

OFFICIAL ZONING ORDINANCE

the city of **RIDGELAND**



M I S S I S S I P P I

ADOPTED: February 4, 2014
AMENDMENTS INCORPORATED: August 5, 2025

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ARTICLE I

GENERAL PROVISIONS

SECTION **TITLE AND SHORT TITLE**

1

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

The short title for the Ordinance shall be: *THE ZONING ORDINANCE OF THE CITY OF RIDGELAND, 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 **PREAMBLE**

2

WHEREAS, pursuant to its general police powers of municipalities as set forth in Section 21-19-1(1) of the *Mississippi Code of 1972, annotated*, as amended, the City of Ridgeland, Mississippi has the power and authority to make regulations to promote and preserve the health, safety, morals and general welfare of its Citizens; and

WHEREAS, pursuant to the powers set forth in Section 21-17-5(1) of the *Mississippi Code of 1972, annotated*, as amended, the City of Ridgeland, Mississippi has “home rule authority” to govern and manage municipal affairs, as long as the exercise of such powers is not inconsistent with the Mississippi Constitution, the Mississippi Code or other statute or law of the State of Mississippi, and furthermore the City of Ridgeland has “the power to alter, modify and repeal such orders, resolutions or ordinances” as previously passed by the Mayor and Board of Aldermen; and

WHEREAS, Section 21-17-5(1) of the *Mississippi Code of 1972, annotated*, as amended, further provides that “the powers granted to governing authorities of municipalities in this section are complete without the existence of or reference to any specific authority granted in any other statute or law of the State of Mississippi”; and

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

WHEREAS, in order to promote the “health, safety, morals, or the general welfare of the community,” pursuant to Section 17-1-3 of the *Mississippi Code of 1972, annotated*, as amended, the City of Ridgeland, Mississippi is granted the specific powers “to regulate the height, number of stories and size of building and other structures, the percentage of lot that may be occupied, the size of the yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes...”; 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 17-1-1(c)(ii) of the *Mississippi Code of 1972, annotated*, as amended, provides that the “land use plan” should “designate in map or policy form the proposed general distribution and extent of the uses of land for residences, commerce, industry, recreation and open space, public/quasi-public facilities and lands”; and

WHEREAS, Section 17-1-11 of the *Mississippi Code of 1972, annotated*, as amended, states that "the governing authority of each municipality ... may provide for the preparation, adoption, amendment, extension and carrying out of a comprehensive plan for the purpose of bringing about coordinated physical development in accordance with present and future needs and may create, independently or jointly, a local planning commission with authority to prepare and propose (a) a comprehensive plan of physical development of the municipality... ; (b) a proposed zoning ordinance and map...; ... and (e) recommendations to the governing authorities of each municipality ... with regard to the enforcement of and amendments to the comprehensive plan [and] zoning ordinance, ...”; and

WHEREAS, pursuant to Section 17-1-11, the Mayor and Board of Aldermen have established such a planning commission; and

WHEREAS, the Mayor and Board of Aldermen on September 6, 1988, adopted by resolution certain "Final Goals and Objectives" and a "Land Use/Thoroughfares Plan" for that portion of the City of Ridgeland that is generally east of Interstate Highway 55, as previously recommended by the Ridgeland Planning Commission following public hearings relative to same; and

WHEREAS, the Mayor and Board of Aldermen on April 17, 1990, adopted by resolution a "Land Use/ Thoroughfares Plan" for that portion of the City of Ridgeland that is generally west of Interstate Highway 55, following a public hearing relative to same; and

WHEREAS, the Mayor and Board of Aldermen on August 30, 1990, adopted by resolution certain amendments to the *Land Use/Thoroughfares Plan* for that portion of the City of Ridgeland that is generally east of Interstate 55, plus the expansion of the plan to include certain land areas adjacent to the City both east and west of the corporate limits as of that date, following a public hearing relative to same; and

WHEREAS, the Mayor and Board of Aldermen on November 5, 1991, adopted by resolution a *Community Facilities Plan* as a basis for a capital improvements program for the City of Ridgeland, following a hearing relative to same; and

WHEREAS, at the time, the Ridgeland Planning Commission recommended the adoption of a *Zoning Ordinance of the City of Ridgeland, Mississippi* and an accompanying *Official Zoning Map*; and

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

WHEREAS, in 2006, the community undertook the Ridgeland Area Master Plan (RAMP), adopted by the City in 2008 and readopted by the successor administration in 2009, which examined the long terms needs, goals, and strategic opportunities in the City and a large area west of the city limits. This asset-based planning process identified opportunities to strengthen Ridgeland's quality of life, and recommended changes to Ridgeland's master land use plan; and

WHEREAS, in 2009, Ridgeland adopted an updated Comprehensive Plan, reflecting in part the RAMP recommendations; and

WHEREAS, since the adoption of the 2009 plan nearly five years ago, a number of significant changes have impacted Ridgeland, and will continue to do so for the foreseeable future, including the adoption of a new transportation plan in 2012;

major ongoing upgrades to I-55; the building out of large scale developments such as Renaissance at Colony Park bringing additional businesses and activity to the city; and other major improvements in various stages of planning and implementation such as Lake Harbour Drive and Colony Park Boulevard. These changes contribute to the future development of the city, and require that Ridgeland update its land use and transportation plans; and

WHEREAS, the Mayor and Board recognize that the purpose of adopting a new comprehensive plan, a future land use plan and a new zoning ordinance in accordance with the comprehensive plan is to direct, guide and bring about the physical development and responsible growth of the City of Ridgeland, consistent with the stated desires of its Citizens, as reflected in the public hearings conducted on January 21, 2014 and in accordance with present and future needs; and

WHEREAS, following the aforesaid public hearing, the Mayor and Board of Aldermen adopted a new Generalized Future Land Use and Transportation Plan; and

WHEREAS, consistent with the information presented at the aforesaid public hearing, the Mayor and Board of Aldermen find that significant changes have occurred in the City of Ridgeland since the adoption of the current Zoning Ordinance on February 6, 2001 and since the limited amendments to that ordinance subsequently adopted, including amendments adopted on December 1, 2009; and they further find that such amendments subsequent to the February 6, 2001 Zoning Ordinance have not fully addressed the changes that are occurring, and that there remains a substantial and fundamental need for amending the Zoning Ordinance in light of those changes; and

WHEREAS, during the planning process, the Mayor and Board of Aldermen with input from professional planners and extensive public input determined a major problem currently confronting the City of Ridgeland's city planners and zoning authorities is that posed by nonconforming uses and structures (hereinafter "Nonconformities"). Such Nonconformities reduce the effectiveness of the zoning ordinance, increase the difficulty of conforming the City to its Zoning Map, comprehensive plan and future land use plan, depress property values, and directly contribute to urban blight. Such Nonconformities are a cause of residential and commercial slums, traffic congestion, and other indicia of urban obsolescence; and

WHEREAS, pursuant to powers granted to the Mayor and Board of Aldermen in Section 17-1-3, to promote the "health, safety, morals, or the general welfare of the community," the Mayor and Board desire to address the problems facing the City of Ridgeland as set forth above, many of which relate directly and indirectly to "the height, number of stories and size of building and other structures, the percentage of lot that may be occupied, ... the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes"; and

WHEREAS, the Mayor and Board of Aldermen have determined that one of the purposes of the new zoning ordinance is to establish a mechanism for terminating nonconforming uses and structures; and

WHEREAS, the Mayor and Board recognize that following the adoption of a new zoning ordinance that certain existing uses and structures no longer conform to the dictates and parameters of the ordinance; and

WHEREAS, the Mayor and Board recognize that certain existing uses and structures were nonconforming before the zoning ordinance went into effect and remain nonconforming since the passage of the new zoning ordinance;

WHEREAS, the Mayor and Board further recognize that to achieve the goals of the City as set forth in the comprehensive plan and in the future land use plan that it must reduce nonconformance with the Zoning Ordinance— whether such nonconformance was pre-existing to its zoning ordinance or nonconforming after passage of the new zoning ordinance; and

WHEREAS, in order to promote the orderly, responsible, and beneficial development and growth of the City of Ridgeland and ultimately to reduce nonconformance to conformance as speedily as possible, the Mayor and Board of Aldermen recognize the need for a mechanism to monitor nonconforming uses, and, thus, have determined to implement a registration process for pre-existing nonconforming uses and structures as well as penalties for non-registration of nonconforming uses and structures; and

WHEREAS the Mayor and Board of Alderman recognize the importance to the community of an adequate supply of dwelling spaces within the City, all of which should conform to certain minimum standards of health, safety and environmental conditions to promote the “health, safety, morals, or the general welfare of the community,” pursuant to Section 17-1-3 of the *Mississippi Code of 1972, annotated*, as amended; and

WHEREAS, the Mayor and Board are concerned that many apartment complexes within the City of Ridgeland do not provide safe or code compliant housing for its Citizens, and, in many cases, such unsafe and non-code compliant dwelling units in the City pose an actual threat to the health, safety, and welfare of the Citizens of Ridgeland living within such units; and

WHEREAS, the Mayor and Board have identified unsafe, densely populated, and/or non-code compliant dwelling units in the City as constituting one of the City’s greatest problems for its Citizens; these structures are not of adequate size and/or exceed the population density limits, and/or lack adequate sized yards, courts or open spaces; their uses are inconsistent with the newly adopted comprehensive plan and future land use plan, and, thus, have resulted in overcrowded, slum-like conditions, urban blight and a general deterioration of residential areas and should be brought into conformance with the City’s ordinance; and

WHEREAS, the Mayor and Board, pursuant to the lawful exercise of the City's statutorily granted powers to adopt a zoning ordinance, its police power, and home rule authority, have determined to return nonconformance to conformance by ending nonconforming uses and structures, establishing uniform standards and criteria for remedying the problem of nonconforming uses and structures, within a reasonable time, and in so doing, incorporate the concepts of equity necessary to avoid or reduce economic harm to those who either own nonconforming structures or own structures that engage in nonconforming uses or to protect the Citizens who may reside in these structures;

WHEREAS, the Mayor and Board also recognize that enactment of this amendment to the zoning code may create practical difficulties or unusual hardships and have taken steps to provide classes of nonconformities and to allow for an amortization period by which certain nonconformities must be terminated, thereby allowing owners, where applicable, to recoup their investment in the structure.

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: and

WHEREAS, the City's consideration of this new Zoning Ordinance has complied with the procedural requirements of Section 17-1-1 et seq. for adopting a new zoning ordinance or amendments to an existing ordinance. Likewise, the Mayor and Board of Aldermen find that the process has substantially complied with the procedural requirements of the current ordinance by, among other things, providing notice to the public and an opportunity to be heard, and that under the City's long-standing practice, parcel-specific requirements in the current Zoning Ordinance do not apply to City-initiated revisions such as this comprehensive amendment; and

WHEREAS, after conducting the hearing on the proposed amendments to this Ordinance, and upon recommendation of the Zoning Board, the Mayor and Board of Aldermen have determined that certain changes in response to comments at the hearing are in order, but that such changes are minor and merely formal and do not constitute an enlarged restraint or a material change to the proposed amendments advertised for public hearing:

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

SECTION

STATUTORY AUTHORITY

3

The Legislature of the State of Mississippi has in Title 17, Chapter 1, Section 17-1-1 through 17-1-27 of the Mississippi Code, annotated, 1972, as amended, and in 21-17-5(1), as amended, delegated the responsibility to local governmental units to adopt land use and development regulations designed to promote the public health, safety, morals, and general welfare of its citizens.

SECTION

STATEMENT OF PURPOSE

4

The purpose of this Ordinance is to preserve and promote the public health, safety, morals, and general welfare of the inhabitants of the City of Ridgeland 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.

SECTION

OMMISSION PROVISION

5

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 Director of Community Development or his designee shall apply as provided under Section 600.04 herein.

SECTION

SEPARABILITY AND VALIDITY PROVISION

6

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

SECTION

REPEAL OF CONFLICTING ORDINANCES OR PARTS

7

THEREOF

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

SECTION | **FAILURE TO ENFORCE ORDINANCE**

8

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

SECTION | **ZONING CASES PRESENTLY ON APPEAL**

9

For all zoning cases on appeal in any judicial proceeding at the date of adoption of this Ordinance or any amendment thereto, the zoning under the previous Zoning Ordinance or the amendment to the Ordinance that is the subject of the appeal shall remain in effect as to the property involved until such time as the appeals procedures shall come to a conclusion, unless modified in accordance with the provisions of this ordinance.

SECTION | **EFFECTIVE DATE OF ORDINANCE**

10

This Ordinance shall become effective THIRTY CALENDAR DAYS FROM AND AFTER ITS FEBRUARY 4, 2014 ADOPTION.

SECTION | **PARTIES AGGRIEVED**

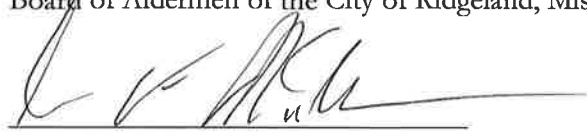
11

Any party feeling aggrieved by the change of zoning status of his property as reflected by the ***Official Zoning Map*** adopted herein shall have ninety (90) days from the effective date of this Ordinance within which to petition the Mayor and Board of Aldermen for reconsideration of the zoning status of such property. After the expiration of the aforesaid ninety days, any person petitioning for a change in the zoning status of his property must base said petition upon changes taking place and public necessity taking place after the February 4, 2014 adoption of the aforesaid ***Official Zoning Map***.

SECTION

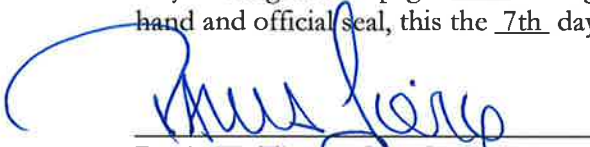
ADOPTION CLAUSE**12**

Adopted this, the 4th day of February, 2014, at the regular meeting of the Mayor and Board of Aldermen of the City of Ridgeland, Mississippi.



Gene F. McGee, Mayor

I, the undersigned Paula W. Tierce, City Clerk of the City of Ridgeland, 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 City of Ridgeland at its meeting held on Tuesday, the 4th day of February, 2014, as the same appear in Minute Book of the City of Ridgeland at pages 501 through 506 BOOK 100 thereof. Given under my hand and official seal, this the 7th day of February, 2014.



Paula W. Tierce, City Clerk

Ridgeland, Mississippi



SECTION

13-19

ARTICLE II

INTERPRETATION AND DEFINITIONS

SECTION 20 | RULES FOR WORDS AND PHRASES

20

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 “**building**” includes the word “**structure**”; the word “**shall**” is mandatory; the word “**may**” is permissive; the word “**used**” includes “**designed**” and “**intended or arranged to be used or occupied**”; the word “**person**” includes a firm, association, organization, partnership, trust, foundation, company, or corporation as well as an individual.

SECTION 21 | DEFINITIONS

21

For the purpose of this Ordinance certain words, phrases, and terms used herein shall be interpreted as stated in this article. Any word, phrase, or term not defined herein shall be defined by the Director of Community Development or his designee, the interpretation based on its common and ordinary usage.

A

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

Adult Entertainment Use (Activity or Establishment): An adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, or similar establishment that regularly features or depicts behavior that is characterized by the exposure of “specified anatomical areas,” 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 Bookstore: An establishment that 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, other printed matter, photographs, films, motion pictures, video cassettes, slide, or other visual representations that are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas,” or
- (b) Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.”

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

Adult Theater: A theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of “specified anatomical areas” or by “specified sexual activities.”

Massage Parlor: An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation of the human body is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Sexual Encounter Establishment: An establishment other than a hotel, motel, or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with “specified sexual activities” or the “exposure of specified anatomical areas.” This definition does not include an establishment where a medical practitioner, psychologist, or similar professional person licensed by the state engages in sexual therapy.

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

Specified Sexual Activity: Human genitals in a stage 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; beating or the infliction of physical pain by masochism or

sexually oriented torture; 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.

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 Zoning Ordinance, this term shall refer to the *Animal Control Ordinance of the City of Ridgeland*.

Apartment: A dwelling unit located in a multi-family structure for occupancy by one family only, either rented or leased to the occupants. Any occupancy of such Apartment must be for a period of three (3) months or more. A license is required for the rental of any Apartment for a period of less than three (3) months. An apartment may not be owned by the occupant (except by the owner of the complex). See also “**Condominium**” and “**Townhouse**.”

Appurtenance: Spires, belfries, cupolas, antennas, water tanks, ventilation chimneys, masts, towers, or other building elements usually required to be placed above the roof level and not intended for human occupancy. This definition shall not apply to elevator shafts, parapet walls or any extension thereof.

Architectural Review Board: When used in this Zoning Ordinance, this term shall refer to the board duly established by the Mayor and Board of Aldermen.

Arterial Street/Highway: See “**Street**.”

Automotive Service, Major: A facility primarily engaged in major automotive repairs, servicing, rebuilding, or reconditioning of motor vehicles. Typical activities include engine and transmission repair, bodywork, collision repair, painting, frame adjustments, welding, and similar intensive automotive servicing. The site may include garages, service bays, storage areas for parts, administrative offices, and secure parking areas for vehicles awaiting repair or pickup; excluding selling, renting, or leasing of motor-driven vehicles.

Automotive Service, Minor: A business offering routine automotive maintenance and minor repairs such as oil changes, fluid checks, brake service, tire repair or replacement, wheel alignment, battery installation, and other light mechanical tasks not involving extensive bodywork, engine rebuilding, or heavy mechanical repairs. Such establishments typically have limited overnight vehicle storage and primarily service vehicles within enclosed bays during business hours.

Automotive, Service Station: A facility primarily designed for retail dispensing of gasoline, diesel, or alternative fuels directly to motor vehicles. This use often includes ancillary activities such as convenience retail sales and automotive accessory sales. Facilities generally include a Convenience Store, fueling islands and canopies, underground fuel storage tanks, tire inflation kiosks, and limited parking areas. This term includes any facility with Level 3 (and above) Electric Vehicle Charging Stations.

B

Bar and/or Cocktail Lounge: Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded there from by law. It shall not mean premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than 25 percent of the gross receipts.

Basement: A story of a building 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.

Boarding House: A building or dwelling unit other than a hotel, motel or apartment, where for compensation and by prearrangement for either definite or indefinite periods, meals and/or lodging are provided for three or more persons. In no event shall the occupancy of a boarding house be permitted to exceed twelve boarders. A building, which has accommodations for, or is accommodating more than twelve persons shall be defined as a “Hotel” or “Motel” under the terms of this Ordinance. 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.

Building: Any enclosed structure built for the housing, shelter, or enclosure of persons, animals, or chattel. The term “**building**” shall be construed as if followed by the words “or part thereof.”

Building Area: The projected horizontal area of a building(s) including air wells, and all other spaces within the building, but excluding open air porches, courtyards, verandahs, steps, cornices, chimney breasts, fire escapes, exterior stairways, breezeways, accessory structures or buildings, ramps and open landing platforms.

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

Building Permit: A permit issued by the appropriately designated city official authorizing the construction, placement, or structural alteration of a specific building on a specific lot.

Building, Portable: See *Portable Building Ordinance of the City of Ridgeland*.

Building Setback Line: See “**Setback Line**.”

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

C

Canopy: A canopy, which may be attached to the main building or separated from the main building providing a sheltered place for parking a vehicle and for entering and alighting from said vehicle.

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 32.

Certificate of Occupancy: A certificate issued by the Building Official in conformance with the Standard Codes of the City of Ridgeland.

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

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

City: The City of Ridgeland, Mississippi.

Climate Controlled Storage Facility: A storage facility which is heated and air-conditioned and in which individual storage units or spaces must be accessed only from the interior of a building.

Collector Street: See “Street.”

Co-Location: The practice of placing communication attachments to any existing tower, building, or structure that currently accommodates other communication attachments.

Commercial Communication Tower: A freestanding structure that is intended for transmitting or receiving television, radio, telephone, pagers, or similar communications, excluding STL's (Studio to Transmitter Link) transmitting devices, which have the following characteristics: (a) line of sight transmission; (b) a height no greater than the minimum height above a tree line for a transmission to a taller tower, transmission that is limited to radio or television broadcast purposes; and (c) the STL is located on property properly zoned.

Communication Attachment: Any and all devices intended for transmitting and receiving telephone, television, radio, fiber optics or similar communications, excluding attachments used for Studio to Transmitter Links (STLs).

Compensation: As used in any definition in this ordinance the term for compensation shall include both direct and indirect compensation, including but not limited to direct payments, employment benefits provided to three or more unrelated persons in the same dwelling unit, or any other form of indirect compensation.

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 that 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 City 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.

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” and “Townhouse.”

