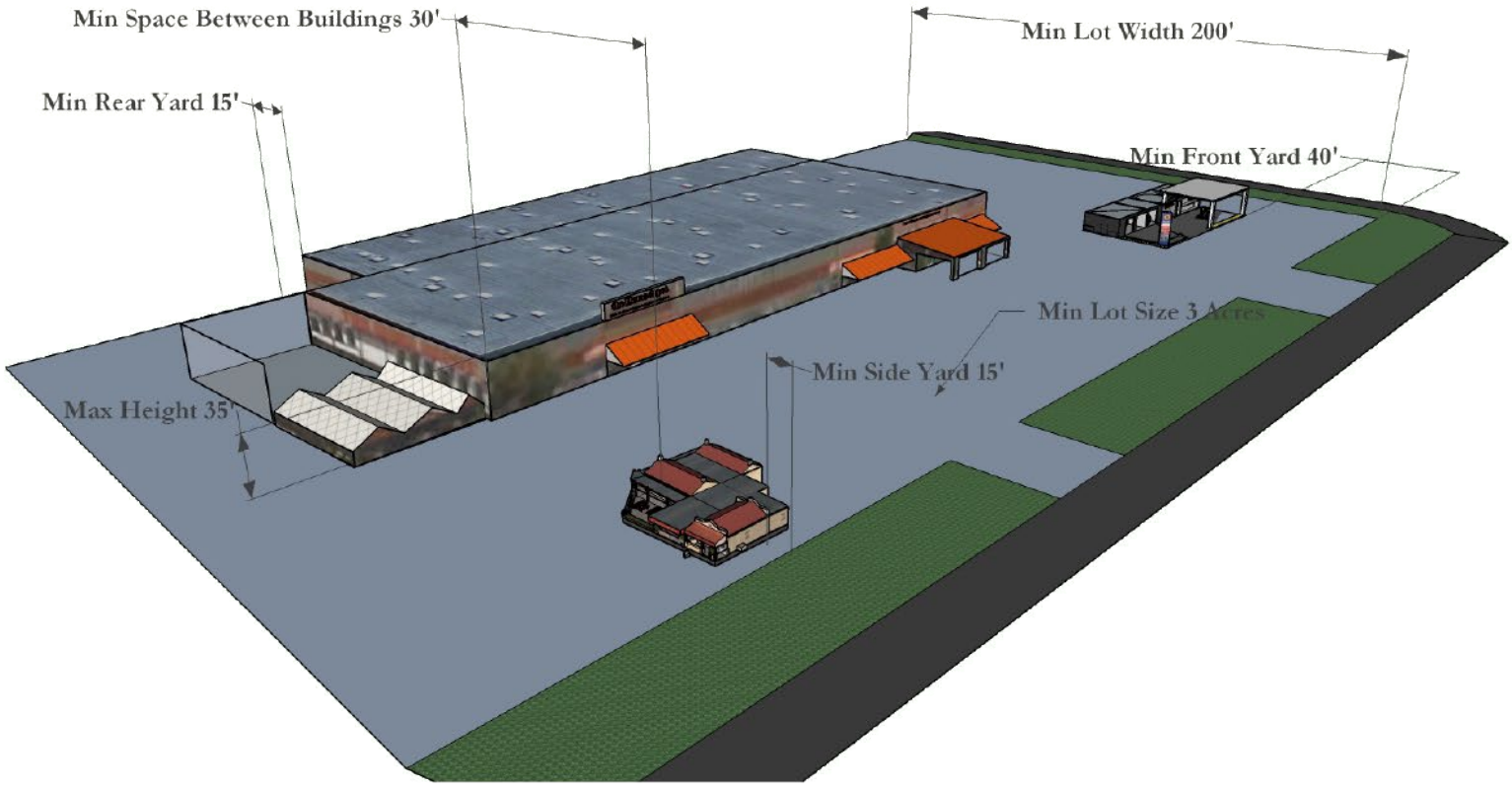


Figure XIV-2: Example Building Forms

Figure XIV-3: Example Lot Configuration



ARTICLE XV: LIMITED INDUSTRIAL DISTRICT (I-1)

SECTION 1500 - PURPOSE OF THIS DISTRICT

The Limited Industrial (I-1) District is established and intended to accommodate light and moderate manufacturing, assembly, fabrication, processing, distribution, warehousing (including self-storage facilities), outdoor storage, research and development, and other industrial uses. The district may also accommodate limited commercial uses incidental to the district's predominantly industrial nature. Residential uses, other than caretaker dwellings as an accessory use, are not permitted. District standards are intended to minimize potential nuisances or damage to the environment and adverse impacts on surrounding uses.

SECTION 1501 - DIMENSIONAL REQUIREMENTS

1501.01 Maximum Building Height: 35 feet, unless greater height is approved by the Planning/Zoning Commission.

1501.02 Minimum Lot Area: 10,000 square feet.

1501.03 Minimum Lot Width: 100 feet at the building setback line.

1501.04 Minimum Yards:

a) Front yard: 50 feet. The first ten (10) feet inside this front yard setback (adjacent to the street right-of-way line) shall remain open except for entrance/ exit driveways and shall be landscaped in accordance with Section 404 of this Ordinance; no parking shall be permitted in these driveways.

b) Side yards and rear yards where NOT abutting a residential district: 20 feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance with standards adopted by the Town of Pelahatchie.

c) Side yards and rear yards where abutting ANY residential district: 50 feet, which shall remain open and be landscaped in accordance with standards adopted by the Town of Pelahatchie; OR 20 feet, which shall remain open and be landscaped in accordance with the standards adopted by the Town of Pelahatchie AND a fence along the side or rear yards abutting such residential district; said fence shall be a minimum of six (6) feet in height and shall be constructed of brick or solid (plank-to-plank) wood. Where this fencing option is chosen, the property owner shall be responsible for the maintenance of the fence, and failure to maintain it shall

constitute a violation of this Ordinance.

1501.05 Minimum Space between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (2/3%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with the standards adopted by the Town of Pelahatchie.

SECTION 1502 - SITE PLAN REQUIRED

A site plan shall be submitted to the Planning/Zoning Commission in accordance with Sections 2307 through 2310 of this Ordinance.

SECTION 1503 - ARCHITECTURAL REVIEW REQUIRED

An application shall be submitted for approval by the Board of Architectural Review as required by the Architectural Review Ordinance.

SECTION 1504 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section 404.

SECTION 1505 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXI for off-street parking, loading and access control requirements.

Figure XV-1: Example Lot Pattern

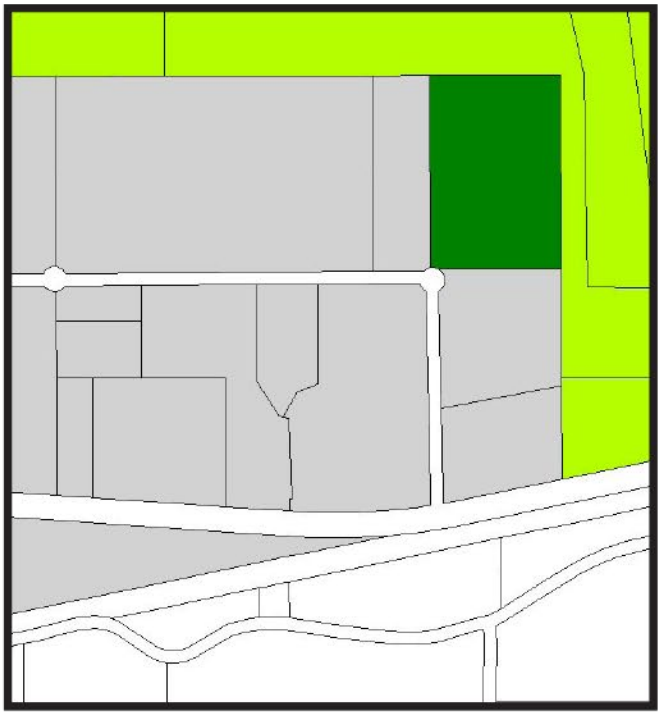
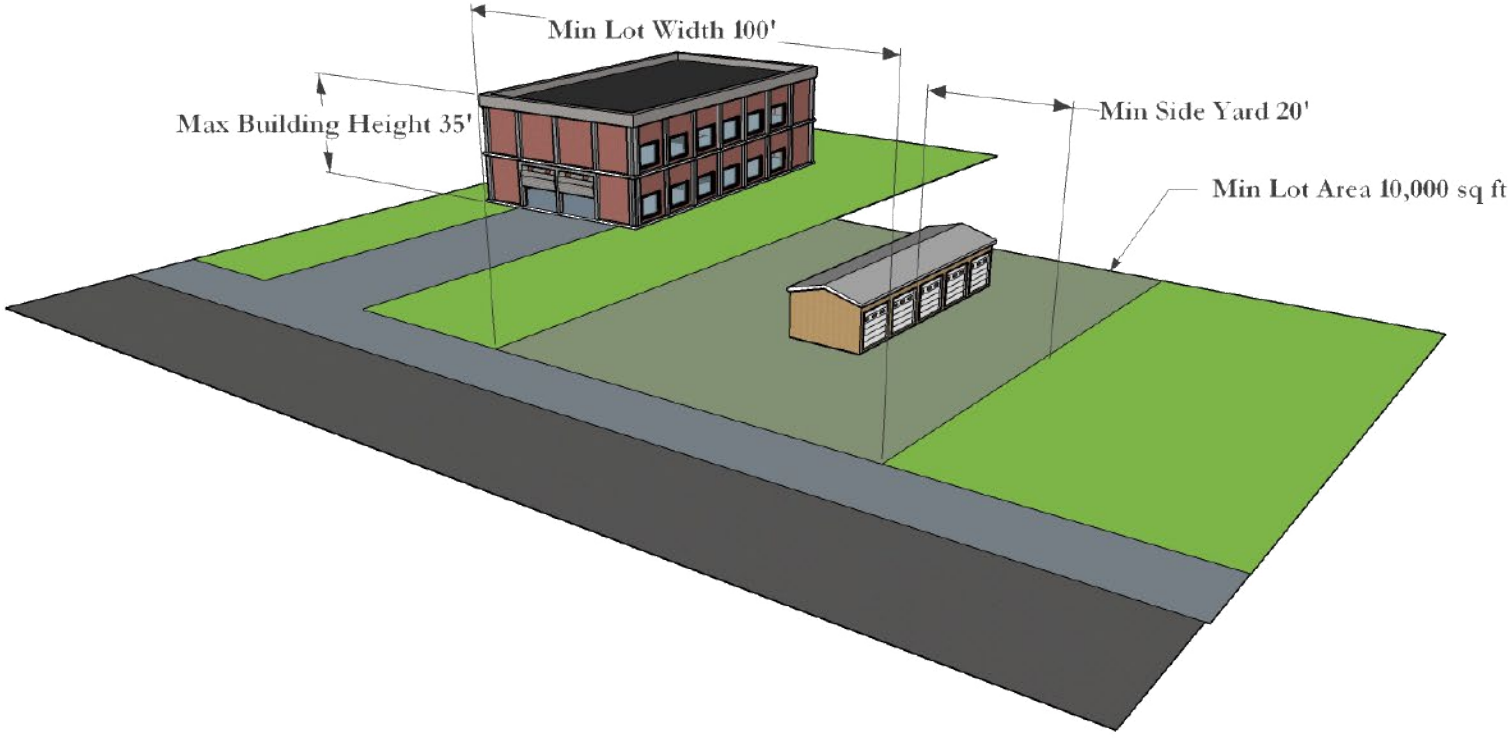