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 small store (15,000 s.f. gross floor area or less) which deals in grocery items of a convenience nature which includes the sale of fuel and may include car wash facilities.

Convenience Grocery Store: A small store (15,000 s.f. gross floor area or less) that stocks a range of everyday items such as groceries, medicine, pharmaceuticals, toiletries, alcoholic and soft drinks, tobacco products, and/or household items. A Convenience Grocery Store does not include the sale of fuel nor carwash facilities.

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 provision of Section 402 of this Ordinance.

Coverage: That part of a lot covered by buildings.

Criteria or Criterion: See Evaluation Criteria.

D

Data Center: A facility which houses the necessary computer servers or systems network systems related hardware, wiring data transmitters and other components required for the remote storage ("cloud storage"), transfer, backup and recovery, analysis or processing of digital data. Further, a data center may also include a facility that engages in developing computer technology, software development, programming, data analytics and digital media."

Data Center Related Facilities: This term shall include the on-site exterior equipment and facilities necessary for the safe, secure and compatible operation of a Data Center. Such equipment and facilities may include, but is not limited to: HVAC equipment, emergency power generation units, sound attenuation devices, equipment and facilities necessary to interface with the electric power grid system, and electric power transformers including, without limitation, public/quasi-public facilities and utilities.

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 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 constructed in phases.

Development Standards: Measures that represent a minimum or maximum objective imposition of a particular regulation. Standards are the measurements that every structure must meet relating to its size, shape, placement on the lot, etc.

Dimensional Variance: See “**Variance.**”

Director of Community Development: 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.

District: Any section or sections of Ridgeland 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 streambed and banks that 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, exclusive of mobile homes, manufactured housing, transient or travel trailers, or portable buildings as defined herein, that is designed and used for human habitation.

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

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

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

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

Dwelling, Townhouse: A single-family dwelling constructed on a fee ownership lot in a series or group of attached units with property lines separating each unit.

Dwelling Unit: One or more rooms including a kitchen designed as a unit for occupancy by one family for the purpose of cooking, living and sleeping.

Dwelling Unit, Rental, Lease or Lease-Purchase: A Dwelling Unit that is (1) rented, leased, or occupied by a non-fee owner pursuant to any lease or rental agreement, or (2) rented, leased or occupied by any non-fee owner pursuant to any lease-purchase, any contract for sale, any contract for deed, or any other instrument purporting to transfer ownership of property where the transfer of title is delayed. Any occupancy of such Dwelling Unit must be for a period of greater than thirty days. A license is required for the rental of any Dwelling Unit for a period of less than three months.

Dwelling Unit, Secondary: An attached or detached dwelling unit created on a lot with a principle dwelling unit. The secondary dwelling unit is created auxiliary to, and is smaller than, the main dwelling. Secondary dwelling units can be created in a variety of ways, including conversion of a portion of an existing house, addition to an existing house, conversion of an existing garage or the construction of an entirely new building. Secondary dwelling units shall be subject to the provisions of Section 31.06 of this ordinance.

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 the lot line on one side; otherwise, it shall be considered a patio home.

E

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

Electronic Smoking Device: An electronic or battery-operated device that delivers vapor for inhalation. The term includes every variation and type of such devices including electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, electronic hookahs or any other similar product.

Electronic Smoking Device Retailer: A commercial establishment selling Electronic Smoking Devices or related products (such as liquids, flavorings, and accessories for Electronic Smoking Devices) and where the sale and/or display of said devices and related products accounts for more than 30% of gross sales area, or 500 square feet of retail space or greater, or 30% of gross sales receipts.

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.

Evaluation Criteria or Criteria: The factors by which requests for any zoning permit are judged. They are qualitative, whereas development standards are quantitative. If a criterion becomes so specific as to be measurable, it has become a standard.

F

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) All governmental buildings (including municipal buildings and buildings erected by County, State or Federal governments), the land upon which buildings are located, and major governmental facilities, such as water pumping stations, sewage treatment plants, sanitary landfills and the like. Public parks are excluded from this definition of public/quasi-public facilities and utilities and shall be zoned as **“Special Use (S-1)”** districts, regardless of size, and regulated under the provisions of Article XXII.
- (c) All hospitals, whether public or private subject to Special Use Site Plan Standards in Section 600.14.F.
- (d) Convalescent homes or nursing homes, excluding **“Retirement Villages”** which shall be zoned as **“Special Use (S-1)”** districts only subject to Special Use Site Plan Standards in Section 600.14.F.
- (e) Civic organization buildings and major facilities.
- (f) Buildings and facilities erected by charitable organizations (e.g., American Red Cross, Salvation Army, etc.). 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.
- (g) Country clubs and other major recreational facilities constructed by private groups.
- (h) ALL cemeteries, regardless of ownership subject to Special Use Site Plan Standards in Section 600.14.F.
- (i) Major facilities associated with privately-owned utilities (electrical, natural gas, telephone) including but not limited to electrical substations, telephone communications centers, natural gas pumping facilities, and similar significant uses.
- (j) Cellular or wireless data towers. The following standards must be met in addition to the conditional use standards described in Section 600.09.D of this ordinance:
 - 1. The applicant shall show that co-location at other existing tower sites and other structures/appurtenances is insufficient to meet the demands of the described area.

2. The applicant shall show that maximum effort will be made to allow future co-location with other wireless carriers.
 3. The applicant shall show that the proposed location is necessary to meet existing and reasonably foreseeable future cellular and/or wireless data demands.
 4. The applicant shall minimize the negative impacts to adjacent properties.
- (k) Small scale primary-secondary schools typically requiring less than 20 acres, including private, public or parochial schools; excluding daycare facilities, trade or vocational schools and institutions of higher learning.

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

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, 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.”

G

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 vehicles.

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.

Garage, Parking: See “Parking Garage.”

Gasoline Service Station or “Gas Station”: See “Automotive, Service Station.”

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 (20-25 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.”

Grocery Store: A retail establishment (15,000 square feet of gross floor area or greater) that primarily sells a comprehensive range of everyday items, including fresh produce, groceries, meats, dairy products, frozen foods, medicine and pharmaceuticals, toiletries, alcoholic beverages, non-alcoholic beverages, tobacco products, household supplies, and similar items. This definition explicitly excludes "Convenience Grocery Store" and "Specialty/Boutique Grocery Store" as defined by this ordinance.

Grocery Store, Convenience: A retail establishment (not exceeding 15,000 square feet of gross floor area) primarily designed to offer convenient, quick-service shopping with an affordable selection of groceries, prepackaged foods, snacks, medicine, toiletries, and other household essentials (cleaning supplies, paper products, personal care items, etc.). This definition specifically excludes facilities providing fuel sales or carwash services.

Grocery Store, Specialty/Boutique: A retail establishment (not exceeding 15,000 square feet of gross floor area) primarily offering specialty food products, gourmet groceries, fresh produce, and grocery items. Such establishments may include ancillary uses such as delicatessens, bakeries, cafes, or similar small-scale prepared food services. Specialty/Boutique Grocery Stores may offer limited selections of general household items, toiletries, and similar products.

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

H

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 and 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. A building permit (if construction is necessary in connection with the proposed home occupation) or a certificate of occupancy (if no construction is necessary) must be obtained from the Building Official prior to the initiation of a home occupation. The criteria for issuance of a permit for a home occupation are listed under Section 35 of this Ordinance. Home Occupation activities within a residential district are not considered commercial uses when limited and permitted as described in Section 35.

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.

Hotel or Motel: A building or buildings where lodging, food, and various personal services are provided for more than twelve persons, who are usually but not always transients, for compensation.

I

Industry, Heavy: Those industrial uses that are not fully enclosed and/or that 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 that do not generate objectionable odors, smoke, fumes, vibration, or excessive noise.

Industry, “Wet-Type”: Those heavy industrial uses that require large amounts of water for operation or processing or that discharge large amounts of water, by-products or industrial or process wastewater.

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

J

Junk Yards: A place where discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but EXCLUDING places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops or 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.

K

Kennel: A facility, other than a residence, where more than four dogs, cats, or other kinds of animals, 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.

L

Landfill: "Landfill" means a controlled area of land upon which solid wastes are deposited, compacted, and covered with no on-site burning of wastes, and which is so located, contoured, drained and operated so that it will not cause an adverse effect on public health or the environment. This term includes Municipal Solid Waste Landfill Unit (MSWLF) units and other landfills, but not sites which receive only rubbish, as defined, permitted and regulated by the Mississippi Department of Environmental Quality.

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

Land Use Plan: Also called "Future 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; 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."

Liquor Store: A store exclusively for the retail sale of sealed and unopened alcoholic beverages or "package retailer" as permitted by the Department of Revenue and defined in Title 35, Part II of the Mississippi Administrative Code.

Liquor Store, Ancillary: A Liquor Store owned and operated by an attached grocery store (excluding convenience grocery stores) and shall serve as a complimentary or secondary use to the primary retail sales of the grocery store.

Liquor Store, Independent: An independently owned and operated Liquor Store, excluding those defined as Ancillary Liquor Stores in this ordinance.

Lodging House: See "Rooming House"

Lot: A parcel of land of 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 City of Ridgeland, Mississippi*. Such lot shall have frontage on an improved public (dedicated) street or on a private drive or parking lot specifically approved by the Mayor and Board of Aldermen through the subdivision plat review process prescribed herein or through the site plan review process required by the *Zoning Ordinance* for multifamily dwellings and other developments.

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

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

Lot Coverage, Maximum: The maximum percentage of the lot area covered by the perpendicular vertical projection of the building area onto a horizontal plane. The term “Lot Coverage, Maximum” means the same as “Maximum Lot Coverage”.

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 Lines, 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 that the building faces, 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 Madison 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. “**Building width**” shall be the width of lot left to be built upon after the required yards are provided.

M

Manufactured Home: A structure defined by and constructed in accordance with the National Manufactured Housing and Construction and Safety Standards Act of 1974, as amended, 424.S.C. 5401, et seq., and manufactured after June 15, 1976, and designed to be used as a single-family residential dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning , and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this code and with respect to which the manufacturer voluntarily files a certification required by the secretary

and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 and the Uniform Standards Code for Factory Built Homes Law, State of Mississippi. A mobile home is not a manufactured home except as hereinafter provided. Notwithstanding the definition of a manufactured home herein above, for the purposes of this Ordinance, all manufactured homes shall be placed on an approved foundation as defined in this Ordinance. A mobile home is not a manufactured home.

Manufactured Home Foundation: The site built supporting parts upon which the manufactured home is placed whether constructed to encompass the perimeter of the home or in the form of piers and including all exterior materials required to physically screen, veneer, or shelve from such supports, extending at a minimum from the ground surface to the bottom portion of the exterior wall surfaces of the home.

Manufactured Home Subdivision: The division of any tract or parcel of land, including frontage along an existing street or highway, into two or more lots, plots, or other division of land for the purpose, whether immediate or future, of the placement of manufactured housing for dwelling purposes.

Manufactured Housing Land-Lease Community: A parcel of land under single or multiple ownership, but single management, that has been planned and improved for the placement of manufactured housing for dwelling purposes. A manufactured home land-lease community shall only include developments wherein manufactured housing sites are leased or rented and/or wherein manufactured houses and sites are lease or rented. These are commonly called mobile home parks or trailer parks.

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.

Mixed-Use Development: For purposes of this Article, horizontal mixed use means two or more different types of uses are placed next to each other, planned as a unit, and connected together with pedestrian and vehicular access. For instance, a planned subdivision containing single-family dwellings, retail development, and an office complex. For purposes of this Article, vertical mixed use means two or more different uses occupying the same building usually on different floors. For instance, retail on the ground floor and office and/or residential uses on other floor(s).

Medical Clinic: A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services are generally available without a prior appointment.

Medical Office: A facility other than a hospital where medical, dental, mental health, and/or other personal healthcare services are provided on an outpatient basis and primarily require prior

appointments. Includes offices and related outpatient facilities for chiropractors, dentists, medical doctors, optometrists, prescription opticians, psychologists, etc. This definition explicitly excludes medical clinics (walk-in clinics, emergency clinics, etc.).

Mobile Home: A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Mobile homes shall be considered structures for the purpose of this Ordinance. **“Transient trailers”** (travel trailers), as defined herein, shall not be considered mobile homes, and they are deemed vehicles but not dwellings or structures. FOLLOWING ENACTMENT OF THIS ORDINANCE, NO MOBILE HOME SHALL BE LOCATED IN THE CITY OF RIDGELAND UNLESS IT IS LOCATED IN A MOBILE HOME PARK (R-M) DISTRICT.

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

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

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

Modular Home: Factory-built housing certified as meeting the local building codes. A modular home is not considered a manufactured home.

Mortuary: See “Funeral Home.”

Motel: See “Hotel.”

Multi-Family Dwelling: See “Dwelling, Multi-family.”

N

Nightclub: A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing is permitted. This includes the term “cabaret.”

Nonconformity: Any land, lot, building, structure, occupancy, use, 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 this ordinance. (See Section 40.02 of this Ordinance for definitions of the various types of nonconformities, including (1) Nonconforming Lot of Record; (2) Nonconforming Structure; (3) Nonconforming Use; and (4) Nonconforming Occupancy.)

Nursery, Child Care: See “Child Care Facility.”

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

Nursing Homes: See “Convalescent Home.”

O

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 mobile 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.

Office Warehouse: A facility which has the combined uses of office and showroom or warehouse for the primary purpose of wholesale or retail trade, display, and distribution of products.

P

Park (Public): A tract of land, designated and used by the public for active and passive recreation. Parks are zoned as “Special Use (S-1)” under the regulations of Section 300, and are not considered “Public/Quasi-Public Facilities” subject to Section 33 of this Ordinance.

Parking Deck: An accessory structure that is attached to a building, which may or may not be enclosed, which shall be utilized for the parking or storage of motor-driven vehicles.

Parking Garage: An accessory structure, which may or may not be enclosed, which shall be utilized exclusively for the parking or storage of motor-driven vehicles.

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 exclusive of the necessary maneuvering space providing access to each parking space, unless otherwise approved as part of the site plan review process specified under Section 600.11.

Patio House or Patio Home: See “Dwelling, Patio.”

Planned Unit Development (PUD): A land tract in which a multiplicity of land uses may be permitted including single-family residential, multi-family residential, public uses, and compatible commercial uses and in which land not used by residential or commercial structures and yards but required by basic zoning of the site shall be reserved collectively in contiguous units accessible to all the building sites in the development as open space for the purpose of providing recreational facilities and pedestrian circulation.

Planned Unit Residential Development (PURD): 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. Public/quasi-public facilities or utilities may only be permitted in a Planned Unit Residential Development if a Development Plan is submitted and appropriate rezoning (or a Conditional Use for public/quasi-public uses) is approved by the Mayor and Board of Aldermen.

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

Plat: A map, plan or layout of a subdivision showing the information required by the *Subdivision Regulations of the City of Ridgeland, Mississippi*. Two types of plats are required by the Subdivision Regulations:

- (a) **Preliminary Plat:** A detailed plat of a proposed subdivision which, together with the required construction plans, forms the basis upon which construction of improvements will proceed; no construction shall be initiated until both the preliminary plat and construction plans have been approved in accordance with the Subdivision Regulations.
- (b) **Final Plat:** A plat submitted by the sub-divider following completion of construction of all required improvements or all improvements except the final wearing surfaces of streets (in which case the final plat must be accompanied by a performance bond); following approval of the final plat by the Mayor and Board of Aldermen, the sub-divider is responsible for having the plat recorded in the Office of the Chancery Clerk of Madison County, Mississippi. See “site plan.”

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.

Provisions: In an organization outline, include code content that does create on-the-ground imposition on developers.

Public/Quasi-Public Facilities and Utilities: See “Facilities and Utilities, Public/Quasi-Public.”

Q

R

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

Regulations: Specific requirements or obligations imposed on applicants, owners, developers, occupants, residents, or others.

Rest Home: See “Convalescent Home.”

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

Restaurants: A commercial 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.

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 vehicle on the site.

Restaurant, Fast Casual: A type of restaurant that does not offer full table service, but promises a higher quality of food and atmosphere than a fast food restaurant. This business type may or may not include a drive-thru window.

Restaurant, Fast Food: A commercial establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises. This business type may or may not include a drive-thru window.

Restricted Uses: A category of uses that includes pawn shops, tattoo parlors, self-service or coin operated laundromats, title loan establishments, check-cashing establishments, businesses purchasing gold or other precious metals as a primary business, businesses selling marijuana as a primary use or secondary use (excluding medical marijuana/CBD oil as defined in MS § 41-29-113), Electronic

Smoking Device Retailers, nail salons as a primary business, bail bondsmen, tobacco and beer retailer, tobacco retailer, blood and/or plasma donation center, or any combination thereof.

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

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

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

Rooming House: A building or dwelling unit other than a hotel, motel or apartment, where for compensation and by prearrangement for either definite or indefinite periods, lodging only is provided for compensation to three or more persons. In no event shall the occupancy of a rooming house be permitted to exceed twelve boarders. A building which has accommodations for, or is accommodating more than twelve persons shall be defined as a “**Hotel**” or “**Motel**” under the terms of this Ordinance. See also “**Boarding House.**”

S

School, Institution of Higher Learning: An accredited institution of higher education providing undergraduate, graduate, or professional degrees and programs, including bachelor’s, master’s, doctoral, or professional certificates (colleges / universities). Facilities typically include lecture halls, research facilities, administrative offices, student housing, recreational and athletic facilities, performing arts venues, libraries, student centers, and other campus-related accessory structures.

School, Trade/Vocational: A specialized institution primarily providing practical instruction and training in specific trades, technical skills, or vocations. Facilities may include workshops, laboratories, classrooms, offices, and accessory spaces directly related to instructional programs, such as automotive repair, cosmetology, welding, healthcare training, culinary arts, technology certifications, or similar skilled trades.

School, Primary-Secondary: Unless otherwise defined, the term “school” as used in this ordinance shall include public, private, charter and parochial academic institutions, offering academic instruction compliant with state education standards (i.e., K-12). Facilities may include classrooms, libraries, administrative offices, cafeterias, gymnasiums, playgrounds, athletic fields, and related accessory structures typically associated with primary and secondary education.

Self-Storage Facility: A storage facility which is not heated and cooled and entrance to the individual spaces is accessible by exterior doors.

Setback: The area between the front property line, rear property line, side property line, or street right-of-way line and the building setback line.

Setback Line or Building Setback Line: That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

Shopping Center: A group of 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 Director of Community Development or his designee; in the case of buildings (as opposed to other types of “structures”), the street which the building faces shall be determined by the principal entrance to the building.

Sign: See *Sign Ordinance of the City of Ridgeland*.

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

Site Plan Review: The process specified under Section 600.11 of this Ordinance.

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

Specialty Vehicle: A motor vehicle manufactured by a second stage manufacturer by purchasing motor vehicle components, e.g. frame and drive train, and completing the manufacturer of finished motor vehicles for the purpose of resale with the primary manufacturer warranty unimpaired, to a limited commercial market rather than the consuming public. Specialty vehicles include garbage trucks, ambulances, fire trucks, buses, limousines, hearses, wreckers, landscape specialty trucks, box trucks, and other similar limited purpose vehicles.

Specifications: Exact measures required for the sizing or quantification of the engineering and design of something that is to be constructed – as a street, or to be installed – as plant materials, or to be submitted as part of an application – as the layout and appearance of sheets of drawings, plans and plats.

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.

Storage Facility: A facility which is rented, leased, or sold for the purpose of off premises storage of goods, furniture, machinery, records, household items, including, but not limited to, clothing,

appliances, utensils, carpets, rugs, or any other item whatsoever. This type of facility includes those uses commonly referred to as mini-storage, mini-warehouse, self-storage facility, or climate control storage facility. It shall not include general warehouses.

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 right-of-way that 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 Madison County Chancery Clerk. Each street within the City of Ridgeland is classified in an adopted **Thoroughfares Plan**. The five functional classifications of streets and highways are:

- (a) **Interstate Highways:** The National System of Interstate and Defense Highways (Federal-Aid Interstate System), consisting of highways which are of highest importance to the nation connecting, as direct as practical, the principal metropolitan areas and cities. These routes are fully controlled access and are four or more lanes divided; they are limited to those designated by the Mississippi State Highway Department in conjunction with the Federal Highway Administration.
- (b) **Principal Arterial (or “Primary Arterial”) Street or Highway:** A street or highway intended to move traffic as efficiently and expeditiously as possible between major centers of activity not only within the City of Ridgeland but the surrounding urban area; the function of providing service to abutting land uses is subordinate to the provision of travel service to major traffic movements. These streets and highways are the highest traffic volume corridors and serve the longest trip desires.
- (c) **Minor Arterial (or “Secondary Arterial”) Street:** A street which interconnects with and augments the principal arterial street and highway system. The minor arterial street system contains facilities that place more emphasis on land access than principal arterial streets and highways and provides a lower level of traffic mobility. These arterial streets primarily serve intra-City travel desires rather than connecting the City with the surrounding urban area.
- (d) **Collector Street:** A street intended to provide both land access and traffic circulation within residential neighborhoods, commercial and industrial areas. A collector street collects traffic from local streets and channels it to principal and minor arterial streets and highways.
- (e) **Local Streets:** A street intended to provide access to abutting land and access to collector streets and arterial streets and highways. A local street provides the lowest level of mobility and service to through traffic movement is usually deliberately discouraged.

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

Strip Center 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, mobile 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.”

Structural Alteration of a Building: See “Building, Structural Alteration of.”

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

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

Subdivision Regulations: The adopted *Subdivision Regulations of the City of Ridgeland, Mississippi*.

T

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.

Thoroughfares Plan: A component of the *Generalized Future Land Use and Transportation Plan*, which is one of the elements of a Comprehensive Plan, usually developed concurrently with another element, the *Land Use Plan*.

Through Lot: See “Lot, Double Frontage.”

Tobacco and Beer Retailer: A commercial establishment typically less than 10,000 square feet of gross sales area which may or may not declare itself through name or advertising to be oriented specifically to the selling of tobacco and beer and/or light wine and where the sale and/or display of tobacco and beer and/or light wine accounts for 75% of gross sales area and/or gross sales receipts.

Tobacco Shop or Tobacco Retailer: A commercial establishment typically less than 10,000 square feet of gross sales area which may or may not declare itself through name or advertising to be

oriented specifically to the selling of tobacco or tobacco related products and where the sale and/or display of tobacco or tobacco related products accounts for 75% of gross sales area and/or gross sales receipts.

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 mobile homes. See “**Mobile Home.**”

Transient Trailer (Travel Trailer): A portable or mobile living unit used for temporary human occupancy away from the place of 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 trailer**,” 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, defines the term as follows: “a transportation plan depicting in map form the proposed functional classifications of all existing and proposed functional classifications of all existing and proposed streets, roads, and highways for the area encompassed by the land use plan and for the same time period as that covered by the land use plan. Functional classifications shall consist of arterial, collector, and local streets, roads, and highways, and these classifications shall be defined on the plan as to minimum right-of-way and surface width requirements; these requirements shall be based upon traffic projections. All other forms of transportation shall be addressed as appropriate. The transportation plan shall be a basis for a capital improvements program.”

Trip Generation: The total number of trip ends (i.e., trips entering or leaving a land use or site) produced by a land user activity. The most comprehensive data on trip generation is entitled ***Trip Generation*** prepared by the Institute of Transportation Engineers.

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.

U

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 Structure.**”

Utility: See “**Facilities and Utilities, Public/Quasi-Public.**”

V

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 600.08 of this Ordinance. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining district.

Veterinary Hospital: See “**Hospital, Veterinary.**”

W

X

Y

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. However, fences and walls may be permitted in such required yards subject to the height restrictions and other regulations of this Ordinance. In measuring a lot for the purpose of determining the minimum depth of a front yard, or the minimum width of the rear yard, the shortest horizontal distance between the lot line and the nearest exterior limits of the main building 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 exterior limits 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 exterior limits of the main building. The rear yard shall be measured from the farthest point of the rear property line and shall not be measured less than the side yard setback line.

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 exterior limits of the main building.

Z

Zero Lot Line: The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

Zero Lot Line Dwelling: See “Dwelling, Zero Lot Line.”

Zoning District: See “District.”

ARTICLE III

GENERAL REGULATIONS

SECTION

30

APPLICATIONS OF REGULATIONS

- 30.01 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 City of Ridgeland for an activity that requires a federal, State of Mississippi, and/or City license until said license is obtained from the appropriate authorities.
- 30.02 Reserved.**
- 30.03 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.
- 30.04 DISTRICT REGULATIONS CONSTITUTE MINIMUM REGULATIONS:** The regulations established in this Ordinance within each district (Sections 150 through 520) shall constitute minimum regulations unless otherwise noted.
- 30.05 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.
- 30.06 AREAS ANNEXED AFTER ENACTMENT OF THIS ORDINANCE:** Any land annexed into the City of Ridgeland following enactment of this Ordinance shall bear the zoning classifications of Madison County and be subject to the zoning regulations of Madison 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 City of Ridgeland*. 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 Madison County.
- 30.07 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.

- 30.08 CONFORMANCE WITH SUBDIVISION REGULATIONS:** No building shall be constructed on any lot which does not conform to the provisions of the *Subdivision Regulations of the City of Ridgeland*.

SECTION

31

DIMENSIONAL CONTROL

- 31.01 REDUCTION OF YARDS AND LOTS OF RECORD 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.
- 31.02 FRONT YARDS ON CORNER OR DOUBLE FRONTAGE LOTS:** On corner lots or double frontage lots ("through lots"), each side fronting on a street shall be considered a front yard, and the required front yard setback shall be measured from each existing or proposed (on the adopted *Thoroughfares Plan*) right-of-way upon which the lot abuts. In accordance with the *Subdivision Regulations of the City of Ridgeland*, the front yard setbacks of all lots shall be shown as a dashed line on all preliminary and final subdivision plats.
- 31.03 DETERMINATION OF SETBACKS:** In measuring a required front yard (i.e., setback), the minimum horizontal distance between the existing or proposed right-of-way line and the main structure shall be used. The required setback line shall be measured from the existing or proposed right-of-way line (or lines for corner lots and double frontage lots), which shall be determined by the adopted *Thoroughfares Plan of the City of Ridgeland*. If a proposed street is not functionally classified (as a local, collector or arterial street) by the adopted *Thoroughfares Plan*, the functional classification of said street shall be determined by the City Engineer during the sketch plat review process for the proposed subdivision or during the site plan review process (for developments not involving a subdivision of land).
- 31.04 VISIBILITY AT INTERSECTIONS:** On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede the vision of motor vehicle operators between a height of two and one-half (2-1/2) and ten (10) feet above the center line grades of the intersecting streets (or the existing grades on the side of the intersecting street, whichever is greater) and within a triangular area bounded by the rights-of-way lines for a distance of twenty

(20) feet from the intersection and a straight line connecting said points twenty (20) feet from the intersection of the rights-of-way lines.

31.05 ACCESSORY STRUCTURES OR USES: Accessory structures(s) or use(s) shall comply with the following regulations:

- A.** Accessory structures(s) or use(s) for Agriculture, Residential Estate, Single-Family, Zero Lot Line, and Townhouse Residential Districts may be placed in the required rear or side yard of any principle dwelling provided that the accessory structure(s) or use(s) are at least ten feet from the side and/or rear property line(s). No accessory structure or use shall be placed within the required front yard of any principle dwelling except where provided as a Conditional Use in certain zones. Accessory structure(s) or use(s) must be located on the same lot of record as the principle dwelling except as follows:
 - 1. Accessory structure(s) or use(s) may be located on an adjoining lot of record (sharing a common lot line with the principle dwelling lot) within the same platted subdivision or neighborhood; or accessory structure(s) or use(s) may be located on an adjacent lot of record if both lots of record are not part of a platted subdivision or neighborhood; and
 - 2. Yards shall be determined based on the position of the principle dwelling and street; and
 - 3. Safeguards must be in place so that ownership cannot be separated from the adjacent lot(s) unless the accessory structure is removed.
- B.** Accessory structure(s) or use(s) for Multi-Family Residential, Mobile Home Park Residential, Mixed-Use, Commercial, and Industrial districts shall be located a minimum of ten feet from any property line and shall be incidental to a primary structure or use. Yard requirements for accessory structure(s) or use(s) in these districts shall be subject to site plan approval.
- C.** Accessory structure(s) shall not be utilized for human habitation without strict adherence to Section 31.06, which regulates secondary attached/detached dwelling units.
- D.** Reference Section 40 regarding nonconforming regulations for accessory uses and/or accessory structures.

31.06 SECONDARY ATTACHED/DETACHED DWELLINGS: Secondary attached/detached dwellings may be permitted by the Mayor and Board of Aldermen as a Conditional Use in certain zones. In addition, secondary attached/detached dwellings shall comply with the following regulations:

- A.** The principle single-family dwelling unit must be occupied by the owner and not a rented or leased dwelling unit as defined in Article II of this ordinance. If, at any time, the principle dwelling is not owner-occupied, then the secondary attached/detached structure shall not be occupied as a secondary dwelling unit.

- B. Secondary attached/detached dwellings shall not be rented, leased, or utilized except in accordance with the provisions related to the single-family residential zone within which it is located.
- C. Secondary detached dwellings shall only be permitted on lots with a one (1) acre minimum.
- D. Secondary attached dwellings shall only be permitted on lots with a one-half (1/2) acre minimum.
- E. The setback/minimum yard requirements for the secondary detached dwelling shall be the same as the principle dwelling.
- F. Secondary attached/detached dwellings shall not have utility service connections separate from the principle dwelling.
- G. Secondary attached/detached dwellings shall not have separate street address(s).
- H. Secondary attached/detached dwellings shall utilize the same driveway as the principle dwelling.
- I. Secondary attached/detached dwellings shall be architecturally compatible with the principle dwelling.
- J. Secondary attached/detached dwellings shall be limited to 30% of the total square footage of the heated/cooled space of the principle dwelling.
- K. Secondary attached/detached dwellings shall be limited to one per principle dwelling.
- L. Minimum spacing between secondary detached dwellings shall be 10 feet.

31.07 EXCEPTIONS TO HEIGHT REGULATIONS: The height regulations contained in the District Regulations of this Ordinance do not apply to appurtenances as defined in Section 21. However, any person proposing to erect such an appurtenance to exceed (5) feet above the district's specified maximum building height shall apply for a conditional use permit in accordance with Section 600.09 of this Ordinance.

31.08 RAILROAD SETBACKS: A setback of one hundred (100) feet shall be required between all proposed residential main buildings and railroad tracks (i.e., measured from the metal track, not the railroad right-of-way line, to the nearest exterior limits of the proposed residential building). The side or rear yard setback required within the district where residential structures are permitted may be included within this 100-foot setback. Accessory buildings, such as garages or carports where detached from the main residential buildings or laundry rooms and recreational club houses (in apartment or condominium complexes) may be located within the 100-foot setback

provided that the builder of such accessory structures complies with the required side or rear yard setback within the subject district.

SECTION

32

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 City, provided:

- 32.01 That all applicable requirements of federal, state and county or city laws shall be met.
- 32.02 That all such proposed uses shall be subject to the procedures stated under Section 600.09 relative to Conditional Uses. No public or quasi-public facility or utility shall be located in a residential district or other district where such land use would adversely affect the surrounding area. Provided, however, that all cemeteries existing prior to February 4, 2014 shall be permitted in any district.

SECTION

33

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

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

- 33.01 **MAXIMUM BUILDING HEIGHT:** Established based upon site plan approval.
- 33.02 **MINIMUM LOT AREA:** Established based upon site plan approval.
- 33.03 **MINIMUM LOT WIDTH:** Established based upon site plan approval.
- 33.04 **MINIMUM YARDS:**
 - A. **Front yard:** 30 feet from the existing or proposed right-of-way as shown on the adopted Ridgeland *Thoroughfares Plan* to the building setback line.
 - B. **Side yard:** 10 feet, unless the proposed public/quasi-public use abuts an existing single-family detached residence or a Residential Estate or Single-Family Residential district in which case the side yard shall be at least 50 feet from any building to the lot line abutting the single-family detached residence or Residential Estate or Single-Family Residential district.
 - C. **Rear yard:** 20 feet, unless the proposed public/quasi-public use abuts an existing single-family detached residence or a Residential Estate or Single-Family Residential district in which case the side yard shall be at least 50 feet from any building to the lot line abutting the single-family detached residence or Residential Estate or Single-Family Residential district.

SECTION

34

REQUIRED DEDICATIONS AND IMPROVEMENTS

See *Subdivision and Development Review Ordinances of the City of Ridgeland*.

SECTION

35

HOME OCCUPATIONS

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

- 35.01 DISPLAY AND STORAGE:** No storage or display of materials, goods supplies, or equipment related to the operation shall be visible from the outside of any structure located on the premises.
- 35.02 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.
- 35.03 TRAFFIC AND PARKING RESTRICTIONS:** No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood (as determined by the Director of Community Development or his designee), 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 Director of Community Development or his designee at the time of the application for a building permit or change of use permit.
- 35.04 EXTERIOR LIGHTING:** There shall be no exterior lighting or lighting visible to the exterior which would indicate that the dwelling and/or accessory building is being utilized in whole or in part of any purpose other than residential.
- 35.05 SIGNS RELATING TO HOME OCCUPATIONS:** One name plate measuring no more than one (1) square feet in area shall be allowed for each home occupation.
- 35.06 NON-RESIDENT EMPLOYEES:** No more than one (1) actively-engaged, non-resident employee (i.e., a person not residing on the same premises with the operator) shall be employed in connection with any home occupation.
- 35.07 ADDRESS OF CONVENIENCE:** A home occupation that is solely used for the purpose of receiving phone calls, mail, and keeping business records in connection with any profession or occupation shall be known as an “address of convenience.”
- 35.08 HOBBIES:** Such as boat building or repair, furniture making or repair, automobile repair and rebuilding, and other activities not normally carried on extensively in a residential district shall not be permitted to the extent that they are annoying or

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

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

- 36.01 COMMON YARDS, OPEN SPACE, AND OFF-STREET PARKING OR LOADING SPACE:** No yard, other than open space, off-street parking or loading space required for any building or structure shall be included as a yard, open space or off-street parking or loading space required for any other building or structure, except where permitted through site plan review. This requirement shall not be construed to apply to planned unit developments (PUDs) or planned unit residential developments (PURDs) approved by the Mayor and Board of Aldermen.
- 36.02 STREET ACCESS REQUIRED:** Every building or 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 Director of Community Development or his designee) 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.
- 36.03 FENCES, WALLS, AND HEDGES:** Except for the requirements of Section 31.04 regarding visibility at intersections, fences, walls, and hedges or other densely planted vegetation shall be permitted in any required yard or along the edge of any yard except for the front yard as provided for hereinafter.
- A. FRONT YARD FENCES IN RESIDENTIAL ZONES:** Any fence permitted in the front yard of any residential district by this Ordinance shall be submitted to Architectural Review Board (ARB) for approval prior to installation. ARB may consider adopting pre-approved design styles for fence types appropriate in the front yards of residentially zoned districts. Should ARB adopt a preapproved design format, fences meeting such design standards shall not require further ARB review. Fences in front yards in residential zones (excluding R-5) shall not exceed four (4) feet in height except as hereinafter provided.
- B. CORNER LOTS OR ANY OTHER LOT HAVING MORE THAN ONE FRONT YARD:** In the event that a lot has more than one front yard, one of the front yards may be fenced higher than the four-foot maximum provided that the condition does not violate the provisions set out in Section 31.04. If an applicant seeks to construct a fence higher than four feet in any front yard of a lot, approval shall be obtained from Community Development prior to construction. Should the Applicant disagree with the determination of the Community Development Department, an appeal may be made to the ARB.
- C. FRONT YARD FENCES ADJACENT TO MULTI-FAMILY RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL:** Where residential zoning districts abut a multi-family residential use or district or

a commercial or industrial use or district, fences, walls, or dense vegetation may be erected or allowed to grow to a height of six (6) feet along the property line only on the property line abutting such use.

- D. VARIANCE PROVISION:** Upon a showing of architectural compatibility and context, a variance may be requested to permit a front yard fence in excess of four (4) feet in height in residential zones, excluding R-5. No such variance shall be granted except upon Public Hearing and Notice given in the time and manner required for variances under this Ordinance.

36.04 PARKING AND STORAGE OF VEHICLES: See Ordinance Regulating the Storage of Junk Vehicles within the City of Ridgeland and Section 37 of this Ordinance.

36.05 PROHIBITED USES: Within the City of Ridgeland, no lot, land, premises, place, or building shall be used, and no buildings or structures shall be erected or placed, which are arranged, intended, or designed for any use that generates environmental pollutants beyond a tolerable level by reason of excessive noise, odor, glare, vibration, smoke, dust, fumes, vapors, gases, liquid and solid waste, radiation, electrical emissions, danger from fire or explosion, or any other debilitating influence as defined by the U.S. Environmental Protection Agency as regulated by the Mississippi Department of Environmental Quality, Bureau of Pollution Control and the Mississippi State Board of Health.

36.06 MATERIALS AND GROWTH CONSTITUTING PUBLIC HEALTH AND/OR SAFETY HAZARDS PROHIBITED: No rubbish, salvage materials, junk or hazardous waste materials, including inoperable vehicles and parts and any combustible matter, shall be openly stored, allowed to accumulate, or kept in the open, and no weeds or other growth shall be allowed to go uncut within any district when the same shall be determined by the appropriate City Official (the Director of Community Development or his designee, Fire Chief, or other authorized City employee) or health official to constitute a menace to the public health and/or a safety.

36.07 REQUIRED ENCLOSURE OF GARBAGE DISPOSAL AND RECYCLING FACILITIES:

- A.** Upon the effective date of this Ordinance, all garbage disposal and recycling facilities (i.e., garbage cans, dumpsters, solid waste, recycling, yard trash containers (except litter containers), grease containers, etc.) located on the site of existing (at the effective date of this Ordinance) or new multi-family residential, mobile home parks, commercial, industrial, or public/quasi-public uses shall be enclosed by solid fencing or other structure in a manner that prevents direct visibility of the garbage cans, dumpster, etc., from the street or adjacent property. See Appendix 'D' of this Ordinance: *Garbage Disposal and Recycling Facility Design Standards*.

- B. Failure to maintain such garbage disposal facilities, including but not limited to pavement, structures, gates, and landscaping requirements in a neat, sanitary, and litter-free manner shall constitute a violation of this Ordinance and be subject to the penalties imposed herein.
- C. All site plans for multi-family residential, mobile home parks, commercial, industrial, or public/quasi-public uses proposed following the effective date of this Ordinance shall indicate the location of garbage disposal facilities on the site and the manner (material, etc.) to be used to enclose such facilities. For enclosure standards relating to specific zoning districts and land use, see Appendix 'D' of this Ordinance: *Garbage Disposal and Recycling Facility Design Standards*.
- D. If stored outside of the building, garbage disposal and recycling facilities, as defined above, shall be placed at either the side or the rear of the building and/or attached to that building when possible, or shall be located as remote as is reasonably possible from higher intensity pedestrian activity. Garbage disposal and recycling facilities shall be considered Accessory Structures as defined in Article II and subject to the regulations of Section 31.05 of this Ordinance.

36.08 BASKETBALL GOALS: Placement of basketball goals on a public street or right-of-way is prohibited.

36.09 REQUIREMENTS FOR COMMERCIAL, MULTI-FAMILY, PUBLIC, COMMUNITY, PRIVATE CLUB, AND QUASI-PUBLIC OUTDOOR SWIMMING POOLS: Swimming pools shall be located a minimum of ten feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing a minimum of six (6) feet in height. Required enclosure for commercial swimming pools shall comply with the William Lee Montjoy Pool Safety Act and other State and Federal regulations as may be adopted.

REQUIREMENTS

37.01 PURPOSE OF THIS SECTION: The purpose of this section is to establish requirements regarding: (1) sufficient space for the off-street parking; (2) sufficient space for loading (or unloading) of all motor vehicles; and (3) design standards for access ways within the City of Ridgeland. 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.