Figure XV-2: Example Building Form

Figure XV-3: Example Lot Configuration



ARTICLE XVI: HEAVY INDUSTRIAL DISTRICT (I-2)

SECTION 1600 - PURPOSE OF THIS DISTRICT

The Heavy Industrial (I-2) District is established and intended to accommodate large scale intensive manufacturing, assembly, fabrication, processing, distribution, warehousing, outdoor storage, research and development, and other industrial uses which may produce noise and odors detectable from adjacent properties. Conditional uses may be Adult arcades, adult bookstores, adult cabarets, adult motels, adult motion picture theaters, and other adult entertainment activities as defined by this Ordinance. However, no such establishment shall be located within five hundred fifty (500) feet of the property line of any other such use. Furthermore, no such establishment shall be located within one thousand (1,000) feet of the property lines of any existing residential use or any residentially zoned property, church, school, hospital, convalescent or nursing home, cemetery, civic organization building or facility, charitable organization building or facility, public or private park or playground, or any property zoned "S-1" Special Use district under this Ordinance.

Heavy industrial uses shall be located only in areas directly accessible to streets, roads, or highways designated as principal or minor arterials on the adopted Thoroughfares Plan of the Town of Pelahatchie or accessible to railroads.

SECTION 1601 - DIMENSIONAL REQUIREMENTS

1601.01 Maximum Building Height: 35 feet, unless greater height is approved by the Planning/Zoning Commission.

1601.02 Minimum Lot Area: One (1) acre or 43,560 square feet.

1601.03 Minimum Lot Width: 100 feet at the building setback line.

1601.04 Minimum Yards:

a) Front yard: 100 feet. The first ten (10) feet inside this front yard setback (adjacent to the street right-of-way line) shall remain open except for entrance/exit driveways and shall be landscaped in accordance with the standards adopted by the Town of Pelahatchie; no parking shall be permitted in these driveways.

b) Side yards and rear yards where NOT abutting a residential district: 20 feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance with the standards adopted by the Town of Pelahatchie.

c) Side yards and rear yards where abutting ANY residential district: 100 feet, which shall remain open and be landscaped in accordance with the standards adopted by the Town of Pelahatchie.

1601.05 Minimum Space between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (2/3%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with the standards adopted by the Town of Pelahatchie.

SECTION 1602 - SITE PLAN REQUIRED

A site plan shall be submitted to the Planning/Zoning Commission in accordance with Sections 2307 through 2310 of this Ordinance.

SECTION 1603 - ARCHITECTURAL REVIEW REQUIRED

An application shall be submitted for approval by the Board of Architectural Review as required by the Architectural Review Ordinance.

SECTION 1604 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section 404.

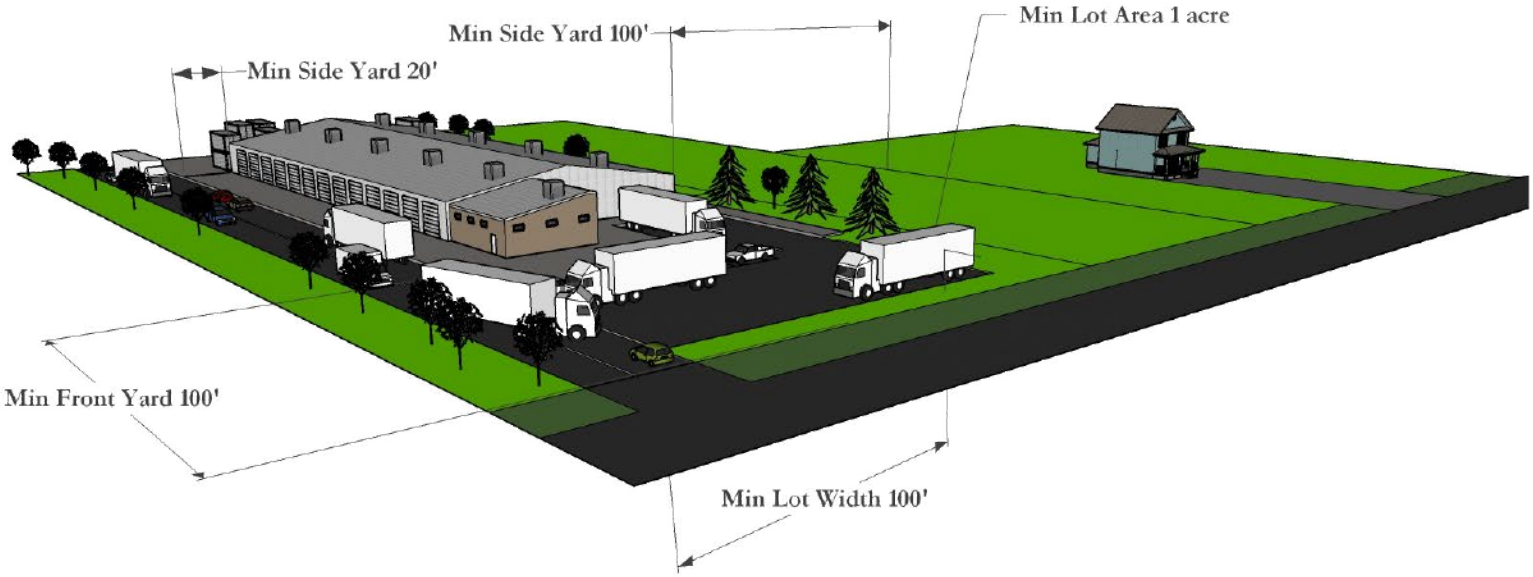
SECTION 1605 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXI for off-street parking, loading and access control requirements.

Figure XVI-1: Example Lot Pattern

Figure XVI-2: Example Building Form

Figure XVI-3: Example Lot Configuration



ARTICLE XVII: SPECIAL USE DISTRICT (S-1)

SECTION 1700 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of special uses, which, because of their size, institutional nature and/or unique characteristics, do not fit compatibly into other zoning districts of the town. Such uses commonly constitute “self-contained communities” with housing, dining/food service facilities, recreational uses, commercial-type outlets, and parking lots provided primarily for the benefit of the staff, students, and residents of the institution on the grounds.

SECTION 1701 - ZONING OF ALL PROPERTY OWNED BY INSTITUTIONAL USES PERMITTED IN THIS DISTRICT SHALL BE S-1 UNLESS REZONED

The zoning of all property owned by institutions permitted in this district, including educational institutions, comprehensive elderly retirement facilities, or large-scale group care facilities shall be “S-1 Special Use District” unless the land owned by such institutions is rezoned by the Mayor and Board of Aldermen. Furthermore, if the operators of such institutions propose to acquire additional land following the effective date of this Ordinance, the operators of such institutions shall file an application for the appropriate zoning if not already zoned consistent with the proposed use. If the land to be acquired is to be used for the purposes specified in this article, then the land shall be zoned “S-1” accordingly.

This provision is intended to alert the public as to the possible character of future development of land proposed for rezoning by the operators of such institutional uses: for example, a proposed rezoning from “S-1” to a commercial classification.

SECTION 1702 - DIMENSIONAL REQUIREMENTS

1702.01 Maximum Height: 35 feet, unless greater height is approved by the Planning/Zoning Commission.

1702.02 Minimum Lot Area: Two (2) acres.

1702.03 Minimum Lot Width: Not regulated.

1702.04 Maximum Buildable Area: Except for required minimum yards, off-street parking and loading requirements, and required distances between buildings, permitted uses may occupy as much of the site in an "S-1" district as is necessary to conduct the permitted activity.

1702.05 Minimum Space between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (2/3%) of the space between such buildings shall be paved; the remaining area shall be landscaped in

accordance with the standards adopted by the Town of Pelahatchie.

1702.06 Minimum Yards:

a) Front yard: 50 feet from the front of any proposed building to the right-of-way of any public (i.e., dedicated) street or highway; or 20 feet from the front of any proposed building to the curb or pavement line of any existing or proposed private street (i.e., circulation driveway) on the property of the S-1 use.

b) Side yards and rear yards where NOT abutting a residential district or an existing single-family detached residential use: 20 feet from any property line to any building; the first five (5) feet inside this side or rear yard setback (adjacent to the property landscaped in accordance with the standards adopted by the Town of Pelahatchie.

c) Side yards and rear yards where abutting ANY single family residential district or existing single-family detached residential use: 50 feet from any property line to any building, which shall remain open and be landscaped in accordance with the standards adopted by the Town of Pelahatchie; OR 20 feet from any property line to any building, which shall remain open and be landscaped in accordance with the standards adopted by Town of Pelahatchie AND a fence along the side or rear yards abutting such residential district; said fence shall be a minimum of six (6) feet in height and shall be constructed of brick or solid (plank-to-plank) wood. Where this fencing option is chosen, the property owner shall be responsible for the maintenance of the fence, and failure to maintain it shall constitute a violation of this Ordinance.

SECTION 1703 - SITE PLAN REQUIRED

A site plan shall be submitted to the Planning/Zoning Commission in accordance with Sections 2307 through 2310 of this Ordinance.

SECTION 1704 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets.

SECTION 1705 - REQUIRED FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXI for off-street parking, loading and access control requirements.

ARTICLE XVIII: PELAHATCHIE LAKE SPECIAL USE DISTRICT (S-2)

SECTION 1800 - PURPOSE OF THIS DISTRICT

The purpose of this Special Use District is to recognize the unique category of lands adjacent to Pelahatchie Lake.

Development within this Special Use District shall be pursuant to the approved Site Plan as presented to the Town of Pelahatchie.

A. To allow for the design of development that is architecturally and environmentally innovative, and that achieves better utilization of land and water than is possible through strict application of standard zoning and subdivision controls.

B. To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and protects the shoreline and waters of Pelahatchie Lake.

C. To combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different land uses in an innovative and functionally efficient manner.

D. To provide for open and recreation space.

E. To promote the efficient use of land resulting in networks of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources.

F. To enable land developments to be compatible, complimentary and congruous with adjacent land developments.

G. To ensure that development occurs at proper locations, away from environmentally sensitive areas, and on land physically suited for construction.

H. To allow unique and unusual land uses to be planned for and located in a manner that ensures harmony with the surrounding community.