37.02 OFF-STREET PARKING:

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

- 1. Provision of Parking Space on the Same Lot with all Residential Uses:** Off-street parking space for all residential land uses shall be provided on the same parcel of land as the residential use to which the parking space is appurtenant. If the garage or carport of an existing house is converted into living area, a new garage or carport (whichever is consistent with what is being enclosed) must be added, which meets the setbacks for the zoning district. If a carport is enclosed, a garage may be constructed in lieu of a carport. If a residence on which a garage or carport is enclosed is located on a lot of one (1) acre or larger, the requirements of this section may be waived by the Mayor and Board of Aldermen on a showing that adequate alternative provisions for parking will be provided in such a manner as to protect the safety, aesthetic and architectural integrity of the area in which such waiver is granted.
 - (a) Level 1 and Level 2 Electric Vehicle Charging Facilities:** Level 1 and Level 2 Electric Vehicle Charging facilities may be installed in garages and carports and are limited to residential use only. Electric Vehicle Charging facilities at residential structures shall not have utility service connections separate from the principle dwelling.
- 2. Prohibited Parking or Storage of Vehicles in Front, Side, and Rear Yards or Public Streets or Right-of-Ways:**

- (b) No vehicle shall be parked or stored in any FRONT or SIDE yard in ANY residentially zoned district, except within a garage or carport or on an apron or driveway. Driveway and apron cannot cover more than 50% of the minimum lot width and a driveway must be paved with stone pavers, brick, asphalt, concrete, or gravel (crushed stone). Gravel may be used only at locations which have existing gravel drives.
- (c) No vehicle shall be parked or stored in any REAR yard except:
- i. when the vehicle will not be visible from the street and/or neighboring property in residentially zoned districts; or
 - ii. when the vehicle is located in R-E or R-EA zoned property; or
 - iii. if the vehicle is stored within a garage or carport or on an apron or driveway; or
 - iv. as hereinafter permitted.
- (d) Recreational vehicles, transient trailers, travel trailers, motor homes and the like may be parked in the driveway of the front or the side yard for loading/unloading, cleaning or minor repairs for a period not to exceed five consecutive days and not more than thirty days per calendar year. Under special circumstances, the Mayor and Board of Aldermen may grant a permit to allow parking which would otherwise violate this ordinance. The applicant must show special circumstances and no adverse impact prior to receiving a permit. Recreational vehicles, transient trailers, travel trailers, motor homes and the like may be parked in the side or rear yard if enclosed by 6-foot high solid fencing in a manner that prevents direct visibility from the street.
- (e) Trailers, boats, personal watercraft, and all-terrain vehicles (ATV), shall be parked or stored within a garage or carport or behind the back line of the building (rear yard).
EXCEPTIONS: Such items may be placed in the side yard if enclosed by solid fencing in a manner that prevents direct visibility from the street.
- (f) No specialty vehicle shall be parked or stored in any residentially zoned area, except when the same is actually in use for its normal purposes. Specialty vehicles shall mean those vehicles defined in Article II of this ordinance.

3. Non-residential Uses and Off-site Parking: Off-street parking space for all non-residential land uses shall be provided on the same parcel of land as the use to which the parking space is appurtenant; PROVIDED, however, that, following site plan review in accordance with Section 600.11 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:

- (a) There are practical difficulties preventing the location of parking space on the same parcel; and/or
- (b) The public safety or the public convenience or both would be better served by the location of the required space on a parcel of land other than with the use to which it is appurtenant.

4. Provision of Access and Maneuver Space: In calculating any required parking area, other than for parking spaces required for single and two-family dwellings, sufficient access and maneuver space shall be provided to permit the parking and removal of any vehicle without moving other vehicles. Furthermore, all parking spaces shall be designed regulated so that no parking or maneuvering incidental to parking shall be on any public street, sidewalk, or alley.

5. Parking Space Near Fire Hydrants: Under no circumstances shall any parking space be provided within fifteen (15) feet of a fire hydrant.

6. Limitations on Parking in Residential Districts: Commercial vehicles in excess of 15,500 GVP (gross vehicle weight) shall be prohibited from parking in all residentially zoned districts of the City, except for deliveries, repairs or other temporary, legitimate commercial activity.

7. Permit Required for Driveway Alteration, Construction, or Expansion:

- (a) No person, firm or corporation shall remove, alter or construct any curb, driveway approach, gutter, pavement or perform any other improvement in any public or private street or other property owned by or dedicated to the City without first obtaining a Building Permit from the Community Development Department authorizing such improvements.
- (b) Existing or proposed driveways within the right-of-way and/or on private property shall not be altered, constructed or expanded until a Building Permit is obtained. The maintenance of driveways shall be the responsibility of the property owner

inclusive of the portions of the driveway located within the right-of-way.

B. Schedule of Off-Street Parking Requirements: For the purpose of this Ordinance, an "off-street parking space" shall consist of a space sufficient in size to store one full size automobile (minimum of 162 square feet in area, except as provided in Section 37.02.D) 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 **Appendix A: Off-Street Parking Requirement Schedule**.

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

D. Parking Adjustments: During Site Plan review, the Mayor and Board of Aldermen may grant an adjustment from the strict parking requirements set forth in this Ordinance on a showing of:

1. A particular use or potential use of a property does not require the parking spaces otherwise set out in this Ordinance. This condition may be met by showing that the proposed use is unique with regard to traffic generation and parking requirements or that the availability of under-utilized off-street parking is available for the use.
2. Mixed Use Developments that have anticipated overlapping peak volumes where parking can be shared.
3. The size and spacing of parking spaces may be adjusted upon any showing of any of the following:
 - (a) Unique topographical or lot geography conditions.

- (b) Preservation of existing trees, green areas, or scenic Features of a lot.
 - (c) Parking for specialized vehicles/motorcycles.
 - (d) Construction of a Parking Garage as designed per industry standards.
4. Under no circumstances shall an adjustment in size and spacing of parking spaces be granted without consideration of the impact on the flow and safety of vehicular pedestrian traffic.

37.03 OFF-STREET LOADING SPACE REQUIREMENTS: Adequate off-street space for the loading and unloading of vehicles and for vehicles temporarily stopped ("standing") while waiting to be loaded, unloaded, or serviced, shall be provided and maintained for all commercial and industrial uses and any other use involving the receipt or distribution by vehicles of materials, merchandise or other matter on a regular basis. Said space shall be provided and designated, so as not to be construed as the otherwise generally required parking space on the same premises with the use to which it is appurtenant, unless with a recommendation from the Director of Community Development or his designee, 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 according to the use as recommended by the Director of Community Development or his designee.

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

- A. Access Barrier:** Each lot, with its buildings, other structures and parking and loading areas shall be physically separated from each adjoining street by a curb or other suitable barrier against unchannelled motor vehicle ingress or egress. Except for the accessways permitted below, such barrier shall be continuous for the entire length of any lot line adjoining a street.
- B. Number of Accessways per Lot:** A minimum of one accessway per lot, or one accessway for every 100 feet of street frontage.
- C. Width of Accessways:** The width of any accessway shall not be less than twenty (20) feet. The alignment of accessways shall be approved in accordance with Site Plan Review procedures specified under Section 600.12.
- D. Distances between Accessways and Minimum Setbacks from Street Intersections:** The spacing of accessways shall conform to the following:

1. At its intersection with the lot line, no part of any accessway shall be nearer than twenty (20) feet to any other accessway on the same lot, nor shall any part of the accessway be nearer than ten (10) feet to any side or rear property line;
2. At intersections with other streets, no part of an accessway shall be permitted within fifty (50) feet of the intersecting streets right-of-way line; and
3. No part of an accessway shall be permitted within a corner radius.

E. Reduction of Traffic Hazards at Accessways: Accessways shall be constructed so that vehicles will not have to back into the roadway. In addition, the location and number of accessways shall be so arranged that they will reduce the possibility of traffic hazards as much as possible.

- 40.01 INTRODUCTION AND PURPOSE.** It is the intent of this ordinance to require the discontinuance or removal of Nonconformities within specified time periods unless the city has determined to allow the nonconformity to continue only under limited circumstances in accordance with this section.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change of plans, construction, or designated use of any building for which a Building Permit has been issued and is still active and currently open prior to February 4, 2014 and for which actual construction has been initiated within six (6) months of the effective date of this ordinance and has carried on diligently to completion thereafter. “Actual construction” includes placing construction materials in permanent position and fastened in a permanent manner, and includes excavation or demolition or removal of existing Structures initiated preparatory to rebuilding, provided that construction of a Structure begins promptly thereafter and is part of a continuous construction process diligently pursued to completion.

- 40.02 TYPES OF NONCONFORMITIES.** For purposes of orderly regulation, four types of Nonconformities are recognized under this ordinance:

- A. Nonconforming Lot of Record:** A Lot of Record lawfully existing on February 4, 2014 the dimensions of which, subsequently do not meet the area or width requirements, or both, of this ordinance.
- B. Nonconforming Structure:** Any Structure lawfully existing on February 4, 2014 but which subsequently does not comply with the bulk, placement and dimensional requirements of this ordinance.
- C. Nonconforming Use.** The use of any land, lot, building, structure, or parts thereof, which lawfully existed on February 4, 2014 but which subsequently does not comply with all or some part of the use requirements of this ordinance.
- D. Nonconforming Occupancy.** The presence or any structure, use, fixture, modification, or improvement to raw land that does not comply with the requirements of this or other municipal ordinances such as the size and configuration of parking and loading spaces, landscaping, signage, property maintenance, fire protection requirements, and the like.
- E. Nonconforming Apartment Complex.** Any land, lot, building, structure, or parts thereof with an Apartment Complex use as regulated by this Ordinance, lawfully existed on February 4, 2014, and was built prior to October 1, 2016 but which does not meet density, area, bulk, placement, dimensional, size, configuration, parking, loading, landscaping, signage, property maintenance, fire protection, or other regulations as required in the Official Zoning Ordinance of the City of Ridgeland.

40.03 ADMINISTRATIVE CLASSES OF NONCONFORMITIES. For procedural and enforcement purposes, Nonconformities of any type shall be assigned to one of three administrative classes described in this subsection. Any Accessory Structure or Use shall automatically be assigned the nonconformity class of the main building or dominant use to which it pertains.

A. Class A Nonconformities. Class A Nonconformities are those that do not conform to the strict application of this ordinance, but which, if allowed to continue, would not be contrary to the public health, safety or welfare of the city, and that are not likely to significantly depress the value of nearby properties. To minimize the burden of enforcing nonconformity regulations, this ordinance provides for three sub-classes of Class A Nonconformities:

- **Categorical Class A Nonconformities:** nonconformities whose characteristics can reasonably be identified on a collective basis and whose impacts can be considered and determined to be acceptable without the need for site-specific evaluation.
- **Administrative Class A Nonconformities:** these are similar to Categorical Class A Nonconformities, but require site-specific evaluation of minor potential impacts before they can be determined to be acceptable nonconformities through a simple administrative process.
- **Designated Class A Nonconformities:** nonconformities where site-specific characteristics and impacts need to be considered through a public notice and hearing process.

B. Categorical Class A Nonconformities: The following nonconformities shall be deemed Class A without the need for any review or approval process, unless changed under the reclassification procedure in Section 40.07.

- 1. Nonconforming Lots of Record.** In any district in which single-family dwellings are permitted, Categorical Class A Nonconformity status shall apply to single-family dwellings and customary accessory buildings on any single nonconforming Lot of Record, 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.

Categorical Class A Nonconformity status shall likewise apply to single-family Lots of Record with continuous frontage in single ownership prior to the enactment of this Ordinance and which remain in the same ownership (or if the lots are conveyed by inheritance or as a gift among family members) following enactment of this Ordinance. Such lots 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. However, further division of such nonconforming lots of record shall

be prohibited, and the nonconforming status shall be lost if such lots change ownership except by inheritance or gift between or among family members.

These foregoing provisions shall apply even though such single lot of record fails to meet the requirements for area or width that are generally applicable in the district, provided that the required front, rear, and side yard dimensions and other requirements of the proposed single-family residential use conform to the regulations in the district in which such single nonconforming lot of record is located.

If a nonconforming Lot of Record is too narrow or too small to build a house and yet provide the required yards specified for a particular district, a Variance under Section 600.08 of this Ordinance is required.

Categorical Class A Nonconformity status shall not apply to adjacent Lots of Record with continuous frontage that come into single ownership after the time of enactment of this Ordinance. Such lots shall be considered together as a single undivided parcel for the purposes of this Ordinance; and no portion of the combined parcel shall be used in a manner which diminishes compliance with the dimensional and yard requirements of this Ordinance, nor shall any division of any parcel be made that does not comply with this Ordinance.

2. **Existing Class A Nonconformities.** Unless changed by the procedures set forth herein, any Class A Nonconformity existing prior to February 6, 2001 under the zoning ordinance then in effect shall have a Categorical Class A Nonconformity status.
 3. **Existing Nonconforming Restricted Uses.** The registration deadline for existing nonconforming Restricted Uses shall be extended to February 4, 2026, and the Class C conformity deadline for nonconforming Restricted Uses shall be extended to August 4, 2026. Failure to maintain a current Privilege License, operate in a legal manner, maintain all required permits, and maintain the facility in the manner and means required by the Property Maintenance Code of the City of Ridgeland shall result in immediate termination of the use. If the use/business closes or does not operate for any reason for a period of 30 days or longer, the use shall be terminated immediately. Existing nonconforming Restricted Uses shall also be subject to Section 40.09 Rules for Class B Nonconformities.
 4. **Nonconforming Apartment Complexes as defined in 40.02.E.**
- C. **Administrative Class A Nonconformities.** The Director of Community Development may grant Administrative Class A Nonconformity status for

lots or structures under the same conditions and using the same procedures established for Variances that may be granted under Section 600.08.D, “Variances Granted by Director of Community Development or His Designee.”

D. Designated Class A Nonconformities. Class A Nonconformities may be designated by the Mayor and Board of Aldermen, after application by any interested person or the Director of Community Development or his designee, upon findings that continuance thereof would not be contrary to the public health, safety or welfare, or the spirit of this Ordinance, that the use or structure does not and is not likely to significantly depress the value of nearby properties, that the use or structure was lawful at the time of its inception and that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

40.04 CLASS A DESIGNATION PROCEDURE; CONDITIONS: A written application shall be filed with the Director of Community Development or his designee setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains and including such other information as may be necessary to enable the Mayor and Board of Aldermen to make a determination of the matter. The Mayor and Board of Aldermen may require the furnishing of such additional information as it considers necessary. The notice and hearing procedure before the Mayor and Board of Aldermen shall be the same as in the case of an application for a variance. The decision shall be in writing and shall set forth the findings and reasons on which it is based. Conditions shall be attached, including any time limit, where necessary, to assure that the use or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this Ordinance.

In considering an application for Designated Class A Nonconformity status or an application to revoke a previously assigned Class A status, the Mayor and Board of Aldermen may determine that the nonconformity should be assigned a Class B Nonconformity status and assigned an appropriate amortization period. Assignment to a Class B status shall be made if the Mayor and Board of Aldermen determines that the impacts of the nonconformity are more detrimental than those allowed for Class A Nonconformities, but that relegating the nonconformity to a Class C status would deprive the owner or occupants of the property of any reasonable use of the property, would violate the law, or would deprive the owner or occupants of a constitutionally protected right.

40.05 CLASS B NONCONFORMITIES. Any registered nonconformity not classified as Class A shall be classified as a Class B Nonconformity, and shall be subject to the amortization provisions of Section 40.12.

40.06 CLASS C NONCONFORMITIES. Any nonconformity that is not a Class A or Class B Nonconformity shall be deemed to be a Class C Nonconformity. This provision is self-effectuating without further action by the city.

40.07 CLASS A REVOCATION OR RECLASSIFICATION PROCEDURE. Any Class A status may be revoked following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for Class A designation. Any interested party may petition the city to revoke a Class A status by filing a request with the Director of Community Development or his designee. Such a request shall be processed through the public notice, hearing, decision-making, and appeal procedures in the same manner as an application for a Class A designation. Before revoking a Class A status, the Mayor and Board of Aldermen shall adopt written findings describing its reasons for revocation.

40.08 RULES FOR CLASS A NONCONFORMITIES.

- A.** No Class A Nonconforming Use or Nonconforming Apartment Complex shall be resumed if it has been discontinued for a continuous period of at least 6 months or if it has been changed to a Conforming Use or conforming Apartment Complex for any period. No Nonconforming Use or Nonconforming Apartment Complex shall be changed to a different Nonconforming Use or enlarged so as to make use of more land area than used at the time of becoming nonconforming.
- B.** No Class A Nonconforming Structure or Nonconforming Apartment Complex shall be reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the assessed valuation of such structure or building in a complex. Provided, however, in such an event, the Nonconforming Apartment Complex shall be allowed to reconstruct or repair so long as it is in full compliance with the regulations of this Ordinance, including but not limited to density, area, bulk, placement, dimensional, size, configuration, parking, loading, landscaping, signage, property maintenance, and fire protection and the adopted Building Code, the Property Maintenance Code, and other related Ordinances.
- C.** No Class A Nonconforming Structure, Nonconforming Use, or Nonconforming Apartment Complex shall be used, altered, or enlarged in a way which increases its nonconformity.

40.09 RULES FOR CLASS B NONCONFORMITIES.

Class B Nonconformities shall be subject to all of the rules as Class A Nonconformities (set out in Section 40.08), and in addition to those rules, shall be subject to the following:

No Change or Enlargement. No Class B nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming.

Repairs and Maintenance. On any nonconforming structure and/or a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on wiring, or plumbing, to an extent not exceeding 10

percent of the current assessed value of the nonconforming structure and/or such structure containing a nonconforming use, provided that the cubic content existing when it became nonconforming shall not be increased.

Unsafe Conditions. If a nonconforming structure and/or a structure containing a nonconforming use having a Class B designation becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located. This provision is intended to reinforce the currently adopted Building Code and Property Maintenance Code of the City of Ridgeland.

40.10 RULES FOR CLASS C NONCONFORMITIES. Within one year of February 4, 2014, all Class C Nonconforming Uses shall cease operation and be brought into compliance with this ordinance or removed. Further, any structure previously occupied or utilized as a Nonconforming Use in whole or in part shall either be converted to a conforming use, or shall be demolished. All Class C Nonconforming Structures and Occupancies shall cease any condition, operation, or occupancy that makes it a nonconformity within one year from the Notice issued by the City of Ridgeland during which time the Applicant may seek a Class A or B Designation or other remedies that may be available subject to the requirements thereof.

40.11 REGISTRATION OF NONCONFORMITIES. Except for Categorical Class A Nonconformities, all nonconformities, regardless of type, shall register by completing and submitting an original and one (1) copy of the “Application Packet For Registration of Nonconforming Use or Structures” to the Community Development Department of the City of Ridgeland, MS. If the Application Packet is mailed to the City, then there must be included one original and one copy, together with a self-addressed stamped envelope addressed to the Owner. The registrant shall provide such supporting information as the city may reasonably require as part of that registration.

The Community Development Department shall date and sign the original and the copy, which shall be conclusive proof that the Application Packet was accepted for filing and the use or structure registered in accordance with the requirements of this Ordinance.

Registration shall be effective upon filing the specified form with the Community Development Department, which shall not refuse to accept a proffered form on the basis that it is incomplete as long as the form identifies the owner of the property upon which the nonconformity is located and the property itself with sufficient particularity to determine the location and boundaries of the specific parcel(s) involved.

A separate form shall be submitted for each lot of record, provided that where adjacent lots of record form a contiguous parcel for which a common registration is sought for a logically common development, a single form may be submitted.

The Community Development Department shall examine each registration for completeness, and shall notify the registrant either that the registration is complete, or that additional information is required to process the registration. Where additional information is required, the Community Development Department shall identify with particularity what information is required. The registrant shall have 60 days from the notice to supply the additional information.

The registration shall state which nonconformity class status the registrant is seeking, and the registration shall serve as an application for a determination of such status.

The Community Development Department shall evaluate all completed registrations, and shall advise the registrant of its determination that the nonconformity will be treated as one of the following:

- Categorical Class A Nonconformity
- Administrative Class A Nonconformity
- Class B Nonconformity
- Class C Nonconformity

Any person (whether the registrant or a non-registrant interested party) may contest the determination of the Community Development Department, and such contest shall be considered under the same procedures established for considering Designated Class A Nonconformities.

Any Nonconforming Use required to register under this ordinance that fails to do so within six (6) months of becoming a nonconformity shall be deemed to be a Class C nonconformity, and thereafter shall not be entitled to any benefits of Class A or Class B status unless expressly granted by the procedures established by this ordinance. Any Nonconforming Structure or Occupancy required to register under this ordinance that fails to do so within six (6) months of being given Notice from the City of Ridgeland of the nonconforming status shall be deemed to be a Class C nonconformity, and thereafter shall not be entitled to any benefits of Class A or Class B status unless expressly granted by the procedures established by this ordinance.

Nonconforming Apartment Complexes as defined in 40.02.E are not required to register or re-register under this ordinance.

Failure or neglect of the Owner to identify or register uses or structures which are non-conforming as defined in this Ordinance, or subsequent amendments thereto, shall not exempt such use or structures from the applications of this Ordinance and shall not toll or extend the time period for the termination of such use or structure.

40.12 AMORTIZATION OF CLASS B NONCONFORMITIES.

- A.** All Class B Nonconformities shall cease or shall be brought into compliance with this ordinance upon the expiration of the period of time required to amortize the remaining economic life of such nonconformity calculated in accordance with the formula set forth in this Section 40.12, unless modified on appeal under Section 40.13. Further, any structure previously occupied or utilized as a nonconforming Use in whole or in part shall either be converted to a conforming use or demolished upon the expiration of the amortization period.

B. Definitions for Amortization Formula

The words, phrases and letters used in the Formula have the following meanings:

- “B”** means the Base Unrecoverable Cost
- “AV”** means the Assessed Valuation according to the Tax Rolls of the Madison County Tax Collector upon the effective date of this Ordinance
- “F”** (the capital letter “F” followed by the arithmetic minus sign “-”) means the Factors that Decrease Unrecoverable Costs, which shall include at a minimum the sum of the value of the raw land underlying the property and depreciation of improvements on the subject property utilizing straight-line depreciation.
- “F+”** (the capital letter “F” followed by the arithmetic plus sign “+”) means the Factors that Increase Unrecoverable Costs, which shall include at a minimum the sum of the following factors:
- The costs of Demolition and Restoration of the property; and
 - Value of any Improvements made to the property after the date of the last assessment for tax rolls and before the effective date of this Ordinance.
- “I”** means Net Income after Expenses but before Income Taxes, averaged over three years
- “Y¹”** means the Preliminary Amortization Period
- “Y^{Adj}”** means the Inflation Adjusted Amortization Amount
- “Y²”** means the Final Amortization Period

C. Statement of Amortization Formula

- Step 1** Calculate Base Unrecoverable Cost (B)

$$\mathbf{B = AV - F^- + F^+}$$

- Step 2:** Determine Net Income (I)

I = Net Income after Expenses but before Income Taxes

Step 3: Calculate Preliminary Amortization Period (Y)

$$Y^1 = B/I$$

Step 4: Calculate Inflation Adjusted Amortization Amount (Y^{Adj})

$$Y^{Adj} = B \times (1 + (1.5\% \times Y^1))$$

Step 5: Divide Inflation Adjusted Amortization Amount by Net Income to get Final Amortization Period

$$Y^2 = Y^{Adj}/I$$

D. Example of Formula Applied to Values for Illustration:

Step 1: Calculate Base Unrecoverable Cost: $B = AV - F^- + F^+$

In this example, for the Step 1 calculation of Base Unrecoverable Value, assume the following values:

$$AV = \$1,000,000$$

$$F^- = \$500,000$$

$$F^+ = \$100,000$$

Applying this to Step 1 of the Formula, Base Unrecoverable Value is calculated as follows:

$$B = \$1,000,000 - \$500,000 + 100,000$$

$$B = \$600,000$$

$$\text{Base Unrecoverable Value} = \$600,000.$$

Step 2: Determine Net Income:

I = Net Income After Expenses but Before Taxes

Net Income (I) can be determined by an analysis based upon publicly-available data for similar business operations in the geographic area, or by presentation by the Owner of audited financials of the actual property in question.

In this example, for the Step 2 calculation of Annualized Income, assume the following values:

Carry forward Base Unrecoverable Value from Step 1

Applying this to Step 2 of the Formula, Annualized Income is calculated as follows:

$$I = \$600,000 (10\%)$$

$$I = \$60,000$$

- Step 3:** Calculate Preliminary Amortization Period: $Y = B/I$
 In this example, for the Step 3 calculation of Preliminary Amortization Period, use the values determined in Steps 1 and 2, as follows:
 $Y^1 = \$600,000 / \$60,000$
 $Y^1 = 10 \text{ years}$
- Step 4:** Calculate Inflation Adjusted Amortization Amount:
 $Y^{Adj} = B \times (1 + (1.5\% \times Y^1))$
 $Y^{Adj} = \$600,000 \times (1 + (1.5\% \times 10))$
 $Y^{Adj} = \$690,000$
- Step 5:** Divide Inflation Adjusted Amortization by Income to get Final Amortization
 $Y^2 = \$690,000 / \$60,000$
 $Y^2 = 11.5 \text{ years}$

40.13 APPEAL OF AMORTIZATION FORMULA.

Any owner or occupant aggrieved by the application of the amortization formula or of the factors used in the formula's calculation may appeal to the Mayor and Board of Aldermen on the basis of any one or more of the following grounds:

- The formula fails to consider factors unique to specific use or property involved such that the calculated remaining economic life unreasonably understates the true remaining economic life of the nonconformity.
- The data used for calculating the formula are inaccurate as applied to the nonconformity.
- Financial conditions unique to the specific use or property involved make it unreasonable to apply the formula to the nonconformity.

The burden of proof and persuasion for the appeal shall be on the appealing owner or occupant. In addition to showing the grounds described above, the appealing owner or occupant must demonstrate the specific different or additional factors that should be considered, the accurate date that should be used, or a different amortization methodology to calculate the remaining economic life of the nonconformity.

The procedure for appealing the amortization formula shall be the same as used for considering a Variance, including the notice and hearing provisions.

- 40.14 EXISTING NONCONFORMITIES ARE NOT ENHANCED.** A nonconformity existing at the time of the enactment or amendment of this ordinance shall not enjoy any greater right to continue its nonconforming status than it had prior to the enactment or amendment. It is the intent of this ordinance for preexisting nonconformities to be brought into compliance with the ordinance at least as quickly and as completely as they would have in the absence of an amendment.
- 40.15 RESERVED.**
- 40.16 NONCONFORMING SIGNS.** See *Sign Ordinance of the City of Ridgeland* for regulations concerning nonconforming signs.
- 40.17 REGULATIONS CONCERNING NONCONFORMING ACCESSORY USES AND/OR ACCESSORY STRUCTURES.** The most restrictive regulation of the following regulations shall apply to nonconforming accessory uses and/or accessory structures:
- A.** No nonconforming accessory use or accessory structure, or other structures incidental to a nonconforming use in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered.
 - B.** No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by discontinuance, damage, or destruction unless, such accessory use or accessory structure thereafter is made to conform to the standards for the zoning district in which it is located.
 - C.** Any part of a nonconforming accessory use or accessory structure which is destroyed by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50% of the assessed value (per the Madison County Tax Assessor) prior to the casualty of such structure shall not be restored.
- 40.18 REPAIRS AND MAINTENANCE OF NONCONFORMING ACCESSORY USES, ACCESSORY STRUCTURES, AND/OR OTHER STRUCTURES.** On any nonconforming accessory use, nonconforming accessory structure, or other structures incidental to a nonconforming use work may be done in any period of 12 consecutive months on ordinary repairs, or on wiring, or plumbing, to an extent not exceeding 10 percent of the assessed value (per the Madison County Tax Assessor) of the nonconforming accessory use, nonconforming accessory structure, or other structures incidental to a nonconforming use provided that the cubic content or assessed value existing when it became nonconforming shall not be increased.

40.19 ACCELERATED REMOVAL OF NONCONFORMITIES. The city may, by ordinance, designate specific nonconformities which, by their nature or location, are so detrimental to the public health, safety or welfare of the city, or are so likely to significantly depress the value of nearby properties, that their removal or discontinuance should be accelerated earlier than otherwise provided in this ordinance. Such nonconformities may be designated on a site-specific basis or by specific characteristics applicable to multiple sites or uses. The accelerated removal or discontinuance of such nonconformities shall be under the schedule and conditions provided in the ordinance designating them.

40.20 SUBORDINATION OF NONCONFORMING USE REGULATIONS FOR CONDITIONAL USES AND VARIANCES.

- A.** Where a Use or Structure has been permitted as a Conditional Use or has been granted a Variance, the provisions of the Conditional Use or Variance shall control over the nonconforming use regulations in this ordinance to the extent of any conflict between or among them.
- B.** Where a Use lawfully existed as of February 4, 2014, and is allowed by Conditional Use, but which lacks a Conditional Use Permit issued by the Mayor and Board of Aldermen, such shall not be deemed a nonconforming use, but rather shall be considered to exist as a permitted use.
- C.** Government agency property acquisitions. If a structure or occupancy does not comply with the requirements of this Ordinance solely as a result of an acquisition of land by a government agency for a public purpose, then such structure or occupancy on land not acquired by the government shall be deemed conforming.

40.21 NO VESTED RIGHT IN NONCONFORMING STATUS. Nothing in this ordinance shall be construed to grant any owner or occupant a vested right to a nonconforming status, regardless of the type or class assigned to the nonconformity. The benefits granted to a nonconformity in this ordinance shall be construed as exceptions to the general provisions of the ordinance. Such exceptions are made as a reasonable accommodation to property owners and occupants to avoid unnecessary adverse impacts on them without significantly diminishing the long term public benefit of the full enforcement of this ordinance. Such exceptions are made with the expectation that the property, structure, use, or occupancy involved will be ultimately brought into compliance with the general provisions of this ordinance.

ARTICLE IV

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

SECTION

100

ZONING DISTRICTS

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

A-1	Agricultural District
R-EA	Residential Estate Zoning District
R-E	Residential Estate Zoning District
R-1A	Single-Family Residential District
R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Single-Family Residential District
R-4	Zero Lot Line Residential District
R-4A	Townhouse Residential District
R-5	Multi-Family Residential District
R-M	Mobile Home Park District
PUD	Planned Unit Development District
PURD	Planned Unit Residential Development District
OARC	Old Agency Road Corridor
S-1	Special Use District
GW-1	Greenway District
MU-1	Mixed Use District
CUO	Controlled Use Overlay District
CPOD	Commerce Park Overlay District
C-1	Low-Intensity Commercial District
C-2	General Commercial District
C-2A	General Commercial District (Arterial Streets)
C-3	Convenience Commercial District
C-4	Highway Commercial District
C-5	High Intensity Commercial District
C-6	Regional Shopping Mall District
I-1	Limited Industrial District
I-2	Heavy Industrial District
TIP	Technical Industrial Park District

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

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

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

- 101.02 LOCATION OF OFFICIAL ZONING MAP:** Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be prepared or printed, the Official Zoning Map bearing the certificate specified under Section 101.01 and located in the City Hall of Ridgeland shall be the final authority as to the zoning status of land and water areas, buildings, and other structures in the City of Ridgeland.

- 101.03 PUBLIC INSPECTION OF MAP:** The Official Zoning Map shall be available for public inspection as provided by law during normal business hours of the City Hall of Ridgeland.

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

A. Since the Official Zoning Map is part of this Ordinance, any amendments to the Official Zoning Map shall be accomplished in accordance with State Statutes relating to passage of Ordinances. Therefore, before the Official Map may be amended, an "Ordinance of Rezoning" shall be drafted and passed by the Mayor and Board of Aldermen. In accordance with Section 21-13-11, the "Ordinance of Rezoning" "---shall be certified by a municipal clerk, signed by the mayor or a majority of all the members of the governing body, recorded in the Ordinance Book, and published at least one time in some newspaper published in such municipality---." No such "Ordinance of Rezoning" shall be in force until one month after its passage by the Mayor and Board of Aldermen, or at passage, if the "Ordinance of Rezoning" meets the emergency criteria set out in Section 21-13-11.

- B. 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 600.

SECTION

102

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

"This is to certify that this Official Zoning Map replaces the Official Zoning Map adopted as part of the Zoning Ordinance of the City of Ridgeland, Mississippi, on (Month, Day), (Year)."

SECTION

103

RULES FOR INTERPRETATION OF DISTRICT

BOUNDARIES

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

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
- D. Where the boundary of a district follows a railroad right-of-way, such boundary shall be deemed to be located on the right-of-way line to which it is closest.
- E. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- F. Boundaries indicated as parallel to or extensions of features indicated in Section 103, Subsections (a) through (e) 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 103, 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 conditional use, the extension of the use not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

SECTION

104

OVERLAY DISTRICTS

104.01 PURPOSE OF OVERLAY DISTRICTS: Overlay Districts provide a means to incorporate various development regulations across a specified area. These districts are special zones that lie on top of (superimposed) existing zoning designations to supplement, supersede, or restrict existing regulations. They usually provide a higher level of regulation than that required by the existing zoning classification, but they can also permit exceptions or require a less-restrictive guidelines. In cases where conflicting standards are given by an overlay district and the underlying zoning category, those of the overlay district typically take priority. The boundaries of an overlay district may or may not coincide with the boundaries of the underlying zone, and an overlay district may contain parts of more than one existing zone.

Overlay districts are used to accomplish a variety of development and land use goals such as protection of historic or natural resources, establishment of a historic district, and implementation of development and design guidelines. Overlay districts typically complement the city's Comprehensive Plan.

104.02 OVERLAY DISTRICTS ARE SUPERIMPOSED DESIGNATIONS: From time to time the Mayor and Board of Aldermen may adopt overlay district language and identify districts on the official zoning map. Overlay districts shall be a superimposed designation on an existing zoning district(s).

104.03 PROCEDURES FOR ADOPTING AND AMENDING OVERLAY DISTRICTS: Adoption of overlay districts shall be subject to the public hearing notices and proceedings as set forth in Section 600.15 of this ordinance. If overlay districts require a dimensional variance or the need for a conditional use of the underlying zoning district(s) on which the overlay district is superimposed, the Mayor and Board of Aldermen shall make findings that are consistent with the requirements for granting dimensional variances (Section 600.08 of this ordinance) and conditional uses (Section 600.09 of this ordinance). If the overlay district language will allow for uses not permitted in the underlying zoning district, the Mayor and Board of Aldermen shall make findings that are consistent with the

requirements for rezoning (Section 600.10). Amendments to the language contained in the overlay district related to permitted uses, conditional uses, dimensional controls, district boundaries, or other zoning related regulations of the underlying zoning district(s) and this ordinance will be subject to public hearing notices, proceedings, and appropriate findings as referenced above.

104.04 ADOPTED OVERLAY DISTRICTS: The following list represents the adopted and superimposed overlay districts that are made part of this ordinance by reference:

- A. PURD (Planned Unit Residential District) – Refer to Section 310 of this Ordinance.
- B. OARC (Old Agency Road Corridor Overlay District) – Refer to Section 320 of this Ordinance.
- C. CUO (Controlled Use Overlay District) – Refer to Section 350 of this Ordinance.
- D. CPOD (Commerce Park Overlay District). – Refer to Section 360 of this Ordinance.
- E. West Jackson Street Overlay District.
- F. The Township at Colony Park Traditional Neighborhood Development Overlay District.
- G. Wireless Communication Facility Overlay Districts.
- H. Northpark Overlay District..
- I. Renaissance at Colony Park Overlay District
- J. Prado Vista at Ridgeland Overlay District

150.01 PURPOSE OF THIS DISTRICT: The purposes of these districts are to conserve land for agricultural use, to prevent the premature development of land, and to prevent urban and agricultural land use conflicts. It is the intent of this Ordinance that such districts be located primarily in those areas of the City of Ridgeland that are not served by the public sewer system. It is further the intent of this Ordinance to prevent disorderly scattering of residences on small lots and to prevent the establishment of other urban land uses that would require unreasonable expenditures for public improvements and services. The City of Ridgeland shall not be obligated to provide water and sanitary sewer to areas zoned as Agricultural (A-1).

150.02 LAND USES PERMITTED:

- A.** Single-family detached dwellings. Only one principal dwelling per lot may be erected in A-1 districts, except where the lot consists of five (5) acres or more, in which case up to three (3) single family detached dwellings may be erected on the same lot.
- B.** Accessory uses and structures associated with the use of the land as defined under Article II and subject to the regulations in Section 31.05 of this Ordinance.
- C.** Breeding, raising, and feeding of grazing livestock (i.e., horses, cattle, sheep, goats, mules, etc.), provided that each such animal herein defined as "grazing livestock" shall be kept on a tract or lot of one acre of land or greater. Barns, pens, corrals, and other buildings or enclosures for the keeping of grazing livestock are permitted accessory uses, provided that such buildings or enclosures (excluding open pastures) are located no closer than 150 feet from any adjoining property lines or existing/proposed street right-of-way line.
- D.** Breeding, raising, and feeding of swine, provided that pens for the keeping of swine are located no closer than 150 feet from any adjoining property line or existing/proposed street right-of-way line.
- E.** Breeding, raising, and feeding of chickens, ducks, turkeys, geese, or other fowl, provided that if more than two (2) such fowl are kept on any lot, they shall be kept at least 150 feet from any adjoining property line or existing/proposed street right-of-way line.
- F.** Forestry and horticultural uses. The sale on the premises (i.e., actual transfer from the grower to the purchaser) of vegetables, fruits and other plants shall only be allowed if permitted as a conditional use (see Section 150.03).

- G. Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities or utilities subject to the provisions of Section 32 of this Ordinance.
- H. Home occupations in compliance with Section 35 of this Ordinance.
- I. Public streets, highways, private streets and alleys.

150.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 600.09

- A. Public or quasi-public facilities and utilities in compliance with Section 32 and other regulations of this Ordinance.
- B. Child care facilities.
- C. Stables and riding academies, providing that there shall be at least one (1) acre of land for each horse normally kept on the premises. In no case shall a stable or riding academy be located on a lot with an area of less than five (5) acres.
- D. Plant nurseries and other horticultural uses where vegetables, fruit and other plants are grown on the premises or brought to the premises and maintained there for the purpose of retail sales from said premises. Such other additional products shall be permitted to be sold from the premises as are customarily incidental to the operation of a plant nursery.
- E. Commercial catfish production.
- F. Extraction of minerals, including sand and gravel, provided that when "open-pit" operations are conducted a Reclamation Plan must be approved by the Mayor and Board of Aldermen.
- G. Veterinary hospitals and kennels.
- H. Animal cemeteries (small domestic animals such as cats and dogs).
- I. Secondary attached/detached dwelling units as defined in Article II and subject to the regulations in Section 31.06 of this Ordinance.

150.04 DIMENSIONAL REQUIREMENTS

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

B. Minimum Lot Area: Three (3) acres.

C. Minimum Lot Width: 150 feet.

D. Minimum Yards:

1. **Front yard:** 40 feet from the existing or proposed right-of-way line as shown on the adopted *Ridgeland Thoroughfares Plan* to the building setback line, except where Section 150.02 requires a minimum of 150 feet from any adjoining property line.
2. **Side yard:** 10 feet, except where Section 150.02 requires a minimum yard of 150 feet from any adjoining property line.
3. **Rear yard:** 25 feet, except where Section 150.02 requires a minimum yard of 150 feet from any adjoining property line.

E. Lot Coverage, Maximum: 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 “A-1” district as is necessary to conduct the permitted activity.

150.05 OFF-STREET PARKING REQUIREMENTS: See Section 37 for off-street parking and loading requirements.

150.06 REQUIREMENTS REGARDING EXISTING NARROW STREETS, UNPAVED STREETS AND PROPOSED NEW STREETS:
See *Subdivision and Development Review Ordinances of the City of Ridgeland*.

150.07 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

180.01 PURPOSE OF THIS DISTRICT: The purpose of this district is to provide for large lot, low-density residential development in areas with a rural character and open space.

180.02 LAND USES PERMITTED:

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Accessory uses and structures associated with the use of the land as defined under Article II and subject to the regulations in Section 31.05 of this Ordinance.
- C. Horticultural uses not involving the sale of produce on the premises.
- D. Home occupations in compliance with Section 35 of this Ordinance.
- E. Public streets, highways, private streets and alleys.

180.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 600.09:

- A. Public or quasi-public facilities and utilities in compliance with Section 32 and other regulations of this Ordinance.
- B. Public or private recreational or open space facilities, excluding country clubs and the like, which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 32 and 33 of this Ordinance. All lakes associated with this or any other usage shall comply with Ridgeland's Subdivision Regulations.
- C. Child care facilities.
- D. Inns or "bed and breakfast inns."
- E. Breeding, raising, and feeding of grazing livestock (i.e., horses, cattle, sheep, goats, mules, etc.), provided that each such animal herein defined as "grazing livestock" shall be kept on a tract or lot of three (3) acres of land or greater. Barns, pens, corrals, and other buildings or enclosures for the keeping of grazing livestock are permitted accessory uses, provided that such buildings or enclosures (excluding open pastures) are located no closer than 200 feet from any adjoining property lines or street right-of-way line. Barns shall not be used for business offices or for other commercial purposes, retail or non-retail. Drainage from barns, pens, corrals, and other buildings or enclosures shall be contained on-site and shall be prevented from flowing onto downhill properties unless an NPDES permit is issued by the Mississippi Department of Environmental Quality.

- F. Accessory uses and structures may be located within the required minimum front yard. The structures must be of compatible architectural design and of the same materials as the construction of the primary dwelling. If there is a homeowners association or architectural review committee for the subdivision, the Applicant must give the individual/entity notice of the hearing for conditional use before the Zoning Board.
- G. Secondary attached/detached dwelling units as defined in Article II and subject to the regulations in Section 31.06 of this Ordinance.