SECTION 1801 - LAND USES PERMITTED

A. Single-family detached dwellings with only one principal dwelling per lot.

B. Accessory uses and structures associated with the use of the land for residential purposes.

C. Campgrounds.

D. Commercial uses in which services performed and merchandise offered for sale are conducted or displayed within enclosed structures, except for the display of small articles (i.e., those that can generally be hand-carried by one or two persons) outside the commercial use).

E. Restaurants.

F. Commercial recreational and entertainment enterprises in which all or part of the activities are conducted out-of-doors, such as golf driving or putting courses, water amusement parks, drive-in theaters, etc.

G. Storage areas for Recreational Vehicles.

H. Any other use which the Mayor and Board of Aldermen determine to be of the same character and nature as those specifically permitted above.

SECTION 1802 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2305

A. Public and quasi-public facilities and utilities may be allowed in these districts in compliance with Section 402 of this Ordinance and subject to any limitations and restrictions deemed necessary by the Mayor and Board of Aldermen.

B. Park model manufactured homes which are architecturally similar to a site built log cabin.

SECTION 1803 - DIMENSIONAL REQUIREMENTS

1803.01 Maximum Height: 35 feet, unless greater height is approved by the Planning/Zoning Commission.

1803.02 Minimum Lot Area: Not regulated.

1803.03 Minimum Lot Width: Not regulated.

1803.04 Maximum Buildable Area: Except for required minimum yards, off-street parking and loading requirements, and required distances between buildings, permitted uses may occupy as much of the site in an “S-2” district as is necessary to conduct the permitted activity.

1803.05 Minimum Space between Separate (Detached) Buildings on the Same Lot:

30 feet.

1803.06 Minimum Yards: Front, side and rear yard setbacks shall be determined under the required site plan review.

SECTION 1804 - SITE PLAN REQUIRED

A site plan shall be submitted to the Planning/Zoning Commission in accordance with Sections 2307 through 2310 of this Ordinance.

SECTION 1805 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets.

SECTION 1806 - REQUIRED FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXI for off-street parking, loading and access control requirements.

SECTION 1807 - MAXIMUM LENGTH OF OCCUPANCY FOR CAMPGROUNDS

Maximum length of occupancy is 180 days within any 12 month period.

ARTICLE XIX: PELAHATCHIE SCHOOL SPECIAL USE DISTRICT (S-3)

SECTION 1900 - PURPOSE OF THIS DISTRICT

The purpose of this district, which is a special use classification designated S-3, is to provide specific, exclusive, specialized zoning to accommodate an extremely unique and highly specialized classification of real property within the Town of Pelahatchie. The piece of property covered by this S-3 specialized classification is completely surrounded by property zoned low-density residential. The historical context of the utilization of this property is important to outline within this purpose statement.

The piece of property which is subject to this S-3 classification was initially the location for Pelahatchie School. In fact, the school buildings are still utilized as of the date of the adoption of this S-3 zoning classification. Historically, schools were located within a short walking distance of areas zoned residential. Over the years this specific piece of property has transformed from a school application to church ownership to other quasi-public uses, to very light commercial and/or industrial uses. Its present use is light manufacturing. The present owners of the property are very aware of the unique setting of this property within the residential context and have, in the past, made significant accommodation to account for the facility's location in close proximity to residences. The accommodations that have been made through the years are reflected in the minutes of the Board meeting for the Town of Pelahatchie dated December 5, 1994. It has always been the position of the Town of Pelahatchie, Mississippi, that the special and unique setting of this property within the residential zoning classifications and completely surrounded by residential zoning applications has called for a very specialized treatment of this property under the Town's Zoning Ordinances.

In order to accommodate the owner of this property so that the continuing good relationship between the Town and the owner is fostered, the Town sees the need to adopt a specialized zoning classification for this particular area of property. The purpose of adopting this particular zoning classification of S-3 is to provide for greater stability for the property's utilization by the owner as it relates to the zoning in place upon this piece of property. At present, the owner is utilizing the property as a conditional use under the Town's Zoning Ordinance. The owner has requested greater stability in its zoning classification so as to make the utilization of the property more economically feasible.

It is the intent of the Town of Pelahatchie to, at some point in the future, either maintain the utilization of the property in its current fashion, or restore the property to a utilization which is in keeping with its residential surroundings. Insofar as the Town is concerned, it desires for the property to ultimately be returned to a residential application. The Town holds open the possibility that particular incentives may be made available to the owner of the subject parcel to entice the development of a residential utilization in the future.

SECTION 1901 - LAND USES PERMITTED

The following land uses shall be permitted in the S-3 district:

A. Light or limited manufacturing conducted within fully-enclosed buildings, except that the temporary storage of articles, materials, or other matter to be processed, assembled, or otherwise changed may be permitted outdoors if adequately screened or buffered. The manufacturing activities conducted in I-1 districts shall, in general, be dependent upon raw materials refined elsewhere. The following limited manufacturing uses shall be permitted, provided they are not offensive to neighboring land uses due to the emission of dust, gas, smoke, noise, fumes, odors vibrations, fire hazards, or other objectionable influences:

i. Manufacturing and/or assembly of products from the following secondary materials (previously prepared or refined materials): plastics, glass, paper, precious or semi-precious metals or stones and wood (excluding sawmills).

ii. Fabrication of metal products including the manufacture of: electrical equipment and supplies and transportation equipment (including motor vehicles and parts, aircraft and parts, motorcycles, bicycles and parts, etc.).

iii. Manufacturing of pottery or similar ceramic products using only previously prepared or pulverized clay not requiring the use of kilns.

iv. Manufacturing of professional, scientific, and controlling instruments; photographic or optical goods; watches and clocks.

SECTION 1902 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2305

Public and quasi-public facilities and utilities may be allowed in this district in compliance with Section 402 of this Ordinance and subject to any limitations and restrictions deemed necessary by the Mayor and Board of Aldermen.

SECTION 1903 - DIMENSIONAL REQUIREMENTS

The S-3 special zoning district may only be applied to the 2.21 acres identified as Parcel Number N10H-12.

SECTION 1904 - SITE PLAN REQUIRED

Any change in the use of this property or alterations to any structures located on the property shall require that a site plan be submitted to the Planning/Zoning Commission in accordance with Sections 2307 through 2310 of this Ordinance.

SECTION 1905 - REQUIRED LANDSCAPING AND FENCING

All landscaping and the existing eight (8) foot fence shall be properly kept and maintained.

SECTION 1906 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

Parking will be allowed only within the fenced area on the property and accessed from Brooks Avenue. Parking on the street will not be permitted. The eight (8) parking spaces that are located on the south side of College Street are not permitted for overnight parking.

Freight carriers and delivery trucks are allowed to make deliveries and pick-ups only between the hours of 8:30 a.m. and 5:00 p.m.

ARTICLE XX: PELAHATCHIE CORRIDOR OVERLAY DISTRICT (PCO)

SECTION 2000 - PURPOSE OF THIS DISTRICT

The purpose of the Pelahatchie Corridor Overlay District is to protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties bordering Interstate 20 and Highway 43. By establishing this overlay district, the Town of Pelahatchie seeks to foster quality development along the town's primary entranceway that creates a special sense of place and will protect property values, promote real estate investment, spur commercial activity and attract new business. This overlay district is intended to guide individual development activities by means of a coordinated set of design principles for buildings, site planning, landscaping and signage.

SECTION 2001 - LAND USES PERMITTED

Uses permitted in the Pelahatchie Corridor Overlay District are subject to the underlying zoning unless specifically addressed in Section 2002.

SECTION 2002 - LAND USES NOT PERMITTED

Within the Pelahatchie Corridor Overlay District the land uses that are not permitted, regardless of zoning classification, are as follows: Bail Bonds, Check Cashing/Cash for Title, Game room/Pool Hall, Pawn Shop, Cell or Radio Towers, Tattoo Parlor, Massage Parlor, Bar, Nightclub, Tobacco/Vape Shops or any Adult Entertainment Business.

SECTION 2003 - DIMENSIONAL REQUIREMENTS

Dimensional requirements in the Pelahatchie Corridor Overlay District are subject to the underlying zoning.

SECTION 2004 - SITE PLAN REQUIRED

The developer of any principal or accessory structure or use in the PCO shall submit a site plan to the Planning/Zoning Commission in accordance with Section 2307 through 2310 of this Ordinance.

SECTION 2005 - ARCHITECTURAL REVIEW REQUIRED

All development within the PCO is subject to architectural review as required by the Architectural Review Ordinance adopted by the Mayor and Board of Aldermen of Pelahatchie, Mississippi.

SECTION 2006 - REQUIREMENTS FOR OFF STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXI for off-street parking, loading and access control requirements.

ARTICLE XXI: OFF-STREET PARKING, LOADING SPACE AND ACCESS REQUIREMENTS

SECTION 2100 - PURPOSE OF THIS ARTICLE

The purpose of this Article is to establish requirements regarding: (1) sufficient space for the off-street parking and, where required, parking lot landscaping; (2) sufficient space for loading (or unloading)of all motor vehicles; and (3) design standards for accessways within the Town of Pelahatchie. The purpose of these requirements is to reduce or avoid congestion of streets and to provide a more suitable living and working environment. Such space for parking or loading of motor vehicles, provisions for ingress and egress, and required landscaping shall be provided at the time of the erection of any principal structure, or at the time any principal structure is enlarged or increased in capacity by the addition of dwelling units, guest rooms, floor area, or seats. The responsibility for meeting the requirements established by this Ordinance shall be that of whoever establishes the use to which it is appurtenant.

SECTION 2101 - OFF-STREET PARKING

2101.01 General Requirements: Off-street parking and loading space shall be provided in accordance with the following regulations:

a) Provision of Parking Space on the Same Lot with all Residential Uses: Off-street parking space for all residential land uses shall be provided on the same parcel of land as the residential use to which the parking space is an accessory.

b) Non-residential Uses and Off-site Parking: Off-street parking space for all non-residential land uses shall be provided on the same parcel of land as the use to which the parking space is appurtenant. However, that, following site plan review by the Planning/Zoning Commission in accordance with Sections 2307 through 2310 of this Ordinance, the Mayor and Board of Aldermen may authorize in writing an alternative off-site location to the required parking space for such non-residential land uses if:

1. There are practical difficulties preventing the location of parking space on the same parcel; and/or

2. The public safety or the public convenience or both would be better served by the location of the required space on a parcel of land other than with the use to which it is appurtenant.

3. Provision of Access and Maneuver Space for

Non-Residential Land Uses: In calculating any required parking area, other than for parking spaces required for single and two-family dwellings, sufficient access and maneuver space shall be provided to permit the parking and removal of any vehicle without moving other vehicles. Furthermore, all parking spaces shall be designed, maintained and regulated so that no parking or maneuvering incidental to parking shall be on any public street, sidewalk, or alley; and exiting will not require backing into a public street.

4. Parking Space Near Fire Hydrants: Under no circumstances shall any parking space be provided within ten (10) feet of a fire hydrant.