180.04 DIMENSIONAL REQUIREMENTS:

- A. **Maximum Building Height:** 50 feet or 2 ½ stories.
- B. **Minimum Lot Area:** Three acres (or) if less than three acres, as a lot of record as recorded with Madison County and in accordance with the City of Ridgeland Subdivision Regulations on or before February 4, 2014. A copy of the recorded parcel map is located in the City of Ridgeland Plat Cabinet. The minimum lot area listed in this section shall supersede the minimum lot area listed in Section 320.04.B in the Old Agency Road Corridor Overlay District Regulations.
- C. **Minimum Lot Width:** 150 feet.
- D. **Minimum Yards:**
 - 1. **Front yard:** 75 feet from the existing or proposed street right-of-way line as shown on the adopted Ridgeland Thoroughfares Plan to the building setback line (or) if less 75 feet, the distance measured from the existing or proposed right-of-way to a building that existed or was permitted prior to February 4, 2014.
 - 2. **Side yards:** 25 feet, except where Section 180.03-E requires a greater setback.
 - 3. **Rear yard:** 25 feet, except where Section 180.03-E requires a greater setback.

180.05 SWIMMING POOLS: Swimming pools shall be located behind the front line of the house and there shall be a minimum of ten feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing a minimum of six (6) feet in height.

180.06 OFF-STREET PARKING REQUIREMENTS: See Section 37 for off-street parking and loading requirements.

180.07 REQUIREMENTS REGARDING EXISTING NARROW STREETS AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinances of the City of Ridgeland*.

180.08 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

200.01 PURPOSE OF THIS DISTRICT: The purpose of this district is to provide for large lot, low-density residential development in areas with a rural character.

200.02 LAND USES PERMITTED:

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Accessory uses and structures associated with the use of the land as defined under Article II and subject to the regulations in Section 31.05 of this Ordinance.
- C. Horticultural uses not involving the sale of produce on the premises.
- D. Home occupations in compliance with Section 35 of this Ordinance.
- E. Public streets, highways, private streets and alleys.

200.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 600.09:

- A. Public or quasi-public facilities and utilities in compliance with Section 32 and other regulations of this Ordinance.
- B. Public or private recreational or open space facilities, excluding country clubs and the like, which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 32 and 33 of this Ordinance. All lakes associated with this or any other usage shall comply with Ridgeland's *Subdivision Regulations*.
- C. Child care facilities.
- D. Inns or "bed and breakfast inns."
- E. Breeding, raising, and feeding of grazing livestock (i.e., horses, cattle, sheep, goats, mules, etc.), provided that each such animal herein defined as "grazing livestock" shall be kept on a tract or lot of three (3) acres of land or greater. Barns, pens, corrals, and other buildings or enclosures for the keeping of grazing livestock are permitted accessory uses, provided that such buildings or enclosures (excluding open pastures) are located no closer than 200 feet from any adjoining property lines or street right-of-way line. Barns shall not be used for business offices or for other commercial purposes, retail or non-retail. Drainage from barns, pens, corrals, and other buildings or enclosures shall be contained on-site and shall be prevented from flowing onto downhill

properties unless an NPDES permit is issued by the Mississippi Department of Environmental Quality.

- F. Accessory uses and structures may be located within the required minimum front yard. The structures must be of compatible architectural design and of the same materials as the construction of the primary dwelling. If there is a homeowners association or architectural review committee for the subdivision, it must be given notice of the hearing for conditional use before the Zoning Board.
- G. Secondary attached/detached dwelling units as defined in Article II and subject to the regulations in Section 31.06 of this Ordinance.

200.04 DIMENSIONAL REQUIREMENTS:

- A. **Maximum Building Height:** 50 feet or 2 ½ stories.
- B. **Minimum Lot Area:** One acre.
- C. **Minimum Lot Width:** 150 feet.
- D. **Minimum Yards:**
 - 1. **Front yard:** 35 feet from the existing or proposed street right-of-way line as shown on the adopted Ridgeland Thoroughfares Plan to the building setback line.
 - 2. **Side yards:** 10 feet, except where Section 200.03-E requires a greater setback.
 - 3. **Rear yard:** 25 feet, except where Section 200.03-E requires a greater setback.

200.05 SWIMMING POOLS: Swimming pools shall be located behind the front line of the house and there shall be a minimum of ten feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing a minimum of six (6) feet in height.

200.06 OFF-STREET PARKING REQUIREMENTS: See Section 37 for off-street parking and loading requirements.

200.07 REQUIREMENTS REGARDING EXISTING NARROW STREETS AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinances of the City of Ridgeland*.

200.08 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

210.01 PURPOSE OF THIS DISTRICT: The purpose of these districts is to promote the preservation and establishment of areas of low density residential development with a minimum lot size of 14,000 square feet. No R-1A districts shall be located in areas that do not have public sewerage.

210.02 LAND USES PERMITTED:

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Accessory uses and structures associated with the use of the land as defined under Article II and subject to the regulations in Section 31.05 of this Ordinance.
- C. Horticultural uses not involving the sale of produce on the premises.
- D. Home occupations in compliance with Section 35 of this Ordinance.
- E. Public or private recreational or open space facilities, excluding country clubs and the like, which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 32 and 33 of this Ordinance. Lakes deeded to a home-owners' association or dedicated (public) to the City of Ridgeland shall comply with the Ridgeland *Subdivision Regulations*.
- F. Public streets, highways, private streets and alleys.

210.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 600.09:

- A. Public or quasi-public facilities and utilities in conformance with Sections 32 and 33 and other regulations of this Ordinance.
- B. Child care facilities.
- C. Accessory uses and structures may be located within the required minimum front yard. The structures must be of compatible architectural design and of the same materials as the construction of the primary dwelling. If there is a homeowners association or architectural review committee for the subdivision, it must be given notice of the hearing for conditional use before the Zoning Board.
- D. Secondary attached/detached dwelling units as defined in Article II and subject to the regulations in Section 31.06 of this Ordinance.

- E. Breeding, raising, and feeding of grazing livestock (i.e., horses, cattle, sheep, goats, mules, etc.), provided that each such animal herein defined as “grazing livestock” shall be kept on a tract or lot of three (3) acres of land or greater. Barns, pens, corrals, and other buildings or enclosures for the keeping of grazing livestock are permitted accessory uses, provided that such buildings or enclosures (excluding open pastures) are located no closer than 200 feet from any adjoining property lines or street right-of-way line. Barns shall not be used for business offices or for other commercial purposes, retail or non-retail. Drainage from barns, pens, corrals, and other buildings or enclosures shall be contained on-site and shall be prevented from flowing onto downhill properties unless an NPDES permit is issued by the Mississippi Department of Environmental Quality.

210.04 DIMENSIONAL REQUIREMENTS:

- A. **Maximum Building Height:** 50 feet or 2 ½ stories.
- B. **Minimum Lot Area:** 14,000 square feet.
- C. **Minimum Lot Width:** 90 feet.
- D. **Minimum Yards:**
1. **Front yard:** 35 feet from the existing or proposed right-of-way line as shown on the adopted Ridgeland *Thoroughfares Plan* to the building setback line.
 2. **Side yard:** 10 feet.
 3. **Rear yard:** 25 feet.

210.05 SWIMMING POOLS: Swimming pools shall be located behind the front line of the house and there shall be a minimum of ten feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing a minimum of six (6) feet in height.

210.06 OFF-STREET PARKING REQUIREMENTS: See Section 37 for off-street parking and loading requirements.

210.07 REQUIREMENTS REGARDING EXISTING NARROW STREETS AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinances of the City of Ridgeland*.

210.08 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

220.01 PURPOSE OF THIS DISTRICT: The purpose of these districts is to promote the preservation and establishment of areas of low density residential development with a minimum lot size of 12,000 square feet. No R-1 districts shall be located in areas that do not have public sewerage.

220.02 LAND USES PERMITTED:

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Accessory uses and structures associated with the use of the land as defined under Article II and subject to the regulations in Section 31.05 of this Ordinance.
- C. Horticultural uses not involving the sale of produce on the premises.
- D. Home occupations in compliance with Section 35 of this Ordinance.
- E. Public or private recreational or open space facilities, excluding country clubs, and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 32 and 33 of this Ordinance. Lakes deeded to a homeowner's association or dedicated (public) to the City of Ridgeland shall comply with the *Ridgeland Subdivision Regulations*.
- F. Public streets, highways, private streets and alleys.

220.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 600.09

- A. Public or quasi-public facilities and utilities in conformance with Section 32 and 33 other regulations of this Ordinance.
- B. Child care facilities.
- C. Secondary attached/detached dwelling units as defined in Article II and subject to the regulations in Section 31.06 of this Ordinance.

220.04 DIMENSIONAL REQUIREMENTS:

- A. **Maximum Building Height:** 50 feet or 2 ½ stories.
- B. **Minimum Lot Area:** 12,000 square feet.
- C. **Minimum Lot Width:** 90 feet.

D. Minimum Yards:

1. **Front yard:** 35 feet from the existing or proposed right-of-way line as shown on the adopted Ridgeland *Thoroughfares Plan* to the building setback line.
2. **Side yards:** 10 feet.
3. **Rear yard:** 25 feet.

220.05 SWIMMING POOLS: Swimming pools shall be located behind the front line of the house and there shall be a minimum of ten feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing a minimum of six (6) feet in height.

220.06 OFF-STREET PARKING REQUIREMENTS: See Section 37 for off-street parking and loading requirements.

220.07 REQUIREMENTS REGARDING EXISTING NARROW STREETS, UNPAVED STREETS AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinances of the City of Ridgeland..*

220.08 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi.*

230.01 PURPOSE OF THIS DISTRICT: The purpose of these districts is to provide areas for the development of low density, single-family detached dwellings and related compatible uses in relatively spacious surroundings which provide ample, usable open space for leisure time activities. No R-2 residential districts shall be located in areas that do not have public sewerage.

230.02 LAND USES PERMITTED:

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Accessory uses and structures associated with the use of the land as defined under Article II and subject to the regulations in Section 31.05 of this Ordinance.
- C. Horticultural uses not involving the sale of produce on the premises.
- D. Home occupations in compliance with Section 35 of this Ordinance.
- E. Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 32 and 33 of this Ordinance. Lakes deeded to a homeowner's association or dedicated (public) to the City of Ridgeland shall comply with the ***Ridgeland Subdivision Regulations***.
- F. Public streets, highways, private streets and alleys.

230.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 600.09:

- A. Public or quasi-public facilities and utilities in compliance with Sections 32 and 33 and other regulations of this Ordinance.
- B. Child care facilities.
- C. Secondary attached/detached dwelling units as defined in Article II and subject to the regulations in Section 31.06 of this Ordinance.

230.04 DIMENSIONAL REQUIREMENTS:

- A. **Maximum Building Height:** 50 feet or 2 ½ stories.
- B. **Minimum Lot Area:** 10,500 square feet.

C. Minimum Lot Width: 80 feet.

D. Minimum Yards:

1. **Front yard:** 25 feet from the existing or proposed right-of-way line as shown on the adopted Ridgeland *Thoroughfares Plan* to the building setback line.
2. **Side yards:** 7.5 feet.
3. **Rear yard:** 25 feet.

230.05 SWIMMING POOLS: Swimming pools shall be located behind the front line of the house and there shall be a minimum of ten feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing a minimum of six (6) feet in height.

230.06 OFF-STREET PARKING REQUIREMENTS: See Section 37 for off-street parking and loading requirements.

230.07 REQUIREMENTS REGARDING EXISTING NARROW STREETS, AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinances of the City of Ridgeland*.

230.08 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

240.01 PURPOSE OF THIS DISTRICT: The purpose of this district is to provide areas for the development of single-family detached houses on small lots in which site use efficiency is achieved by relaxing one side yard requirement. Through design and planning controls, higher densities can be accommodated without sacrificing usable open space, privacy or environmental quality.

240.02 LAND USES PERMITTED:

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Patio home dwellings.
- C. Accessory uses and structures associated with the use of the land as defined under Article II and subject to the regulations in Section 31.05 of this Ordinance.
- D. Horticultural uses not involving the sale of produce on the premises.
- E. Home occupations in compliance with Section 35 of this Ordinance.
- F. Private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 32 of this Ordinance. Lakes deeded to a homeowner's association or dedicated (public) to the City of Ridgeland shall comply with the Ridgeland *Subdivision Regulations*.
- G. Public streets, highways, private streets and alleys.

240.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 600.09:

- A. Public or quasi-public facilities and utilities in conformance with Sections 32 and 33 and other regulations of this Ordinance.
- B. Child care facilities.
- C. Zero lot line dwellings subject to the regulations of R-4 districts as specified under Section 250 of this Ordinance.

240.04 DIMENSIONAL REQUIREMENTS:

- A. **Maximum Building Height:** 35 feet.

B. Minimum Size of Tract to be Subdivided for Patio Homes: Five (5) acres, unless otherwise approved by the Mayor and Board of Aldermen.

C. Minimum Lot Area: 6,000 square feet.

D. Maximum Density: Six (6) dwelling units per acre.

E. Minimum Lot Width: 60 feet.

F. Minimum Yards:

1. **Front yard:** 25 feet from the existing or proposed right-of-way line as shown on the adopted Ridgeland *Thoroughfares Plan* to the building setback line.
2. **Side yards:** 7.5 feet. At a minimum there shall be 15 feet between contiguous housing units. Where an R-3 district side yard lot line abuts an existing single-family detached residence or an R-1 or R-2 district, the minimum side yard shall be 30 feet. This side yard shall be landscaped open land with no encroachments permitted.
3. **Rear yard:** 20 feet from the rear lot line to any building except where the rear lot line abuts an existing single-family detached residence or an R-1 or R-2 district in which case the rear yard separating the districts shall be 40 feet.

240.05 SWIMMING POOLS: Swimming pools shall be located behind the front line of the house and there shall be a minimum of ten feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing a minimum of six (6) feet in height.

240.06 REQUIREMENTS REGARDING EXISTING NARROW STREETS AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinance of the City of Ridgeland*.

240.07 OFF-STREET PARKING REQUIREMENTS: See Section 37 for off-street parking and loading requirements.

240.08 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

250.01 PURPOSE OF THIS DISTRICT: The purpose of this district is to provide areas for the development of zero lot line subdivisions within moderately spacious surroundings. The use of this district is appropriate as a transition zone between low density residential districts (R-1 and R-2) and higher density residential districts (R-5), commercial uses or arterial streets (as reflected in the adopted **Thoroughfares Plan**) that are not compatible with a low density residential environment.

250.02 LAND USES PERMITTED:

- A. Zero lot line dwellings.
- B. Patio home dwellings.
- C. Single-family detached dwellings.
- D. Accessory uses and structures associated with the use of the land as defined under Article II and subject to the regulations in Section 31.05 of this Ordinance.
- E. Home occupations in compliance with Section 35 of this Ordinance.
- F. Horticultural uses not involving the sale of produce on the premises.
- G. Private recreational or open space facilities, excluding country clubs and the like, which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Sections 32 and 33 of this Ordinance. Lakes deeded to a homeowners association or dedicated (public) to the City of Ridgeland shall comply with the Ridgeland **Subdivision Regulations**.
- H. Public streets, highways, private streets and alleys.

250.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 600.09:

- A. Public or quasi-public facilities and utilities in compliance with Sections 32 and 33 and other regulations of this Ordinance.
- B. Child care facilities.

250.04 DIMENSIONAL REQUIREMENTS:

- A. Maximum Building Height:** 35 feet or 2 ½ stories.
- B. Minimum Lot Area:** 5,000 square feet.
- C. Minimum Lot Width:** 50 feet.
- D. Maximum Density:** Six (6) dwelling units per acre.
- E. Minimum Yards:**
 - 1. **Front yard:** 25 feet from the existing or proposed right-of-way line as shown on the adopted Ridgeland *Thoroughfares Plan* or the approved subdivision plat to the building setback line.
 - 2. **Side yards:** No minimum on one side and 10 feet on the opposite side or 5 feet on both sides. There shall be a minimum of 10 feet separating dwelling units. A 10 foot side yard setback shall be required where the side yard lot line abuts an existing property or lot that is zoned residential estate or single-family residential.
 - 3. **Rear yard:** 20 feet, except a 30 foot rear yard setback shall be required where the rear yard lot line abuts an existing property or lot that is zoned residential estate or single-family residential.

250.05 SWIMMING POOLS: Swimming pools shall be located behind the front line of the house and there shall be a minimum of ten feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing a minimum of six (6) feet in height.

250.06 OPENINGS PROHIBITED FOR ZERO LOT LINE DWELLINGS ON ZERO LOT LINE SIDE: Refer to current adopted Residential Building Code.

250.07 WALL MAINTENANCE EASEMENT REQUIRED FOR ADJACENT LOTS ABUTTING ZERO LOT LINE DWELLINGS: Where any zero lot line dwelling is constructed directly on one side lot line, a perpetual wall maintenance easement of at least five (5) feet in width along the adjacent lot and parallel with such wall resting directly on the lot line shall be provided. This wall maintenance easement shall be reflected on the final plat.

250.08 REQUIREMENTS REGARDING EXISTING NARROW STREETS AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinances of the City of Ridgeland*.

250.09 OFF-STREET PARKING REQUIREMENTS: See Section 37 for off-street parking and loading requirements.

250.10 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

TOWNHOUSE RESIDENTIAL DISTRICT (R-4A)

255.01 PURPOSE OF THIS DISTRICT: The purpose of this district is to provide areas for the development of townhouse subdivisions within moderately spacious surroundings. The use of this district is appropriate as a transition zone between low density residential districts (R-1 and R-2) and higher density residential districts (R-5), commercial uses or arterial streets (as reflected in the adopted **Thoroughfares Plan**) that are not compatible with a low density residential environment.

255.02 LAND USES PERMITTED:

- A. Townhouse dwellings.
- B. Accessory uses and structures associated with the use of the land as defined under Article II and subject to the regulations in Section 31.05 of this Ordinance.
- C. Home occupations in compliance with Section 35 of this Ordinance.
- D. Horticultural uses not involving the sale of produce on the premises.
- E. Private recreational or open space facilities, excluding country clubs and the like, which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Sections 32 and 33 of this Ordinance. Lakes deeded to a homeowners association or dedicated (public) to the City of Ridgeland shall comply with the Ridgeland Subdivision Regulations.
- F. Public streets, highways, private streets and alleys.

255.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 600.09:

- A. Public or quasi-public facilities and utilities in compliance with Sections 32 and 33 and other regulations of this Ordinance.
- B. Child care facilities.
- C. Uses first permitted in R-4 Zero Lot Line Residential District subject to the regulations of the R-4 district as specified under Section 250.
- D. Two-family (Duplex) dwellings.

255.04 DIMENSIONAL REQUIREMENTS:

- A. **Maximum Building Height:** 35 feet or 2 ½ stories.

B. Minimum Lot Area:

1. End townhouses: 4,000 square feet.
2. Interior townhouses: 3,000 square feet.

C. Minimum Lot Width:

1. End townhouses: 40 feet.
2. Interior townhouses: 30 feet.

D. Maximum Density: Eight (8) units per acre.

E. Minimum Yards:

1. **Front yard:** 25 feet.
2. **Side yards:** None, except for corner lots the minimum side yard on the corner side shall be 20 feet. When an end unit in a row of townhouses immediately adjoins another row of townhouses, there shall be a minimum of 20 feet separating the rows. However, in no case shall a townhouse be built closer than 10 feet to the lot line of a lot that is zoned residential estate or single-family residential.
3. **Rear yards:** 20 feet, except a 30 foot rear yard setback shall be required where the rear yard lot line abuts an existing property or lot that is zoned residential estate or single-family residential.

255.05 SWIMMING POOLS: Swimming pools shall be located behind the front line of the house and there shall be a minimum of ten feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing a minimum of six (6) feet in height.

255.06 MAXIMUM LOT COVERAGE: Seventy-five percent of the lot area.

255.07 MAXIMUM NUMBER OF TOWNHOUSES IN A ROW
Eight (8).

255.08 REQUIREMENTS REGARDING EXISTING NARROW STREETS AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinances of the City of Ridgeland*.

255.09 MAINTENANCE AND LIABILITY WITH REGARD TO PRIVATE DRIVEWAYS IN TOWNHOUSE SUBDIVISIONS: If a proposed townhouse subdivision is to contain townhouses that will be served by a common private driveway(s), the developer of the subdivision shall submit with his application for

final subdivision plat approval a legal instrument or instruments which state that the responsibility of liability insurance, taxes, and maintenance of all private driveways shall rest with the owners of the several lots or parcels of land located in the subdivision and not the City of Ridgeland.

Approval of a final subdivision plat and issuance of a building permit for construction of townhouses that will be served by common private driveways shall not be construed as nor constitute an obligation of the part of the City of Ridgeland to maintain such private driveways or to be liable with regard to the use of such driveways.

255.10 PROPERTY LINES BETWEEN ADJOINING TOWNHOUSES:

Any person desiring to construct townhouses shall prepare a preliminary and final plat indicating the location of property lines between dwelling units. Following approval of the final plat, the builder who proposes such townhouses shall submit a plot diagram in accordance with the currently adopted building code to the Building Official prior to the issuance of a building permit; said plot diagram shall indicate as nearly as possible the exact location of the property lines between the townhouses.