2101.02 Schedule of Off-Street Parking Requirements: For the purpose of this Ordinance, an "off-street parking space" shall consist of a space sufficient in size to store one full size automobile (minimum of 200 square feet in area) with room for opening doors on both sides. When computing parking space requirements on the basis of the number of persons expected to be on the premises of a particular land use, the maximum number of occupants, practitioners, patrons or employees anticipated to be on the premises at any one time shall be used. When the application of the requirements of this Section would result in a fractional space, any such fraction shall be counted as one space. In the case of mixed, compatible subcategories of land use (e.g., as shopping centers containing a grocery store, a furniture store, a motion picture theater, etc.), the parking space required by the schedule below shall equal the sum of the requirements for each of the various uses (subcategories) computed separately. Off-street space for parking and storage of vehicles shall be provided in accordance with the following schedule:

a) All Residential Uses Other Than Multiple Family: Two spaces per dwelling unit.

b) Multiple Family Uses: 2.5 spaces per dwelling unit.

c) General Business, Commercial or Service Establishments Catering to the Retail Trade: One parking space for each 220 square feet of GROSS floor area, except for the following prescribed uses:

1. Hotels and motels - One space for each guest room plus one space for each employee on the largest shift.

2. Restaurants and similar establishments serving food and

beverages - One space for each 50 square feet of gross floor area, plus one space for each employee on the largest shift.

3. Offices of physicians and dentists - Five spaces for each professional staff member (including physicians, dentists, nurses, dental hygienists, etc.)

4. Other business and professional offices (other than physicians or dentists) - One space for each 300 square feet of gross floor area.

5. Furniture and appliance stores - One space for each 400 square feet of gross floor area.

6. Theaters, auditoriums and other commercial places of assembly - One space for each four fixed seats.

7. Gasoline service stations - One space for each employee and five spaces for each wash rack, lubrication rack, repair bay or similar facility for servicing and incidental repair of motor vehicles (not including said rack or bay as a space).

8. “Drive-in service” establishments, such as drive-in banking, drive-in “windows” for restaurants, dry-cleaning and laundry establishments and similar uses - In addition to one parking space for every 220 square feet of gross floor area (one space for every 50 square feet of gross floor area in restaurants), each such establishment shall have five standing spaces (i.e., spaces for vehicles waiting in line for service) for each teller window or other facility at which customer service is provided.

9. Motor vehicle repair shops, body shops, etc. - One space for each regular employee, plus one space for each 300 square feet of floor area used for mechanical or body repair.

10. Motor vehicle sales, machinery sales and equipment sales establishments - Two parking spaces (one customer and one employee) for each 1,000 square feet of area utilized for the display of vehicles, machinery or equipment for sale, whether or not said area is enclosed. (Note: If a motor vehicle sales establishment is combined with a motor vehicle repair shop, body shop or similar use, one space shall be provided for each employee of the establishment, whether mechanic, salesman, or other, plus one space for

every 1,000 square feet of sales display area and one space for every 300 square feet of floor area used for repair).

11. Grocery stores (excluding convenience type grocery stores) - One parking space (for employees and customers) for each 100 square feet of gross floor area.

12. Convenience-type grocery stores - A minimum of four parking spaces for any such use plus one space for each 400 square feet of gross floor area.

13. Skating rinks and other commercial places of amusement or assembly without a fixed seating arrangement - One parking space for each 75 square feet of floor area devoted to use by patrons.

14. Bowling alley - Five spaces for each bowling lane.

15. Warehouse, Wholesale and Manufacturing Uses NOT Catering to the Retail Trade: One parking space for each 1,000 square feet of gross floor area, or one parking space for each employee on the largest shift, whichever is greater; plus one space for each vehicle operating from the premises.

d) Public/Quasi-Public Facilities and Uses: Off-street parking space requirements for public/quasi-public facilities and uses shall be determined based upon a site plan and in accordance with the following schedule of requirements:

1. Churches - One parking space for each five fixed seats in the principal assembly hall or one parking space for every 90 linear inches of pew space, whichever is applicable.

2. Hospitals - One space for each patient bed, plus one space for each employee determined by the number of employees on the largest shift.

3. Rest homes, nursing homes, sanitariums, and convalescent homes - One space for every two patient beds, plus one space for each employee determined by the number of employees on the largest shift.

4. Libraries, art galleries, and museums, both public and private - One space for each 220 square feet of floor area (excluding storage rooms).

5. Other public/quasi-public facilities and uses not listed above - The off-street parking requirements for public/quasi-public uses not listed above shall be determined on the basis of a site plan submitted in accordance with Sections 2307 through 2310 of this Ordinance.

2101.03 Design Standards for Off-Street Parking: Off-street parking shall be provided in accordance with the minimum design standards specified in Tables 2 and 3. With regard to the provision of parking for handicapped persons, developers shall comply with the Federal regulations implementing the Americans with Disabilities Act.

A 90-degree parking angle shall be required for all parking lots unless the developer can demonstrate to the Town of Pelahatchie Planning/Zoning Commission during required site plan review (see Sections 2507 through 2510) that there are unusual circumstances, such as an unusual lot shape, that would make it necessary to use a parking angle other than 90-degree. Developers shall have the following options regarding the width of parking stalls:

a) Parking stalls shall be marked by a four-inch stripe hair pinned" or looped line painted on the pavement, with a minimum of 12-18 inches between the looped lines. Parking stalls shall be a minimum of nine feet wide, measured center to center of the hair pinned lines; or (2) Parking stalls shall be marked by a straight four-inch stripe painted on the pavement. Parking stalls shall be a minimum of nine and one-half feet wide, measured center to center of the straight line.

TABLE 2
DESIGN STANDARDS FOR 90 DEGREE PARKING

MINIMUM STALL WIDTH PARALLEL TO AISLE	MINIMUM STALL DEPTH	MINIMUM AISLE WIDTH
9.0 Ft.	18.5 Ft.	25-28 (2-way)
9.5 Ft.	18.5 Ft.	25-28 (2-way)

If unusual circumstances DO exist to necessitate a parking angle other than 90-degrees, the standards specified in Table 3 below shall apply for 45 and 60-degree parking:

TABLE 3
DESIGN STANDARDS FOR 45 AND 60 DEGREE PARKING

PARKING ANGLE (DEGREES) AND STALL WIDTH	MINIMUM STALL WIDTH PARALLEL TO AISLE	MINIMUM STALL DEPTH (measured at right angle to aisle)	MINIMUM STALL DEPTH TO INTERLOCK	MINIMUM AISLE WIDTH
45 9.0 Ft.	12.7	17.5	15.3	12-16 (1-way)
45 9.5 Ft.	13.4	17.5	15.3	12-16 (1-way)
60 9.0 Ft.	10.4	21.0	17.5	18-24 (1-way)
60 9.5 Ft.	11.0	21.0	17.5	18-24 (1-way)

SECTION 2102 - OFF-STREET LOADING SPACE REQUIREMENTS

Adequate off-street space for the loading and unloading of vehicles and for vehicles temporarily stopped ("standing") while waiting to be loaded, unloaded, or serviced, shall be provided and maintained for all commercial and industrial uses and any other use involving the receipt or distribution by vehicles of materials, merchandise or other matter on a regular basis. Said space shall be provided on the same premises with the use to which it is appurtenant, unless with a recommendation from the Planning/Zoning Commission, the Mayor and Board of Aldermen authorize in writing an alternative location for such loading or unloading. Unless otherwise specified in this Ordinance, loading, unloading or standing space shall be provided in accordance with the following:

One loading space measuring at least 12 feet by 55 feet with a minimum height clearance of 14 feet for the first 3,000 square feet of building and/or storage area; PLUS one additional loading space with the same space requirements as above for each 10,000 square feet of building and/ or storage area above the first 3,000 square feet. (Examples: (1) A parcel of land containing 3,000 square feet of area which is used for the storage of building supplies or a commercial building containing 3,000 square feet of floor space: one loading space would be required for either situation; (2) a parcel of land containing 23,000 square feet of outdoor storage area or a building containing 23,000 square feet of floor area: a minimum of three loading spaces would be required in either situation.)

SECTION 2103 - ACCESS WAYS

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

2103.01 Access Barrier: Each lot, with its buildings, other structures and parking and loading areas shall be physically separated from each adjoining street by a curb or other suitable barrier against unchanneled motor vehicle ingress or egress. Except for the access ways permitted below, such barrier shall be continuous for the entire length of any lot line adjoining a street.

2103.02 Distances between Access Ways on the Same Lot, Minimum Setbacks from Street Intersections, and Driveway Width Regulations for Multiple-Family Residential, Commercial, Industrial and Public/Quasi-Public Uses: All access ways for multiple-family residential, commercial, industrial, and public/quasi-public uses shall comply with Table 3. The functional classification of all streets and highways shall be determined by the classification shown on the adopted Land Uses/Thoroughfares Plan.

2103.03 Common Access Ways to Reduce Traffic Hazards on Collector and Arterial Streets: Where practicable, developers of adjoining lots for commercial, industrial, or public/quasi-public uses shall provide common access ways in order to reduce the number of points of ingress and egress along collector and arterial streets. The provision of such common access ways with adjoining properties shall be considered in the preparation of the site plan required by these regulations. Site plans shall not be recommended for approval unless the Planning/Zoning Commission determines that the developer has made a reasonable effort to coordinate the provision of common access ways with adjoining property owners.

TABLE 4

MINIMUM DISTANCES BETWEEN MULTIPLE DRIVEWAYS ON THE SAME LOT MINIMUM SETBACKS FROM INTERSECTIONS AND DRIVEWAY WIDTH REGULATION: MULTIPLE-FAMILY RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR PUBLIC/QUASI PUBLIC USES

FUNCTIONAL CLASSIFICATION OF STREET	MINIMUM DISTANCE BETWEEN DRIVEWAYS	MINIMUM DISTANCE TO INTERSECTION	DRIVEWAY WIDTH REGULATIONS	
			Minimum	Maximum
Local	22 Ft.	40 Ft.	24 Ft.	35 Ft.
Collector	22 Ft.	40 Ft.	24 Ft.	35 Ft.
Arterial	30 Ft.	50 Ft.	28 Ft.	44 Ft.

ARTICLE XXII: NONCONFORMITIES

SECTION 2200 - PURPOSE OF THIS ARTICLE

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

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

Nonconforming uses (see definition under Section 2201 below) are declared by this Ordinance to be incompatible with permitted land use in the districts involved. Therefore, a nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by the addition of other uses of a nature which would be prohibited generally in the district involved.

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

SECTION 2201 - TYPES OF NONCONFORMITIES

Where the definition of a nonconformity has been given in Section 201 and under Section 2200, such nonconformities shall be further defined according to one of the types of nonconformities listed below, or combination thereof, for the purpose of regulation.

2201.01 Nonconforming Undeveloped “Lot of Record”: This type of nonconformity is an undeveloped “lot of record” (i.e., part of a subdivision, the map of which has been recorded in the office of the Chancery Clerk of Rankin County, Mississippi, or a lot described by metes and bounds, the description of which has been recorded in said office) the dimensions of which, subsequent to the passage of this Ordinance, do not

meet the area or width requirements, or both, of the district wherein such lot is located.

2201.02 Nonconforming Structure (Including Buildings): This type of nonconformity includes anything lawfully constructed or erected with a fixed location on the ground (or attached to something having a fixed location on the ground) prior to the passage of this Ordinance, but which subsequently does not comply with the bulk, placement or other dimensional requirements of the zoning district wherein located.

2201.03 Nonconforming Use: This type of nonconformity includes the uses of any land, lot, building, structure, or parts thereof, which lawfully existed prior to the passage of this Ordinance but which subsequently does not comply with all or some part of the use requirements of the zoning district wherein located.

SECTION 2202 - REGULATIONS CONCERNING NONCONFORMING UNDEVELOPED LOTS OF RECORD

2202.01 Erection of One-Family Dwellings Allowed on Single Nonconforming Undeveloped (or Vacant) Lots of Record in Separate Ownerships: In any district in which one-family dwellings are permitted, a one-family dwelling and customary accessory buildings may be erected on any SINGLE nonconforming undeveloped (or vacant) lot of record after the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lots must be in SEPARATE OWNERSHIP and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such single lot of record fails to meet the requirements for area or width, or both, that are generally applicable in the district, PROVIDED THAT:

The required yard dimensions and other requirements (than those applying to lot area or width, or both) of the proposed single-family residential use shall conform to the regulations in the district in which such single nonconforming lot of record is located.

Variance of yard requirements shall be obtained only through action of the Mayor and Board of Aldermen following recommendation of the Planning/Zoning Commission. (See Section 2304 of this Ordinance).

2202.02 Two or More Nonconforming Undeveloped (or Vacant) Lots of Record with Continuous Frontage Changing Ownership After the Effective Date of This Ordinance: If two or more undeveloped (or vacant) lots in single ownership with continuous frontage are "of record" at the time of enactment of this Ordinance, and if, subsequent to the passage of this Ordinance, such lots become nonconformities in the district where they are located; and if such lots change ownership after the enactment of this Ordinance, the lands involved shall be considered as UNDIVIDED PARCEL for the purposes of this Ordinance; and no portion of said parcel shall be used in a manner which diminishes compliance with the lot width and/or lot area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot width or area (or both) below the requirements stated in this Ordinance.

The provisions of this subsection shall not apply to two or more undeveloped lots of record in single ownership with continuous frontage which remain in the same ownership (or if the lots are conveyed by inheritance or as a gift) following enactment of this Ordinance. Such lots not changing ownership shall continue to be considered divided parcels; and the owner of such lots may erect single-family dwellings on each lot in districts where single-family dwellings are permitted, subject to the regulations imposed by subsection 2202.01. However, further division of such nonconforming lots of record shall be prohibited.

No lot shall be created on or after the effective date of this Ordinance which does not meet the lot area and lot width requirements of the district wherein the lot is located.

SECTION 2203 - REGULATIONS CONCERNING NONCONFORMING STRUCTURES

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

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

B. Should such nonconforming structure or nonconforming portions of a structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with the provisions of this Ordinance.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 2204 - REGULATIONS CONCERNING NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY)

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

A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;

B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;

C. If any such nonconforming use of land ceases for any reason for a period of more than 30 days (except where government action has impeded access to the premises), any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located;

D. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

SECTION 2205 - REGULATIONS CONCERNING NONCONFORMING USES OF MAJOR STRUCTURES OR OF MAJOR STRUCTURES AND LAND IN COMBINATION

If lawful use involving individual MAJOR structures (i.e., those with a replacement cost of $1,000 or more) or of such MAJOR structures and land in combination, exists prior to the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. Any nonconforming use may be extended throughout any parts of a building

which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

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

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

E. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to the extent of more than 50 percent of the replacement cost at the time of destruction.

ARTICLE XXIII: ADMINISTRATION AND ENFORCEMENT

SECTION 2300 - PURPOSE OF THIS ARTICLE

It is the purpose of this Article to prescribe the legal devices and procedures for administering and enforcing this Ordinance and to define the duties, powers, limitations and scope of jurisdiction for the various persons and groups which are concerned with the administration and enforcement of this Ordinance.

SECTION 2301 - DUTIES, POWERS, AND LIMITATION OF POWERS OF THE ZONING ADMINISTRATOR IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE

2301.01 Duties of the Zoning Administrator:

a) Coordinate all matters relating to this Ordinance with, as appropriate, the Director of Public Works, Building Official, and other Town officials.

b) Provide information to the public on matters relating to zoning.

c) Provide application forms to the public on matters relating to zoning.

d) Maintain, or be responsible for, the maintenance of the Official Zoning Map.

e) Review all building permit applications and plot diagrams as they relate to this Ordinance.

f) Receive and take appropriate action on all applications for dimensional variances, conditional use permits (special exceptions), and zoning amendments (rezoning).

g) Receive and take appropriate action on all site plans submitted in accordance with Sections 2307 and 2310 of this Ordinance and the forwarding copies of site plans and associated materials to the proper individuals or bodies.

h) Check construction (or use conversion) performed under zoning-related permits to determine if the work (or use conversion) meets the requirements before issuing a certificate of occupancy.

i) Oversee the preparation and maintenance of a map or other

recording process indicating nonconforming uses, structures and undeveloped (or vacant) lots.

j) Clear with other local, county, state, or Federal agencies where such clearance is necessary in connection with zoning matters.

k) Appear before the Planning/Zoning Commission and the Mayor and Board of Aldermen to furnish information helpful to those bodies in carrying out their assigned functions.

l) Make periodic checks for violations or investigate written complaints of violations of this Ordinance and notify IN WRITING the person(s) responsible for violations of the Ordinance, indicating the nature of the violation and ordering the action necessary to correct it. Notice to such violators shall be by registered or certified mail or shall be delivered personally by the Zoning Administrator. The Zoning Administrator's response to a complainant may be by ordinary mail.

m) Report uncorrected violations to the Mayor and Board of Aldermen and recommend action to prevent or halt violations of this Ordinance.

n) Advertise public hearings as required by this Ordinance. (Note: The Zoning Administrator may simply notify the Town Clerk that advertisement of a public hearing is needed, and the Town Clerk may actually transmit the required notice to the appropriate newspaper or newspapers).

o) Keep records pertaining to zoning matters.

p) Attend Planning/Zoning Commission meetings as needed but especially when site plans are to be reviewed.

q) Provide administrative interpretation as provided in Subsection 2301.02.

2301.02 Administrative Interpretation by the Zoning Administrator: In the event there is a question as to the general intent or specific meaning of any provision of the Zoning Ordinance text, or of the boundaries or district designations or other matters relating to the Official Zoning Map, the Zoning Administrator shall have the power to make such administrative

decisions and interpretation. Such decisions or interpretations shall be made in writing by the Zoning Administrator.

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

b. Appeals from the Administrative Interpretation by the Zoning Administrator: Appeals from said administrative interpretation shall be made as provided in Subsection 2313.01 of this Ordinance.

c. Administrative Interpretation by the Zoning Administrator shall not be used in matters which the Zoning Administrator has personal financial interest or personal gain is involved.

SECTION 2302 - DUTIES AND RULES OF CONDUCT OF THE OWN OF PELAHATCHIE PLANNING/ZONING COMMISSION

The Pelahatchie Planning/Zoning Commission shall have the duties and responsibilities of a local Planning/Zoning Commission pursuant to Section 17-1-11 of the Mississippi Code of 1972, Annotated, As Amended.

2302.01 Duties of the Planning/Zoning Commission: The Commission's duties with regard to this Ordinance shall include, but not be limited to:

a) The Planning/Zoning Commission shall hold all public hearings on all matters relating to this Ordinance which require such hearings (except appeals to the Mayor and Board of Aldermen), including:

1. applications for dimensional variances;

2. applications for special exceptions (conditional use permits);

3. applications for amendments to the Official Zoning Map (i.e., applications for rezoning);

4. proposed amendments to the text of this Ordinance.

b) The Planning/Zoning Commission shall review all site plans (i.e.

plans for the development of a SINGLE lot, as opposed to a subdivision plat involving the development of two or more lots) where such plans are required under Section 2607 of this Ordinance.

c) The Director of Public Works and the Town Engineer shall review all pre-application sketch plats for proposed subdivisions, and if those two officials determine that the proposed subdivision warrants a review by the Planning/Zoning Commission, the Planning/Zoning Commission shall review the sketch plat and make suggestions to the subdivider. The Planning/Zoning Commission shall review ALL sketch plats for proposed Planned Unit Developments.

d) The Planning/Zoning Commission shall review all preliminary plats for subdivisions, including plats for proposed conventional subdivisions and Planned Unit Developments (PUD's).

e) The Commission shall review all development plans (i.e., a drawing or set of drawings depicting the ultimate layout of a large tract of land, usually involving varying lot sizes and/or different proposed land uses).

2302.02 Rules of Conduct for the Town of Pelahatchie Planning/Zoning Commission: In addition to other rules of conduct that the Planning/Zoning Commission may adopt, the following shall apply:

a) The secretary for the Planning/Zoning Commission shall report all recommendations regarding variances, special exceptions, rezoning, amendments to the Zoning Ordinance text, site plans, subdivision plats, and other matters through the Minutes of the Planning/Zoning Commission.

b) The Planning/Zoning Commission shall hold regular meetings (unless there are no items of business to be considered by the Planning/Zoning Commission for a particular month) once a month at a date and time established by and a site specified by the membership of the Planning/Zoning Commission. Special meetings may be called by the Chairman or two or more members of the Planning/Zoning Commission within two hours of a meeting.

c) All "Applications for Preliminary Plats Approval" and preliminary plats shall be submitted at least twenty-one (21) days prior to the next regular meeting of the Planning/Zoning Commission at which the application/ plat is to be considered. Site plans required by this Ordinance (see Section 2307) shall also be submitted at least twenty-one days prior to the next regular meeting of the Planning/Zoning Commission at which the site plan is to be considered. Preliminary plats/applications and site plans submitted after this deadline shall not be included on the agenda for the next regular meeting of the Planning/Zoning Commission.

d) All applications for variances, conditional use permits, amendments to this Ordinance text or to the Official Zoning Map (re-zonings) shall be submitted at least twenty-eight (28) days prior to the next regular meeting of the Planning/Zoning Commission. Such applications submitted after this deadline shall not be included on the agenda for the next regular meeting of the Planning/Zoning Commission.

e) In accordance with Section 25-41-5 of the Mississippi Code of 1972, As Amended, all meetings of the Planning/Zoning Commission shall be open to the public at all times unless an executive session is declared as provided in Section 25-41-7. Voting by the Planning/Zoning Commission on all matters coming before that body.

f) No member of the Planning/Zoning Commission shall participate in the hearing of the singular item nor vote on any matter before the Commission in which he has a personal financial interest.