255.11 UNDERGROUND UTILITY CONNECTIONS FOR TOWNHOUSES: All underground utilities (including water, sanitary sewer, electrical, natural gas, telephone, and cable television) shall be installed in such a manner that the utility lines do not cross the lots of adjoining townhouses, except where the utility line is placed in a utility easement required by the Ridgeland *Subdivision Regulations*.

This provision is intended to prevent the need for excavation of the yards of adjoining townhouses for utility repairs. The construction drawings submitted by the developers of townhouses to the Building Official shall indicate the proposed location of all utility lines, and these locations shall comply with this section prior to the issuance of a building permit.

255.12 OFF-STREET PARKING REQUIREMENTS: Each townhouse shall have a fully-enclosed garage of adequate size to house at least two full-size automobiles; or each townhouse shall have a carport in the rear of the townhouse of adequate size for at least two full-size automobiles.

255.13 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

260.01 PURPOSE OF THIS DISTRICT: The purpose of this district is to provide areas for the development of higher density multiple family (i.e., three or more) residential uses with adequate, usable open space to prevent overcrowding. It is the intent of this Ordinance that these districts be carefully located only in areas where the infrastructure of the City (i.e., the street/highway system and water and sewer systems) is adequate to serve such higher density housing. The use of this district is appropriate as a transition between moderate-density residential districts (R-3, R-4) and general commercial districts (C-2, C-2A). Multi-family Residential districts (R-5) shall only be located adjacent to streets/highways that are classified as Principal Arterials on the adopted Ridgeland *Thoroughfares Plan*.

260.02 LAND USES PERMITTED:

- A.** Apartment Complexes at a maximum density of ten (10) units per acre calculated upon the total contiguous acreage, all acreage sharing the R-5 zoning category, complete with landscaping, signage, and parking and including Multi-family dwellings. Apartment complexes may also include accessory uses such as laundromats, vending machine centers, recreational buildings, swimming pools, tennis courts, fences and walls, and similar uses and structures incidental to multi-family buildings. Accessory uses and structures shall be considered an integral part of the Apartment Complex and shall be reserved exclusively for use by residents and guests of residents of the multi-family complex.
- B.** Residential Condominium Complexes, subject to the same conditions required for Apartment Complexes under Section 260.02(A).
- C.** Two-family (Duplex) dwellings.
- D.** Rooming houses, boarding houses, tourist homes, bed and breakfast homes, and group dwellings.
- E.** Accessory uses and structures associated with the use of the land as defined under Article II and subject to the regulations in Section 31.05 of this Ordinance.
- F.** Home occupations in compliance with Section 35 of this Ordinance.
- G.** Public streets, highways, private streets and alleys.

260.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED SECTION 600.09:

- A. Public or quasi-public facilities and utilities in compliance with Section 32 and other regulations of this Ordinance.
- B. Child care facilities.
- C. Uses first permitted in R-4 Zero Lot Line Residential District subject to the regulations of the R-4 district as specified under Section 250.

260.04 DIMENSIONAL REQUIREMENTS:

- A. **Maximum Height:** 35 feet or 2-1/2 stories.
- B. **Minimum Lot Area:** Five (5) acres.
- C. **Maximum Density:** 10 units per acre.
- D. **Minimum Yards:**
 - 1. **Front yard:** 35 feet. Parking shall not be permitted in the first 10 feet adjacent to the existing or proposed street right-of-way. This 10 foot area shall remain open except for entrance/exit driveways; no parking shall be permitted in such driveways. Front yard areas not penetrated by driveways or used for parking in accordance with the above requirements shall be landscaped with grass, trees, shrubs, and pedestrian walks in accordance with standards adopted by the City of Ridgeland.
 - 2. **Side and rear yards:** 20 feet. Parking shall not be permitted in the first five (5) feet adjacent to side and rear property lines. This five-foot wide strip shall be a landscaped open area with no encroachments permitted including driveways, parking lots, patios or swimming pools, or other paved areas. Where a side or rear lot line abuts an existing single-family detached residence or any lot zoned residential estate or single-family residential, the side yard shall be 50 feet. This entire 50-foot area shall remain open with no encroachments permitted including driveways, parking lots, patios or swimming pools, or other paved areas.
- E. **Minimum Space between Buildings:** No principal building or accessory building shall be constructed nearer than twenty (20) feet to any other principal building or accessory building.
- F. **Open Space:** A minimum of 30 percent of the gross site area to be developed for a condominium or apartment complex shall be devoted to

open space. In calculating this open space requirement, the front, side and rear yards may be included. Parking lots and driveways, however, may not be included in calculating this required open space.

260.05 SITE PLAN REQUIRED: The developer of any apartment or condominium complex shall submit a site plan in accordance with Section 600.11 of this Ordinance.

260.06 REQUIRED PLANTING SCREEN OR SECURITY FENCE FOR MULTI-FAMILY RESIDENTIAL USES ABUTTING EXISTING SINGLE-FAMILY DETACHED RESIDENCES, OTHER INCOMPATIBLE USES OR RESIDENTIAL ESTATE OR SINGLE-FAMILY RESIDENTIAL ZONES: Upon the effective date of this ordinance, all existing (at the effective date of this ordinance) or new multi-family residential uses that abut an existing single-family detached residence, any other incompatible use, or a residential estate or single-family residential district, the developer/owner of the apartment or condominium complex shall install a planting screen or a security fence having a height of at least eight (8) feet along the side and/or rear property lines of the proposed multi-family use. Fence or screen shall be determined by the Mayor and Board of Aldermen. Maintenance of this required planting screen or security fence shall be the responsibility of the property owner, and failure to maintain same in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein. See *City of Ridgeland Landscape Ordinance*.

260.07 REQUIRED LANDSCAPING FOR AREAS NOT USED FOR BUILDINGS OR OTHER STRUCTURES, PARKING, REQUIRED YARDS OR DRIVEWAYS: Developers/owners of any use permitted outright or as a conditional use in R-5 districts shall provide landscaping for all portions of a lot not used for buildings or other structures, parking, required yards or driveways. The location and type of landscaping to be installed shall be noted on the site plan. Maintenance of this required landscaping shall be the responsibility of the property owner, and failure to maintain the landscaping in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein. See *City of Ridgeland Landscape Ordinance*.

260.08 REQUIREMENTS REGARDING EXISTING NARROW STREETS AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinances of the City of Ridgeland*.

260.09 REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL: For reasons of fire safety, all proposed or existing apartment or condominium complexes shall provide at least two separate points of ingress/egress to/from the complex. Spacing requirements for these access points are provided under Section 37. Developers/owners of any existing or proposed apartment or condominium complex or permitted conditional use shall comply with parking and loading requirements included under Section 37.

260.10 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

270.01 PURPOSE OF THIS DISTRICT: The purpose of this district is to provide for properly planned Mobile Home Parks in which spaces are offered on a rental or lease basis only for owner-occupied mobile homes, or in which the space and mobile home combination are both offered to the public on a rental or lease basis only. It is the intent of this Ordinance that these districts may be located only in such areas as to not adversely affect the established residential subdivisions and residential densities in the city. Such location, however, shall have necessary public services, a healthful living environment and normal amenities associated with residential zones of the city.

270.02 LAND USES PERMITTED:

- A. Single-family mobile homes, either owner-occupied or on a rental or lease basis.
- B. Manufactured homes.
- C. Modular homes.
- D. Private lakes, swimming pools, open space, and other private recreational facilities intended only for the use by residents of the mobile home park.
- E. Laundromat, vending machine center, and related auxiliary uses incidental to the primary mobile home uses, provided that such structures for auxiliary uses do not constitute over 10 percent of the total site area of the mobile home park, and further provided that they be exclusively for the use of the residents of the mobile home park.
- F. Accessory uses and structures associated with the use of the land as defined under Article II and subject to the regulations in Section 31.05 of this Ordinance.
- G. Private streets (circulation drives) in compliance with Section 270.08 of this Ordinance.

270.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED IN

SECTION 600.09: The only conditional uses or structures which may be considered in R-M districts are public or quasi-public facilities and utilities in compliance with Section 32 and other regulations of this Ordinance. An example of a quasi-public building in an R-M district might involve a mobile home park owner who wishes to allow a civic club to use a building on the same property with the mobile home park for meetings, etc.

270.04 SITE PLAN REVIEW: No building permit to construct a new mobile home park or to expand (by the addition of one or more spaces) an existing mobile home park shall be issued until the applicant for the building permit has complied with the provisions of Section 600.11 relative to Site Plan Review. All new mobile home parks established after the effective date of this Ordinance shall comply with all of the provisions herein. With regard to mobile home parks established prior to the effective date of this Ordinance, which are expanded (by the addition of one or more spaces) after the effective date hereof, the expanded portions of such parks shall comply with all applicable provisions of this Ordinance.

270.05 DIMENSIONAL REQUIREMENTS:

- A. Minimum Size of Park:** 10 acres.
- B. Maximum Density:** Six (6) mobile homes per acre.
- C. Maximum Building Height within Mobile Home Parks:** 20 feet.
- D. Minimum Set-Backs for Park Perimeter:** All mobile homes shall be located at least 50 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).
- E. Park Minimum Mobile Home Space (Lot) Area Within the Park:** 5,000 square feet.
- F. Minimum Space (Lot) Width Within the Park:** 50 feet measured at the front set-back line.
- G. Required Set-Backs for Individual Mobile Home Spaces (Lots) Within the Park:**
 - 1. **Front yard:** There shall be a minimum distance of 20 feet between an individual mobile home and the adjoining pavement of a park street, or common parking area or other common areas.
 - 2. **Side yards:** There shall be a minimum distance of 10 feet between all mobile homes and the side yard lines of each mobile home space (lot). On corner lots there shall be a minimum side yard of 20 feet on the corner side.
 - 3. **Rear yards:** There shall be a minimum distance of 10 feet between all mobile homes and the rear yard lines of mobile home space (lot).
- H. Accessory Buildings or Uses:** Accessory buildings or uses shall comply with the same height and yard requirements as mobile homes. Accessory

buildings or uses shall be located a minimum distance of 10 feet away from all mobile homes or other main buildings within the mobile home park.

270.06 OFF-STREET PARKING REQUIREMENTS: In order to provide for free movement of traffic through the park on park streets, no on-street parking shall be permitted on any mobile home park street. See Section 37 for the off-street parking requirements of this district.

270.07 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

270.08 PRIVATE STREETS WITHIN MOBILE HOME PARKS: All streets (circulation drives) within a mobile home park shall be at least 28 feet in width, with curbs and gutters. All streets shall be constructed in accordance with standards for local streets as specified in the Ridgeland *Subdivision Regulations*. Proper maintenance of all streets within mobile home parks shall be the responsibility of the owner or operator of the park and not the City of Ridgeland.

270.09 MOBILE HOME STANDS OR "PADS": Each mobile home stand or "pad" shall be provided with permanent paved runners, patio, parking area and underground utilities.

270.10 UTILITIES AND DRAINAGE: Utilities (electrical power, natural gas, water, and sanitary sewerage) and storm drainage shall be provided in all mobile home parks in accordance with the requirements of the Ridgeland *Subdivision Regulations* and applicable codes adopted by the City of Ridgeland. The maintenance of water and sanitary sewage facilities and storm drainage facilities within mobile home parks shall be the responsibility of the owner of the park, and not the City of Ridgeland.

270.11 FREEDOM FROM FLOODING AND PONDING: All mobile home parks shall be located on ground which is not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises.

270.12 REFUSE COLLECTION FACILITIES: The owner, or his authorized representative, of a mobile home park shall provide adequate refuse collection stations approved by the City of Ridgeland for the proper storage of all refuse produced by residents of the mobile home park, and shall be responsible for the cleanliness of the premises.

270.13 ACCESS TO PUBLIC STREETS AND HIGHWAYS: All access points to public streets or highways shall be approved by the Mayor and Board of Aldermen and/or the Mississippi State Highway Department.

270.14 SERVICE BUILDING: A service building containing mechanical laundry equipment including washing machines and dryers for use by park occupants only shall be provided in every mobile home park.

270.15 RECREATIONAL AREA: A minimum of five percent of the gross land area of each mobile home park shall be set aside as a recreational area or common open space for park residents.

270.16 EXTERIOR LIGHTING: Adequate street lights shall be provided by the park developer to illuminate all streets and walkways for the safe movement of vehicles and pedestrians at night.

270.17 FIRE HYDRANTS: Fire hydrants approved by the Ridgeland Fire Department shall be placed a maximum of 300 feet from each mobile home stand and every building within the mobile home park.

270.18 REQUIRED PLANTING SCREEN FOR ALL MOBILE HOME PARKS:
The developer of any mobile home park shall install a planting screen having a height of at least six (6) feet along the side and rear property lines of the proposed mobile home park. The location and type of planting screen to be installed shall be noted on the site plan. Maintenance of this required planting screen shall be the responsibility of the property owner, and failure to maintain the planting screen in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein.

270.19 REQUIREMENTS REGARDING EXISTING NARROW STREETS AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinances of the City of Ridgeland*.

PLANNED UNIT DEVELOPMENT (“PUD”) OVERLAY

DISTRICT

300.01 PURPOSE OF THIS DISTRICT: In order to provide means for developing open space areas in large developments, to take advantage of natural features of the landscape in this design, to improve the quality of the urban development and to reduce the cost of developing and providing public resources and utilities, the owners of any tract of land containing at least thirty-five (35) acres may submit a plan for the use and development of the entire tract for residential, compatible commercial, and related uses as a single and unified project.

The basic control of development density shall be one or more of the residential districts. The Planned Unit Development shall be a superimposed designation providing a broader latitude of design to achieve the above stated goals.

300.02 LAND USES PERMITTED:

- A. Single-family detached dwellings (only one main structure per lot) in accordance with the regulations under Section 300.07.
- B. Two-family dwellings and multiple-family in accordance with the regulations specified under Sections 300.08 and 300.09 respectively.
- C. Any commercial use permitted outright in General Commercial (C-2A) districts, subject to the dimensional requirements and other regulations of that district. EXCLUDING RESTRICTED USES AS DEFINED IN SECTION 21.
- D. Accessory uses and structures as defined under Article II of this Ordinance.
- E. Horticultural uses not involving the sale of produce on the premises.
- F. Home occupations in compliance with Section 35 of this Ordinance.
- G. Public streets, highways, private streets, and alleys.
- H. Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 32 of this Ordinance. Lakes deeded to a homeowners association or dedicated (public) to the City of Ridgeland shall comply with Ridgeland *Subdivision Regulations*.

300.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 600.09:

- A. Public or quasi-public facilities or utilities may be considered for location in a PUD district in compliance with Section 32 of this Ordinance.
- B. Child care facilities.

300.04 PLANNED UNIT DEVELOPMENTS SHALL BE SUPERIMPOSED

DISTRICTS: A Planned Unit Development shall be a superimposed designation on existing low to moderate density residential districts (R-1, R-2, R-3, and R-4). As a superimposed designation, Planned Unit Developments shall be subject to the overall density requirements of the low to moderate density residential districts over which they are superimposed.

300.05 MINIMUM SIZE OF PLANNED UNIT DEVELOPMENT: The minimum size for Planned Unit Developments shall be thirty-five (35) acres.

300.06 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 Development Plan to the Director of Community Development in accordance with the *Subdivision Regulations*. All Development Plans for proposed PUDs shall be reviewed by the Zoning Board as well as the Director of Community Development. Since a PUD is a superimposed designation over a low to moderate density residential district, an application for rezoning shall not be required in connection with designation of the land as a PUD; however, a public hearing is required. Notice for the public hearing shall be given in the same manner as provided for re-zonings. The preliminary plat of the proposed PUD shall be approved by the Mayor and Board of Aldermen prior to the designation of the subdivision as a "PUD" on the Official Zoning Map and prior to the initiation of any construction.

300.07 DIMENSIONAL REQUIREMENTS FOR SINGLE-FAMILY DETACHED DWELLINGS:

- A. Maximum Residential Development Density:** The basic control of residential development density shall be the density requirement of the particular conventional district (R-1, R-2, R-3, or R-4) over which the PUD is superimposed. The maximum density shall be calculated by dividing 43,560 square feet by the minimum lot size and then multiplying that quotient by the total gross acreage to be included in the PUD. EXAMPLE: If a subdivider proposes to develop a 40 acre tract zoned "R-1" as a PUD, the basic control of density is that of the R-1 district: 43,560 square feet divided by 12,000 square feet (minimum lot size in R-1 districts), resulting in a quotient of 3.6 lots or dwelling units; 30 acres multiplied by 3.6 = 144 lots or single-family detached dwelling units. (Note: This method for calculating residential development density cannot be used for conventional subdivisions, since conventional subdivisions require more land for street rights-of-way, utility easements, etc., than do PUDs in which development is concentrated.)
- B. Minimum Lot Size and Minimum Lot Width for Single-Family Detached Dwellings:** No minimum lot sizes are established, per se, so that housing can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of its natural features.

C. Minimum Yards for Single-Family Detached Dwellings:

1. **Front yard:** 15 feet from the existing or proposed right-of-way line as shown on the adopted Ridgeland *Thoroughfares Plan* to the building setback line.
2. **Side yards:** 7.5 feet.
3. **Rear yard:** 25 feet.

D. Maximum Height for Single-Family Detached Dwellings: 50 feet or 2 ½ stories.

300.08 DIMENSIONAL REQUIREMENTS FOR TWO-FAMILY RESIDENTIAL

USES: Two-family residential uses in any PUD district shall not constitute over (15%) fifteen percent of the land area of such development.

A. Maximum Building Height: 50 feet or 2 1/2 stories.

B. Minimum Lot Area: 6,000 square feet.

C. Minimum Lot Width: Not specified.

D. Minimum Yards:

1. **Front yard:** 25 feet from the existing or proposed right-of-way line as shown on the adopted Ridgeland *Thoroughfares Plan* to the building setback line.
2. **Side yards:** 10 feet, with a minimum of 20 feet between buildings. When a two-family residential use is proposed for a corner lot, the minimum side yard on the "side street" shall be 20 feet.
3. **Rear yard:** 20 feet.

300.09 DIMENSIONAL REQUIREMENTS FOR MULTI-FAMILY

RESIDENTIAL: Multi-family residential uses in any PUD district shall not constitute over (10%) ten percent of the land area of such development. Dimensional requirements, including building height, lot area, maximum lot coverage, yard size, landscaping, off-street parking, loading and access control shall be considered upon the submission of a site plan in accordance with Section 600.11 of this Ordinance.

300.10 DIMENSIONAL REQUIREMENTS FOR COMMERCIAL USES IN A PUD DISTRICT: Commercial uses in any PUD district shall not constitute over (25%) twenty-five percent of the land area of such development. Dimensional requirements, including building height, lot area, maximum lot coverage, yard size, landscaping, off-street parking, loading and access control shall be considered upon the submission of a site plan in accordance with Section 600.11 of this Ordinance.

300.11 COMMERCIAL DEVELOPMENT PROHIBITED UNTIL 50% OF PROPOSED RESIDENTIAL DEVELOPMENT COMPLETE: Commercial development may not be started until the residential development proposed on the approved development plan is at least 50% complete unless otherwise approved by the Mayor and Board of Aldermen at the time site plan is approved.

300.12 REQUIREMENTS REGARDING EXISTING NARROW STREETS AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinances of the City of Ridgeland*.

300.13 COMMON OPEN SPACE REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS: Common open space shall be provided as a condition to the approval of a Planned Unit Development. Such common open space shall consist of land reserved exclusively for the recreational use of the PUD Association members and owned and maintained by the PUD Association. Common open space shall be integrated throughout the PUD, easily accessible to all the PUD Association members. The Development Plan shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

A. Minimum Percentage of Land Reserved as Common Open Space:

Common open space shall comprise at least twenty-five percent (25%) of the gross area (total acreage) of the PUD as shown on the required development plan. Public streets and parking lots (for example, a parking lot for a PUD recreational building) shall not be considered in meeting the open space requirements of this Section.

B. 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 preliminary subdivision plat review process.

All open space improvements shall be shown on the 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.

C. Staged Development of a Planned Unit Development: If a Planned Unit Development is to be developed in stages, the open space developed shall constitute no less than equivalent proportional amount to the area being

developed in the first phase. For example, if the first part is to consist of the minimum of 35 acres, twenty-five percent (25%) must be reserved for open space, or 8.75 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 50 acres of land for a Planned Unit Development and the first phase will only contain 35 acres, the developer must reserve a total of at least 12.5 acres for the entire subdivision, which may include the 8.75 acres reserved for the first part.