SECTION 2303 - DUTIES OF THE MAYOR AND BOARD OF ALDERMEN IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE

The Mayor and Board of Aldermen of the Town of Pelahatchie shall have the final authority with regard to all matters involving this Zoning Ordinance. The duties of the Mayor and Board of Aldermen shall include, but not necessarily be limited to:

A. Hear appeals on decisions of the Planning/Zoning Commission.

B. Appointing the members of the Planning/Zoning Commission.

The Mayor nor any Alderman shall participate in the hearing of the singular item nor vote on any matter before the Mayor and Board in which he has a personal financial interest.

SECTION 2304 - DIMENSIONAL VARIANCES

Where the strict application of this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property, the Planning/Zoning Commission shall conduct a public hearing on applications for dimensional variances, and is empowered to grant approval of such dimensional variances from the strict application so as to relieve such difficulties or hardships. Examples of such difficulties or hardships include exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of this Ordinance; or by reason of the location of trees, natural drainage course, lakes, or other desirable or attractive features, which condition is not generally prevalent in the neighborhood.

2304.01 Requirements for Granting Variances: Any person desiring a dimensional variance from the terms of this Ordinance shall submit a written application (on a form furnished by the Zoning Administrator) demonstrating compliance with ALL of the following; a variance shall not be granted unless the applicant demonstrates:

a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district.

b) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

c) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same zoning district.

2304.02 Existence of Non-Conforming Uses Not Grounds for Variance: The existence of non-conforming uses of neighboring lands, structures, or buildings in the same zoning district shall not be considered grounds for granting a variance. Furthermore, the existence of permitted or non-conforming use of lands, structures, or buildings in other districts shall not be considered grounds for issuance of a variance.

2304.03 When a Site Plan Shall Be Required: If the Zoning Administrator feels that more information is needed than is included on the plot diagram submitted with an application for a building permit, then a site plan shall be submitted with an application for a dimensional variance.

2304.04 Public Hearing Required: A public hearing shall be held in accordance with Section 2311 of this Ordinance for all proposed dimensional variances.

2304.05 Required Findings: No variance shall be issued until the Planning/Zoning Commission has made a finding that the reasons set forth in the application justify the granting of the variance, and that the variance constitutes the minimum allowable deviation from the dimensional regulations of this Ordinance in order to make possible the responsible use of the land, building or structures. Furthermore, no variance shall be granted until the Planning/Zoning Commission has made a finding that the granting of the dimensional variance will be in harmony with the general purpose and intent of this Ordinance, and that the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

2304.06 Conditions and Safeguards May Be Prescribed with Dimensional Variance: In granting any dimensional variance, the Planning/Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 2314 of this Ordinance.

If such conditions and safeguards are imposed by the Planning/Zoning Commission in granting a variance, the applicant shall be required to sign an agreement whereby he/she accepts those conditions and safeguards (which shall be specified in the agreement). This instrument shall be in a form recordable in public land records.

2304.07 Granting of a "Use Variance" Prohibited: Under no circumstances shall the Planning/Zoning Commission issue a variance to allow a use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

SECTION 2305 - SPECIAL EXCEPTIONS (CONDITIONAL USES)

The Planning/Zoning Commission is empowered to hear and decide whether or not proposed special exceptions (conditional uses) authorized under this Ordinance should be granted.

2305.01 Requirements for Granting a Special Exception or Conditional Use Permit): Any person desiring a special exception shall submit a written application (on a form furnished by the Zoning Administrator) indicating the Section in the Ordinance under which the conditional use is sought and

stating the grounds on which it is requested. The Planning/Zoning Commission shall not grant a special exception unless satisfactory provision and arrangement has been made concerning ALL of the following:

a) Ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

b) Off-street parking and loading areas.

c) Refuse and service areas.

d) Utilities, with reference to locations, availability, and compatibility.

e) Screening and buffering with reference to type, dimensions, and character.

f) Required yards and other open space.

g) General compatibility with adjacent properties and other property in the district.

h) Any other provisions deemed applicable by the Planning/Zoning Commission.

2305.02 Site Plan Required: Every applicant for a special exception (conditional use permit) shall submit a site plan in accordance with Sections 2307 and 2310 of this Ordinance.

2305.03 Public Hearing Required: A public hearing shall be held in accordance with Section 2311 of this Ordinance for all proposed special exceptions.

SECTION 2306 - AMENDMENTS TO THE ZONING ORDINANCE TEXT OR THE OFFICIAL ZONING MAP (REZONING)

2306.01 Type of Amendments/Application Required: Amendments to this Ordinance include: (1) amendments to the text; and (2) amendments to the Official Zoning Map, which is legally a part of this Ordinance. Any person may initiate an amendment to this Ordinance by filing an

application with the Zoning Administrator (on a form furnished by him/her).

2306.02 Site Plan Required: If a specific use is identified by the applicant for a rezoning (i.e., a proposed amendment to the Official Zoning Map), then the application for rezoning shall be accompanied by a site plan prepared in accordance with Sections 2307 and 2310 of this Ordinance.

2306.03 Criteria for Rezoning: No amendment to the Official Zoning Map shall be approved unless the proposed rezoning meets one of the following criteria:

a) That there was a mistake in the original zoning. "Mistake" in this context shall refer to a clerical or administrative error, such as a mistake of draftsmanship on the Official Zoning Map or incorrectly reflecting the Planning/Zoning Commission's decision in the minutes. "Mistake" DOES NOT mean that the Planning/Zoning Commission made a mistake in judgment in their prior zoning, such as not realizing the full import of the zoning classification or mistakenly placing the property in one classification when the evidence indicated that another would have been more appropriate.

b) That the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a PUBLIC NEED for the rezoning.

2306.04 Proposed Rezoning Shall Be Consistent with Adopted Comprehensive Plan: Section 17-1-9 of the Mississippi Code of 1972, As Amended, requires that "zoning regulations shall be made in accordance with a comprehensive plan---." Accordingly, no amendment to the Official Zoning Map shall be approved by the Planning/Zoning Commission unless the proposed rezoning is consistent with all four elements of the adopted Comprehensive Plan of the Town of Pelahatchie, including the Goals and Objectives, the Land Use Plan, the Transportation Plan, and the Community Facilities Plan.

2306.05 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 paper or a paper of general circulation in such municipality ---specifying a time and place of said hearing." The hearing shall be held in accordance with Section 2311 of this Ordinance.

2306.06 Identification of Adjacent Property Owners: The applicant for the rezoning shall furnish to the Zoning Administrator, with the completed application, the names and addresses of all persons owning land 300 feet from the subject property (excluding the rights-of-way of streets or highways).

2306.07 Public Hearing Before Mayor and Board of Aldermen Unnecessary Unless Requested by Aggrieved Party: Following a public hearing held before the Planning/Zoning Commission on a proposed amendment to this Ordinance (either an amendment to the text or Official Zoning Map), it shall NOT be necessary to hold another hearing on the proposed amendment; the Mayor and Board of Aldermen may act upon the recommendation of the Planning/Zoning Commission. However, any party aggrieved by the recommendation of the Planning/Zoning Commission SHALL be entitled to a public hearing before the Mayor and Board of Aldermen, with due notice thereof as provided under Section 2311 of this Ordinance.

2306.08 Two-Thirds Vote of Board of Aldermen Necessary to Approve Rezoning Under Certain Circumstances: In case of a protest against a proposed rezoning signed by twenty percent (20%) or more of the property owners, either within the area of the proposed rezoning or those within 300 feet (excluding the rights-of-way of streets or highways) of the property proposed for rezoning, such amendment shall not become effective except by the favorable vote of two-thirds of all members of the Mayor and Board of Aldermen.

2306.09 Res Judicata: Upon the submission of an application for a rezoning, and a determination by the Planning/Zoning Commission that said application should be denied, the Planning/Zoning Commission shall not accept a subsequent application to rezone the same property or any part thereof to the same classification until the expiration of one (1) year from the date of the decision of the Board denying said application. This is known as the doctrine of res judicata. However, if the application relates to the same property but seeks zoning to a different classification, the doctrine does not apply; and the Planning/Zoning Commission may consider such a proposed rezoning.

2306.10 When an Ordinance Amending Text or Official Zoning Map Is Required and Publication of That Ordinance: No amendment to the Official Zoning Map or the text of this Ordinance shall become effective until an Ordinance amending same has been passed by the Mayor and Board of Aldermen. Any ordinance amending the Official Zoning Map shall contain findings of fact citing evidence demonstrating compliance with the criteria specified under Section 2306.03 of this Ordinance. Section 23-13-11 of the Mississippi Code of 1972, as amended, requires that

"every ordinance passed by the Mayor and Board of Aldermen,---shall be published at least one time in some newspaper published in such municipality, or, if there be no such newspaper, then in a newspaper within the county having general circulation in said municipality---."

2306.11 Effective Date of Ordinances Amending the Text of this Zoning Ordinance or Official Zoning Map: In accordance with Section 23-13-11 of the Mississippi Code of 1972, As Amended, "No ordinance shall be in force for one month after its passage---." One month is interpreted to mean 30 calendar days.

SECTION 2307 - SITE PLAN REVIEW: PURPOSES AND WHEN REQUIRED

2307.01 Purposes: The purposes of site plan review are: to promote the health, safety and general welfare of the Town; to insure that structures are built in accordance with the provisions of this Ordinance and the Standard Building Code; to conserve the value of existing buildings and structures; to prevent excessive uniformity and dissimilarity and inappropriateness or poor quality of design in the exterior appearance of structures; to prohibit unsightly and unsuitable structures that would be out of harmony or incongruent with existing visual features within the district; and to prevent harm and damage to the Town which will result from the absence of such review and manifest itself by:

a) Lower property values;

b) Decreased economic growth; or

c) Diminished future opportunities for land use and development.

2307.02 When Site Plan Review Is Required: Site Plan Review shall be required for the following:

a) All new, expanded, relocated or reconstructed principal (i.e., not accessory) buildings or structures in all zoning districts, other than single-family detached dwellings in A-1, R-1, R-2, R-E, or PUD districts. The specific use of such principal buildings does not have to be identified on the site plan. New, expanded, relocated, or reconstructed accessory buildings or structures shall only require site plan review when such review is determined advisable by the Zoning Administrator, except for Pelahatchie Heritage District, where site plan review shall be required for *all* accessory buildings or structures.

b) If the Zoning Administrator determines that more information is

needed than is included on the plot diagram submitted with an application for a building permit, then a site plan shall be submitted with an application for a dimensional variance.

c) All applications for conditional uses.

d) All public/quasi-public utilities and facilities. In accordance with Section 402, such public/quasi-public utilities and facilities shall be allowed only as conditional uses in any district.

e) If a specific use is identified by the applicant for a rezoning (i.e., a proposed amendment to the Official Zoning Map), then the application shall be accompanied by a site plan.

f) All proposed floodway modifications (to prevent "channelization" without regard to appearance).

g) All proposed off-site parking (i.e., off-street parking proposed on a lot other than the one to which the parking is appurtenant) in any district.

SECTION 2308 - SITE PLAN REVIEW PROCEDURES

The Zoning Administrator shall act as the coordinator for the site plan review process. He shall advise all applicants for building permits if the proposed use requires the preparation and submission of a site plan and the official approval of that plan prior to the issuance of the permit. All applicants shall follow the procedures specified below:

2308.01 Sketch Plan: Prior to filing of an application for approval of a site plan, the applicant should meet and consult informally with the Zoning Administrator. This meeting will give the applicant an opportunity to secure guidance as to what will probably be required before incurring great expense in making a detailed site plan.

2308.02 Submission of Site Plan: Five (5) copies of each site plan shall be prepared and submitted to the Zoning Administrator, who shall retain two copies and distribute the other three as follows:

a) one copy to the Town Engineer

b) one copy to the Fire Chief

c) one copy to the Planning/Zoning Commission

Consistent with the submittal requirements for subdivision plats, as

specified under Section 2302.02 (c), site plans shall be submitted at least twenty-one (21) days prior to the next regular meeting of the Planning/Zoning Commission at which the plan is to be reviewed, or it will not be placed on the Planning/Zoning Commission agenda for that meeting.

The Zoning Administrator shall notify the applicant of any deficiencies or omissions in the site plan. The site plan shall not be processed until all required data is provided as prescribed in Section 2309 of this Ordinance.

2308.03 Applicant Must Be Represented at Planning/Zoning Commission and Mayor/Board of Aldermen Meetings: Applicants (or their designated representative) for site plan approval shall be present at meetings of the Planning/Zoning Commission and Board of Aldermen when their proposed site plan is to be reviewed, or no action will be taken by those bodies.

2308.04 Planning/Zoning Commission Review of Site Plan: Following receipt of the site plan and supporting data as prescribed under Section 2309, the Zoning Administrator shall forward one copy to the Planning/Zoning Commission for review.

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

The purpose of this review is to ascertain whether or not the applicant's proposed building or structure conforms with this Ordinance and other applicable laws, will maintain harmony and continuity with similar existing uses within the district and considering other like structures within 500 feet of the proposed structure as measured from each lot line of the proposed structure excluding streets, alleys, and other public rights-of-way.

After reviewing all information relative to the site plan, the Planning/Zoning Commission may recommend approval or disapproval of the site plan or before approval, may request the applicant to modify, alter, adjust or otherwise amend the plan. If the Planning/Zoning Commission determines that the proposed structure or is excessively similar or dissimilar and makes a specific finding that the structure as proposed would provoke one or more of the harmful effects as set forth in 2307.01, and that such finding is not based upon personal preferences as to taste or architectural style or design, then the application for a building permit

shall be denied. If the site plan is recommended by the Planning/Zoning Commission for approval, such recommendation for approval shall be contingent upon final review and approval by the Mayor and Board of Aldermen.

In any case, the Planning/Zoning Commission shall make a written statement of its findings (in the form of Minutes) and said statement shall be forwarded to the Zoning Administrator in time for copies of the statement to be available for distribution to the Mayor and Board of Aldermen at the next meeting of that body following the Planning/Zoning Commission meeting.

2308.05 Approval of Site Plan by Mayor and Board of Aldermen: The Zoning Administrator shall forward the recommendation of the Planning/Zoning Commission to the Mayor and Board of Aldermen. The Mayor and Board of Aldermen shall consider whether or not the applicant's proposed building or structure will conform with the provisions of this Ordinance and other applicable laws, and whether or not it will maintain harmony and continuity with similar existing uses within the district and considering other like structures within 500 feet of the proposed structure as measured from each lot line of the proposed structure (excluding streets, alleys, and other public rights-of-way). If the Mayor and Board of Aldermen determine that such structure would cause or provoke one or more of the harmful effects as set forth in 2307.01, and that such finding is not based upon personal preferences to taste or architectural style or design, then the application for a building permit shall be denied.

If the Mayor and Board of Aldermen approves the site plan, such action by the Mayor and Board of Aldermen shall constitute final approval and authority for the developer to proceed with the proposed development subject to the issuance of a building permit. Following such approval by the Mayor and Board of Aldermen, the Zoning Administrator shall stamp copies of the site plan “APPROVED,” sign them, and return one copy to the applicant. One copy shall be retained by the Zoning Administrator in his files.

2308.06 Site Plan Becomes Zoning Requirements for Proposed Use: The approved site plan shall become the zoning requirements for the property involved. All construction, except for minor adjustments provided under Section 2608.07 below, shall be consistent with the approved site plan.

2308.07 Minor Adjustments to the Approved Site Plan: After the final site plan has been approved, minor adjustments to the plan which comply with the spirit of the Zoning Ordinance and the intent of the Mayor and Board of Aldermen in approving the site plan may be authorized by the Zoning

Administrator as provided under Sub-section 2301.02.

2308.08 As-Built Plans: In the case where exact lot lines cannot be drawn until after construction, (e.g., townhouse subdivisions) the builder shall submit "as-built plans" of the development following construction.

SECTION 2309 - SPECIFICATIONS FOR ALL REQUIRED SITE PLANS AND ELEVATIONS

2309.01 Site Plan Specifications: The following data shall be supplied by the applicant in connection with required site plans:

a) Lot lines (property lines).

b) The zoning of adjacent lots.

c) The names of owners of adjacent lots.

d) Rights-of-way of existing and proposed streets, including streets shown on the adopted Thoroughfares Plan.

e) Access ways, curb cuts, driveways, sidewalks and parking (including number of parking spaces to be provided) and loading areas.

f) All existing and proposed easements.

g) On request by the Zoning Administrator, all existing and proposed water and sanitary sewer lines; also, the location of all existing and proposed fire hydrants.

h) On request by the Zoning Administrator, a drainage plan showing all existing and proposed storm drainage facilities. The drainage plan shall indicate adjacent off-site drainage courses and projected storm water flow rates from off-site and on-site sources.

i) On request by the Zoning Administrator, contours at vertical intervals of five (5) feet or less.

j) Floodplain zone designations according to maps prepared by the Federal Emergency Management Agency, Federal Insurance Administration, and any proposed floodway modifications.

k) Landscaped areas and planting screens required by Section 404.

l) Building lines and the location of all structures, existing and proposed.

m) Proposed uses of the land and buildings, if known.

n) Open space and recreation areas, when required.

o) Area (in square feet and/or acres) of parcel.

p) Proposed gross lot coverage in square feet (i.e., that portion of a lot occupied by buildings and structures.

q) Number and type of dwelling units (where proposed).

r) Location of sign structures and drawings.

s) A "development plan" (see Section 2309.04) when staging of development is proposed.

t) Any additional data necessary to allow for a thorough evaluation of the proposed use.

2309.02 Elevations and Associated Data Required: In addition to the data required above for site plans, the developer shall submit the following drawings (elevations) and associated data where site plans are required by this Ordinance:

a) Proposed elevations indicating the general design, style, and architecture of the building or structure.

b) Proposed materials and color schemes to be utilized in the construction of the exterior of buildings and structures.

c) Number of stories and total square feet, including a notation as to the square footage on each floor or level.

d) Proposed height in feet.

2309.03 Other Exhibits: Photographs, renderings, color slides, models and similar

items may be presented by the applicant at his discretion.

2309.04 Staging of Development Requires Development Plan: Where a developer proposes to construct a particular land use requiring site plan review under this Ordinance by stages, (e.g., PUD's, large multi-family developments, large commercial developments, etc.), sufficient data shall be provided in a development plan (sometimes referred to as a sketch plat or master plan) to indicate such staging by numbers and types of buildings or structures proposed for each stage, the general area to be developed in each stage and related information. The general concept presented in the development Plan shall be adhered to as much as possible by developers. Significant deviations (as determined by the Planning/Zoning Commission) from the development plan initially approved shall require approval by the Mayor and Board of Aldermen following recommendation by the Planning/Zoning Commission.

SECTION 2310 - CRITERIA FOR SITE PLAN REVIEW

Criteria for site plan review shall include, but not necessarily be limited to, consideration of the components specified below:

2310.01 Consistency with Adopted Land Use Plan and Zoning Ordinance: The proposed site plan shall be consistent with adopted Land Use Plan and Zoning Ordinance (including the Official Zoning Map).

2310.02 Vehicular/Pedestrian Traffic Circulation and Parking: The following aspects of vehicular traffic circulation and parking shall be reviewed:

a) Is the site plan consistent with the adopted Thoroughfares Plan?: Are the developer's plans for any new streets that will traverse the site consistent with proposed alignment and right-of-way/ surface width requirements indicated on the adopted Thoroughfares Plan? Do the developer's planned setbacks for buildings and structures consider the proposed widening of existing streets and highways reflected on the adopted Thoroughfares Plan? If the proposed development will abut an unpaved street, are the developer's plans for paving that street consistent with the right-of-way/ surface width specifications shown in the adopted Thoroughfares Plan?

b) Street network capacity: Is the street system in the vicinity capable of carrying traffic generated by the proposed development, according to traffic projections developed by the Town Engineer or consultant?

c) Traffic engineering operation of adjacent streets: What traffic

control devices are needed on adjacent streets?

d) Are sidewalks and/or pedestrian/bicycle trails included in the development that ensure connectivity between the development and downtown area?

e) Compliance with Article XXI (Off-Street Parking, Loading, and Access Requirements)

f) Are proposed freight delivery areas separated from customer access in commercial and industrial developments?

2310.03 Utilities: The following shall be evaluated with regard to utilities:

a) Water and sewer system capacity and oversizing (future) needs

b) On-site and off-site drainage requirements, including retention ponds

c) Are underground utilities required on the site?

d) Are garbage disposal facilities enclosed in accordance with Section 407.06 of this Ordinance?

2310.04 Open Space, Landscaping, and Screening Requirements:

a) If the proposed development is residential and will abut the railroad tracks, is the 100-foot railroad setback required under Section 401.06 indicated on the site plan?

b) Perimeter Landscaping: Does the site plan indicate the required 10-foot landscape strip along any abutting arterial streets? Are the proposed spacing, sizes and types of landscaping consistent with standards in section?

c) Open Space/Recreational Facilities: Are open space/recreational facilities proposed for an apartment/condominium complex shown on the site plan?

d) Preservation of Vegetation: Does the site plan propose the preservation of trees and other vegetation as much as possible?

e) Is proper use made of floodplains on the site? For example, for open space or passive recreational areas.

2310.05 Fire Safety:

a) Are fire hydrants shown on the site plan and properly located to ensure fire protection for all structures?

b) Are there at least two points of access/egress for apartment or condominium complexes, office parks, shopping centers, industrial parks, etc. to provide access for fire equipment and to provide for evacuation when necessary?

c) Are buildings spaced in accordance with this Ordinance to prevent spread of fires?

2310.06 Signs:

a) Do the proposed signs comply with the Pelahatchie Sign Ordinance?

2310.07 Elevations:

a) Will the proposed structures maintain harmony and continuity with similar existing uses within the district and considering other like structures within 500 feet of the proposed structure as measured from each lot line of the proposed structure (excluding streets, alleys and other public rights of way?

b) Are the proposed structures incongruent or inharmonious in such a manner as to cause or provoke one or more of the following: lower property values; decreased economic growth; or diminished future opportunities for land use and development?

SECTION 2311 - PUBLIC HEARING NOTICES AND PROCEDURES

In accordance with the provisions previously established in this Ordinance, public hearings shall be conducted by the Planning/Zoning Commission on the following matters:

A. All dimensional variances.

B. All conditional uses.

C. All amendments to the text of the Zoning Ordinance or amendments to the Official Zoning Map (i.e., rezoning).

2311.01 Public Hearing Notice in a Newspaper Required: Whenever a public

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

a) For Dimensional Variances:

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), AT (Time), AT THE TOWN HALL, TOWN OF PELAHATCHIE, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A DIMENSIONAL VARIANCE SHALL BE GRANTED TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE TOWN OF PELAHATCHIE, MISSISSIPPI:

(Insert Property Description Here)

APPROVED: ATTEST:

_____ _____

Mayor's Signature Town Clerk's Signature

DATE_____

b) Conditional Use Permits:

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), at (Time), AT THE TOWN HALL, TOWN OF PELAHATCHIE, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A CONDITIONAL USE SHALL BE ALLOWED ON THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE TOWN OF PELAHATCHIE, MISSISSIPPI:

(Insert Property Description Here)

APPROVED: ATTEST:

_____ _____

Mayor's Signature Town Clerk's Signature

DATE:_____

c) For an Amendment to the Official Zoning Map (or a rezoning):

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), AT (Time), AT THE TOWN HALL, TOWN OF PELAHATCHIE, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT THE ZONING OF THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE TOWN OF PELAHATCHIE, MISSISSIPPI, SHALL BE CHANGED FROM (Insert existing zoning classification) TO (Insert proposed zoning classification):

(Insert Property Description Here)

APPROVED: ATTEST:

_____ _____

Mayor's Signature Town Clerk's Signature

DATE:_____

d) For an Amendment to the Text of the Zoning Ordinance:

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), AT (Time), AT THE TOWN HALL, TOWN OF PELAHATCHIE, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT THE FOLLOWING AMENDMENTS SHALL BE MADE TO THE ZONING ORDINANCE OF THE TOWN OF PELAHATCHIE, MISSISSIPPI:

(Insert Proposed Amendments to the Zoning Ordinance Here)

APPROVED: ATTEST:

_____ _____

Mayor's Signature Town Clerk's Signature

DATE:_____

2311.02 Public Hearing Notice on Property Signs Required: Whenever any zoning action (i.e., a dimensional variance, conditional use or rezoning) is considered by the Planning/Zoning Commission, signs bearing notices of a public hearing shall be erected on the property involved. These signs shall be erected not less than fifteen days prior to the date of the public hearing. When more than one parcel of land is involved in the proposed zoning action or the proposed use, enough signs shall be posted to adequately identify the area affected. The notice to be posted on the property involved shall consist of a sign that is no less than sixteen (16) square feet in size with lettering that is no less than two (2) inches in height. The sign shall have a white background with black lettering.

2311.03 Public Hearings Before the Planning/Zoning Commission: Where public hearings are required by this Ordinance, the Planning/Zoning Commission shall conduct a public hearing at which all interested persons shall be recognized and given an opportunity to speak. At the conclusion of the public hearing, the Commission shall, on its own motion, forward their recommendation to the Mayor and Board of Aldermen. Only a majority vote of a quorum of the members of the Commission shall carry a motion to approve or deny an application for a variance, conditional use permit or amendment to the text of this Ordinance or the Official Zoning Map. Only in case of a tie vote may an application be forwarded to the Mayor and Board of Aldermen "without recommendation."

2311.04 Changes to an Application for Variance, Conditional Use Permit, or

Zoning Ordinance Amendment (Including Re-Zonings): Any change proposed by an applicant for a variance, conditional use permit, or amendment to this Ordinance (including re-zoning applications) at the time of the hearing, except for conditions recommended by the Commission for variances or conditional use permits, shall require a rehearing before the Commission with another public notice.

SECTION 2312 - FEES

2312.01 Schedule of Fees: The Mayor and Board of Aldermen shall establish a schedule of fees for the issuance of building permits, change of use permits, the processing of all site plans required under Section 2607, and the processing of applications for variances, conditional uses and zoning amendments. Said schedule of fees shall be posted in the office of the Public Works Director, Zoning Administrator or other designated Town official whose office shall be responsible for their collection.

2312.02 Amendment of Alternation of Fee Schedule: The schedule of fees may be altered or amended only by the Mayor and Board of Aldermen.

2312.03 Payment Required: No action or processing shall be taken on any application until all applicable fees, charges and expenses have been paid in full.

2312.04 Fees Not Refundable: No fees or other monies paid in conjunction with zoning-related matters shall be refunded.

SECTION 2313 - APPEALS

2313.01 Appeals from Administrative Interpretation of the Zoning Administrator: In accordance with Section 2301.02 of this Ordinance, any party aggrieved with the administrative interpretation of the Zoning Administrator shall have the right to appeal such interpretation. Such appeals may be made directly to the Planning/Zoning Commission. If the appeal is made to the Planning/Zoning Commission, the party aggrieved shall submit a written request to the Town Clerk one week preceding any regularly-scheduled meeting of the Planning/Zoning Commission at which the aggrieved party desires to be heard.

All appeals shall be in writing and shall include a copy of the original application for a building permit, change of use permit, dimensional variance, special exception or rezoning, together with a statement of the reason for the appeal.

2313.02 Appeals from Recommendation of the Planning/Zoning Commission: Any

party aggrieved with the recommendation of the Commission as adopted at any meeting of the Commission shall be entitled to a public hearing before the Mayor and Board of Aldermen with due notice thereof and after publication for the time and as provided by law. An aggrieved party may be anyone who takes exception with the recommendation made by a majority of a quorum of the Commission.

Such a hearing shall be provided only if the aggrieved party files a written request with the Town Clerk within fifteen (15) days of the vote of the commission on the recommendation.

The Board will set a hearing within 30 days of receipt of request.

2313.03 Fee Required for Appeals from Planning/Zoning Commission Recommendations: Any applicant aggrieved with a recommendation from the Planning/Zoning Commission regarding a variance, conditional use permit, or amendment to this Ordinance shall file an appeal fee with the Town Clerk, the rate for which shall be set as the same required for publication and public notice as required in the original application.

2313.04 Appeal Hearing by the Mayor and Board of Aldermen: In the event an appeal is made to the Mayor and Board of Aldermen by a party aggrieved by the recommendation of the Planning/Zoning Commission, the Mayor and Board of Aldermen shall order public notice to be given by publication of the appeal and posting of a sign. The appeal shall be heard as a public hearing and as a matter to be placed on the agenda of a regular or adjourned meeting of the Mayor and Board of Aldermen. In no case shall the appeal be heard before proper notice shall be given. At the time of the Appeal Hearing, the Board shall hear the recommendation of the Commission, and then hear from the appealant and then the appellee and other interested parties. The Mayor and Board shall then uphold or reject the appeal, and then accept or reject the recommendation of the Commission upon its own motions. If the appeal or recommendation of the Commission has several parts, the Mayor and Board of Aldermen may uphold the appeal and accept the recommendation of the Commission on some, and deny and reject others.

Any change in any part or parts of the petition which the Mayor and Board of Aldermen may deem appropriate or necessary resulting from the appeal (except conditions applying to variances and special exceptions), shall be referred back to the Planning/Zoning Commission for reconsideration, subject to public notice and hearing, as a separate and new petition. The filing fee may be waived at the discretion of the Mayor and Board of Aldermen.

2313.05 Appeals to a Court of Law: An appeal from any action, decision, ruling, judgment or order by the Mayor and Board of Aldermen may be taken by any person or persons to the Circuit Court of Rankin County.

SECTION 2314 - ORDINANCE ENFORCEMENT

Any person who shall knowingly and willfully violate the terms, conditions or provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction of first offense shall be sentenced to pay a fine in an amount up to two hundred fifty dollars ($250.00) and incarceration time of 0 – 30 days. Upon conviction of a second offense shall be sentenced to pay a fine in an amount of two hundred fifty-one dollars ($251.00) to five hundred dollars ($500.00) and incarceration time of 0 – 180 days. Upon conviction of a third offense shall be sentenced to pay a fine in an amount of five hundred and one dollars ($501.00) to one thousand dollars ($1000.00) and incarceration time of 0 – 364 days.

ARTICLE XXIV: MISCELLANEOUS PROVISIONS

SECTION 2400 - PURPOSE OF THIS ARTICLE

The purpose of this Article is to consolidate all provisions applicable to this Ordinance which are not included under the General Regulations, Zoning District Regulations, or elsewhere herein.

SECTION 2401 - OMISSION CLAUSE

The omission of any specific use, dimension, word, phrase, or other provision from this Ordinance shall not be interpreted as permitting any variation from the general meaning or intent of this Ordinance, as commonly inferred or interpreted. Should occasion arise as to such intent or meaning, the interpretation of the Zoning Administrator shall apply as provided under Section 2601.02 herein.

SECTION 2402 - SEPARABILITY AND VALIDITY CLAUSE

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

SECTION 2403 - REPEAL OF CONFLICTING ORDINANCES OR PARTS THEREOF

All Ordinances or Codes or parts of Ordinances or Codes adopted heretofore by the Town of Pelahatchie, Mississippi, which are in conflict herewith or inconsistent with the provisions of this Ordinance ARE HEREBY REPEALED.

SECTION 2404 - REFERENCES INCLUDE SUBSEQUENT REVISIONS, AMENDMENTS OR ENACTMENTS

Where any statute, ordinance, or regulation is referred to or incorporated into this Ordinance, that reference shall include any subsequent revisions, amendments or enactments encompassing the same subject matter.

SECTION 2405 - FAILURE TO ENFORCE ORDINANCE

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

SECTION 2406 - EFFECTIVE DATE OF ORDINANCE

This Ordinance shall become effective THIRTY (30) CALENDAR DAYS FROM AND AFTER ITS ADOPTION.

SECTION 2407 - ADOPTION CLAUSE

Adopted this, the_____, at the regular meeting of the Mayor and Board of Aldermen of the Town of Pelahatchie, Mississippi.

ATTEST:

_____ _____

Town Clerk Mayor

I, the undersigned_____, Town Clerk of the Town of Pelahatchie, Mississippi, hereby certify that the above and foregoing is a true copy of an Ordinance adopted by the Mayor and Board of Aldermen of the Town of Pelahatchie at its meeting held on the_____ as the same appear in Minute Book _____.

Given under my hand and official seal, this the ____ day of_____, 20___.

_____
Town Clerk
Town of Pelahatchie, Mississippi