D. Performance Bond Required: Prior to the sale of any lot in a Planned Unit Development, the developer shall post with the City a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). The Director of Community Development and the Director of Public Works in conjunction with the developer shall recommend the amount of the performance bond after reviewing the construction plans for all improvements, and the amount shall be approved by the Mayor and Board of Aldermen.

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

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

The Director of Community Development and the City Attorney shall review the legal instrument(s) to determine if the above provisions are included and shall not recommend approval of the final plat unless these provisions are included.

300.14 REQUIRED FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL: See Section 37 regarding parking, loading and access control requirements.

300.15 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

PLANNED UNIT RESIDENTIAL DEVELOPMENT **("PURD") OVERLAY DISTRICT**

310.01 PURPOSE OF THIS DISTRICT: The purposes for establishing Planned Unit Residential Development ("PURD") overlay districts are:

- A. To provide for the development of relatively large land areas as total cohesive and coordinated units, rather than development on a lot-by-lot basis.
- B. To permit more flexible and advantageous use of sites, especially with regard to natural features of the landscape, through the relaxation of conventional zoning requirements including minimum lot size and minimum lot width, while at the same time retaining approximately the same overall density as would ordinarily apply if the same areas were developed by conventional methods. (Note: However, minimum yard requirements are the same as for conventional districts.)
- C. To help reduce the cost of residential development by allowing more dwelling units per gross acre than could be built in a conventional low density subdivision (due to the extensive space requirements of streets rights-of-way, utility easements, etc., in a conventional subdivision) and by reducing the length of streets and utility extensions through concentration or clustering of housing.
- D. To provide for the development of sites in which land not used for structures and yards but not required by the basic zoning of the site shall be reserved collectively in contiguous units accessible to all dwellings within the PURD as open space; this open space will provide recreational opportunities for the residents of the PURD, and will also afford improved, safer pedestrian circulation within the PURD.

310.02 PLANNED UNIT RESIDENTIAL DEVELOPMENTS SHALL BE SUPERIMPOSED DISTRICTS: A Planned Unit Residential Development shall be a superimposed designation on an existing low density residential district (R-E, R-1A, R-1, or R-2), thereby providing a broader latitude of design to achieve the purposes stated under Section 310.01. As a superimposed designation, Planned Unit Residential Developments shall be subject to the overall density requirements of the low density residential district over which they are superimposed. The maximum residential density shall be calculated as prescribed under Section 310.06.

310.03 PRELIMINARY SUBDIVISION PLAT APPROVAL REQUIRED PRIOR TO DESIGNATION OF PLANNED UNIT RESIDENTIAL DEVELOPMENT ON OFFICIAL ZONING MAP

- A.** Any person desiring to subdivide land for purposes of creating a PURD shall first prepare and submit a preliminary plat (or "Development Plan" if the PURD is proposed to contain uses other than single-family detached residences) to the Director of Community Development in accordance with the Subdivision Regulations. All preliminary plats for proposed PURD shall be reviewed by the Zoning Board as well as the Director of Community Development and the Public Works Director and shall be approved by the Mayor and Board of Aldermen.
- B.** Since a PURD is a superimposed designation over a low density residential district (R-E, R-1A, R-1, or R-2), an application for rezoning shall not be required in connection with the designation of the land as a PURD. However, the preliminary plat of the proposed PURD shall be approved by the Mayor and Board of Aldermen prior to the designation of the subdivision as a "PURD" on the Official Zoning Map.
- C.** A public hearing is required. Notice for the public hearing shall be given in the same manner as provided for rezoning.

310.04 LAND USES PERMITTED:

- A.** Single-family detached dwellings (only one main structure per lot).
- B.** Accessory uses and structures as defined under Article II of this Ordinance.
- C.** Horticultural uses not involving the sale of produce on the premises.
- D.** Home occupations in compliance with Section 35 of this Ordinance.
- E.** Public streets, highways, private streets, and alleys.
- F.** Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 32 of this Ordinance. Lakes deeded to a homeowners association or dedicated (public) to the City of Ridgeland shall comply with Ridgeland's *Subdivision Regulations*.

310.05 CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 600.09:

- A. Public or quasi-public facilities or utilities may be considered for location in a PURD district in compliance with Section 32 of this Ordinance.
- B. Child care facilities.

310.06 DIMENSIONAL REQUIREMENTS:

- A. **Minimum Size of PURD:** 5 acres.
- B. **Maximum Residential Development Density:** The basic control of residential development density shall be the density requirement of the particular conventional district (R-E, R-1A, R-1, or R-2) over which the PURD is superimposed. The maximum density shall be calculated by dividing 43,560 square feet by the minimum lot size and then multiplying that quotient by the total gross acreage to be included in the PURD.
EXAMPLE: If a subdivider proposes to develop a 30 acre tract zoned "R-1" as a PURD, the basic control of density is that of the R-1 district: 43,560 square feet divided by 12,000 square feet (minimum lot size in R-1 districts), resulting in a quotient of 3.6 lots or dwelling units; 30 acres multiplied by 3.6 = 108 lots or single-family detached dwelling units. (Note: This method for calculating residential development density cannot be used for conventional subdivisions, since conventional subdivisions require more land for street rights-of-way, utility easements, etc., than do PURDs in which development is concentrated.)
- C. **Minimum Lot Size:** Established based upon site plan approval.
- D. **Minimum Lot Width:** Established based upon site plan approval.
- E. **Minimum Yards:**
 - 1. **Front yard:** 15 feet from the existing or proposed right-of-way line as shown on the adopted Ridgeland *Thoroughfares Plan* to the building setback line.
 - 2. **Side yards:** 7.5 feet.
 - 3. **Rear yard:** 25 feet.
- F. **Maximum Height:** 50 feet or 2 ½ stories.

310.07 REQUIREMENTS REGARDING EXISTING NARROW STREETS AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinances of the City of Ridgeland.*

310.08 COMMON OPEN SPACE REQUIREMENTS FOR PLANNED UNIT RESIDENTIAL DEVELOPMENTS:

Common open space shall be provided as a condition to the approval of a Planned Unit Residential Development. Such common open space shall consist of land reserved exclusively for the recreational use of the PURD residents and owned and maintained by the residents through a homeowners association. Common open space shall be integrated throughout the PURD, easily accessible to all the residents. The sketch plat or Development Plan shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

A. Minimum Percentage of Land Reserved as Common Open Space:

Common open space shall comprise at least twenty-five percent (25%) of the gross area (total acreage) of the PURD as shown on the required development plan. Public streets and parking lots (for example, a parking lot for a PURD recreational building), shall not be considered in meeting the open space requirements of this Section.

B. 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 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.

C. Staged Development of a Planned Unit Residential Development: If a Planned Unit Residential Development is to be developed in stages or parts and the first part is to consist of the minimum of 5 acres, twenty-five percent (25%) must be reserved for open space, or 1.25 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 Residential Development and the first phase will only contain 5 acres, the developer must reserve a total of at least 10 acres for the entire subdivision, which may include the 1.25 acres reserved for the first part.

D. Performance Bond Required: Prior to the sale of any lot in a Planned Unit Residential Development, the developer shall post with the City a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). The Director of Community Development and the Director of Public Works in conjunction with the developer shall recommend the amount of the performance bond

after reviewing the construction plans for all improvements, and the amount shall be approved by the Mayor and Board of Aldermen.

E. Maintenance/Liability in the Operation and Use of Common Open Space Areas Not Dedicated to the City of Ridgeland:

1. Authority granted by the City of Ridgeland for the development of a PURD shall not be construed as nor constitute an obligation on the part of Ridgeland either for maintenance or liability in the operation and use of common open space and recreational facilities located in the PURD.
2. At the time the final subdivision plat is submitted for a PURD, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes and maintenance of open space and other common facilities shall rest with the owners of the several lots or parcels of land located within the PURD. 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.
3. The Director of Community Development and the City Attorney shall review the legal instrument(s) to determine if the above provisions are included and shall not recommend approval of the final plat unless these provisions are included.

310.09 REQUIRED FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL: See Section 37 regarding parking, loading and access control requirements.

310.10 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

OLD AGENCY ROAD CORRIDOR (OARC) PRESERVATION OVERLAY DISTRICT

320.01 PURPOSE OF THIS DISTRICT:

- A. The Old Agency Road Corridor (OARC) Preservation Overlay District is created to preserve the tree-lined serene character of Old Agency Road. The OARC district is a superimposed district, overlying one or more residential districts.
- B. Old Agency Road is considered a "canopy road" because of its unique natural beauty created by trees that line both sides of the road. The road itself is a historic resource, since it was part of the original Natchez Trace. It is a "Mississippi Landmark" under the *Mississippi Antiquities Act* and is listed on the National Register of Historical Places. The Choctaw Indian Agency site, from which Old Agency Road takes its name, was the second site of that agency, having been located there in 1807 by agent Silas Dinsmor.
- C. It is the intent of this Ordinance that the scenic, historic and low density residential character of this district be preserved by preventing the location of incompatible activities, such as commercial and industrial land uses, within the borders of this zone.
- D. It is also the purpose of this district to alleviate vehicular traffic volumes occurring as the result of the development of new residential subdivisions adjacent to Old Agency Road by prohibiting access to Old Agency Road when other access (except for deed-reserved access) is available to New subdivisions. Finally, it is the intent of this Ordinance to preserve the trees bordering Old Agency Road and to require the planting of trees where gaps exist along the road.

320.02 LAND USES PERMITTED:

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Accessory uses and structures associated with the use of the land as defined under Article II and subject to the regulations in Section 31.05 of this Ordinance.
- C. Public or private recreational or open space facilities, excluding country clubs, which are regulated as public/quasi-public facilities and utilities subject to the provisions of Section 32 of this Ordinance.
- D. Public streets, highways, private streets, and alleys.

320.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 600.09:

- A. Public or quasi-public facilities and utilities in compliance with Section 32 and other regulations of this Ordinance.
- B. Child care facilities.
- C. Secondary attached/detached dwelling units as defined in Article II and subject to the regulations in Section 31.06 of this Ordinance.

320.04 DIMENSIONAL REQUIREMENTS:

- A. **Maximum Building Height:** No structure shall exceed thirty-five feet (35) or two and one-half (2-1/2) stories in height.
- B. **Minimum Lot Area:** Two acres (or) if less than two acres, as a lot of record as recorded with Madison County and in accordance with the City of Ridgeland Subdivision Regulations on or before February 4, 2014. A copy of the recorded parcel map is located in the City of Ridgeland Plat Cabinet.
- C. **Lot Width and Minimum Yards, and Dimensional Requirements for Accessory Buildings:** Same as the underlying residential district.

320.05 ACCESS TO OLD AGENCY ROAD FOR NEW RESIDENTIAL SUBDIVISIONS PROHIBITED WHEN OTHER PUBLIC ACCESS IS AVAILABLE: When access to other public roads (i.e., dedicated to the City of Ridgeland) is available in the OARC district, access to Old Agency Road shall be prohibited for residential subdivisions proposed for development. The provisions of this section shall not apply to access reserved by deed. Furthermore, the provisions of this Section shall not apply to private driveways providing direct access to Old Agency Road from individual lots bordering Old Agency Road.

320.06 PRESERVATION AND PLANTING OF TREES ALONG OLD AGENCY ROAD:

- A. Except where a permit is specifically issued by the Board of Aldermen, or in the case of emergency, the cutting or destruction by any means of trees located within the boundaries of the Old Agency Road Landmark description by any person is prohibited. The cutting of each such tree is a separate violation of this Ordinance.
- B. The developers of any residential subdivision or other use permitted outright or as a conditional use and bordering Old Agency Road shall be responsible for planting trees where gaps exist in the tree line of said road. The developer shall plant such trees as determined in site plan review.

- C. The owner of any lot bordering Old Agency Road shall be responsible for obtaining a permit for the removal of existing trees. No such permit shall be issued unless an acceptable re-planting plan is submitted to and approved by the Director of Community Development or his designee as being consistent with the proper maintenance of a canopy road. All such decisions shall be subject to approval by the Mayor and Board of Aldermen.
- D. All utility providers holding a certificate of public convenience and necessity for service to the area shall consult with the Director of Community Development or his/her designee prior to the non-emergency maintenance or removal of any tree. The purpose of such consultation is to minimize the impact of necessary maintenance or removal of tree canopy along Old Agency Road. Such utility providers shall be exempt from the provisions of this ordinance in the event of emergency.

320.07 OFF-STREET PARKING REQUIREMENTS: See Section 37 for off-street parking and loading requirements for uses allowed in this district.

320.08 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

330.01 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 City. Such uses may constitute "self-contained communities" with housing, dining/food service facilities, recreational uses, and commercial-type outlet provided primarily for the benefit of the staff and residents of the institution on the grounds.

330.02 LAND USES PERMITTED:

- A.** Educational institutions, elementary and secondary schools, colleges and universities, religious seminaries, and technical and vocational training facilities. Uses permitted in such S-1 districts include administrative buildings/offices; educational facilities such as classrooms, libraries, laboratories, and gymnasiums; stadiums, auditoriums and coliseums; student or faculty housing; dining or food service facilities; recreational facilities such as golf courses, tennis courts, swimming pools, and similar uses; chapels and places of worship; commercial-type facilities such as bookstores, laundries, hair styling shops and similar enterprises primarily intended for the benefit of students and staff; and other uses commonly associated with educational institutions.
- B.** Retirement communities or "villages", including residential uses, related health care facilities, cultural and recreational facilities, commercial outlets intended primarily for the benefit of residents and staff, and similar associated uses. Hospitals which are not a part of a retirement village are not included as special uses under this article, but are regulated as public/quasi-public uses under Section 32.
- C.** Large scale group care facilities for the housing and care of orphans, foster children, battered women and children, and other persons requiring specialized treatment, including all uses needed for same.
- D.** Governmental offices, civic centers, public auditoriums, public and private airports, cultural centers, fire and police department facilities, post offices, public utility buildings, museums, art galleries, and other directly related civic facilities.
- E.** Churches, synagogues, convents, monasteries, rectories, funeral parlors where part of a cemetery, and other directly related religious institution uses.
- F.** Cemeteries, regardless of size.
- G.** Public parks, regardless of size.

- H. The Natchez Trace Parkway and all uses therein.
- K. All property owned by the Pearl River Valley Water Supply District and the uses permitted by the District on all such property.
- L. City Center Development complete with private commercial as permitted in C-1 and C-2. Additional uses may also be considered subject to site plan review.
- M. Railroad Rights-of Way.
- N. Public Streets, highways, private streets, and alleys.

330.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 600.9:

- A. Public or quasi-public facilities and utilities in compliance with Section 32 and other regulations of this Ordinance.

330.04 DIMENSIONAL REQUIREMENTS:

- A. **Maximum Height:** Subject to Site Plan Review.
- B. **Minimum Lot Area:** Subject to Site Plan Review.
- C. **Minimum Lot Width:** Subject to Site Plan Review.
- D. **Lot Coverage, Maximum:** Subject to Site Plan Review.
- E. **Minimum Distance between Buildings:** 20 feet.
- F. **Minimum Yards:**
 - 1. **Front yard:** 40 feet.
 - 2. **Side yards and rear yards:** 25 feet except when a proposed use in an S-1 district would adjoin any residentially zoned property, excluding multi-family residential, or an existing single-family detached residence, side and rear yards of 50 feet shall be required.

330.05 SITE PLAN REQUIRED: A detailed site plan shall be required for the establishment of a new special use as defined by this section or for the construction or expansion of buildings in an existing S-1 Special Use District. Furthermore, no building permit shall be issued until such site plan has been reviewed by the Zoning Board and approved by the Mayor and Board of Aldermen. See Section 600.11 relative to site plan review procedures.

- 330.06 REQUIRED PLANTING SCREEN FOR USES ABUTTING EXISTING SINGLE-FAMILY DETACHED RESIDENCES OR ANY RESIDENTIALLY ZONED PROPERTY:** Whenever a proposed special use (excluding parks, Natchez Trace Parkway, and Pearl River Valley Water Supply District uses) will abut an existing single family detached residence or any residentially zoned property, the developer of the special use shall install a planting screen having a height of at least six (6) feet along the side and/or rear property lines of the proposed special use. The location and type of planting screen to be installed shall be noted on the site plan. Maintenance of this required planting screen shall be the responsibility of the property owner and failure to maintain the planting screen in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein.
- 330.07 REQUIRED LANDSCAPING FOR AREAS NOT USED FOR BUILDINGS OR OTHER STRUCTURES, PARKING, REQUIRED YARDS OR DRIVEWAYS:** Developers shall provide landscaping for all portions of a lot not used for buildings or other structures, parking, required yards or driveways. All proposed landscaping shall be noted on the site plan. Maintenance of this required landscaping shall be the responsibility of the property owner, and failure to maintain the landscaping in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein.
- 330.08 REQUIREMENTS REGARDING EXISTING NARROW STREETS, AND PROPOSED NEW STREETS:** See *Subdivision and Development Review Ordinances of the City of Ridgeland*.
- 330.09 REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL:** See Section 37 for off-street parking, loading and access control requirements.
- 330.10 SIGNS:** See *Sign Ordinance of the City of Ridgeland, Mississippi*.

335.01 PURPOSE OF THIS DISTRICT: To provide for areas intentionally left free from development, for the preservation of wildlife corridors/habitats; scenic viewsheds; cultural, historical and archaeological areas/structures; landmarks and natural resources including forest lands, range lands, agricultural lands, aquifer recharge areas, and areas of unique biological, physical, topographical or botanical character. These areas will provide buffers to developed areas. The most intensive uses of these areas will normally be for outdoor recreation activities or passive uses not requiring significant infrastructure such as roads or utility services. Land disturbance activities may require permit(s). These areas may represent diverse types of land and possess varied physical and geographical conditions and are an important resource which should be protected. Open space constitutes an important physical, environmental, social, aesthetic, and economic asset to the residents of the city. The preservation of a balanced system of open space will complement the regional parks and trails and provide a visual relief to development.

335.02 LAND USES PERMITTED:

- A. Open Space and Trails.
- B. Use permitted in a conservation easement agreement or similar document approved by Madison County.
- C. Picnic Area, Trailhead, or other similar facilities and uses.
- D. Drainage ways, Floodways, Flood zones, and Water Retention/Detention Areas.
- E. Utility right-of-ways / corridors.
- F. Public Streets, highways, private streets, and alleys.

335.03 DIMENSIONAL REQUIREMENTS: All dimensional requirements shall be subject to Site Plan Review, if applicable.

- A. **Minimum Lot Area:** ½ acre.

335.04 SITE PLAN REQUIRED: A site plan shall be submitted in accordance with Section 600.11 of this Ordinance if improvements, alterations, or additions are proposed.

335.05 REZONING STANDARDS:

- A.** The designation of this zoning district from any other zoning district shall be exempt from the requirements found in 600.10.B, 600.10.C, and 600.10.D of this ordinance.
- B.** The rezoning of this district designation to any other zoning district shall comply with all regulations of 600.10 of this ordinance.

335.06 REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL: See Section 37 for off-street parking, loading and access control requirements.

335.07 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

340.01 PURPOSE AND DESCRIPTION OF THIS DISTRICT: This zoning district is intended to allow for both traditional general commercial development as well as encourage vertical and horizontal mixed use development. For purposes of this Article, horizontal mixed use means two or more different types of uses are placed next to each other, planned as a unit, and connected together with pedestrian and vehicular access. For instance, a planned subdivision containing single-family dwellings, retail development, and an office complex. For purposes of this Article, vertical mixed use means two or more different uses occupying the same building usually on different floors. For instance, retail on the ground floor and office and/or residential uses on other floor(s). Applications for development in this zoning district shall be subject to stringent site planning and aesthetically desirable design requirements. This zoning district is also intended to meet the following purposes, as applicable:

- (a) Encourage, protect and enhance the pedestrian environment.
- (b) Encourage additional street level activity.
- (c) Reduce automobile trips.
- (d) Create a “sense of place.”
- (e) Provide for the efficient use of land and services.
- (f) Allow for a mix of land uses which strengthens opportunities for economic vitality.
- (g) Provide for community gathering places and pedestrian/visitor amenities.
- (h) Establish a distinct storefront character associated with the district.
- (i) Provide transitions to adjacent neighborhoods and commercial areas.
- (j) Maintain and enhance the area’s character through design guidelines.
- (k) Promote innovative site design.

340.02 LAND USES PERMITTED:

- A.** All Land Uses permitted in C-2.
- B.** Parks, Open Spaces, and Conservation Areas.
- C.** Accessory uses and structures associated with the use of the land as defined under Article II and subject to the regulations in Section 31.05 of this Ordinance.
- D.** Public streets, highways, private streets and alleys.
- E.** Home occupations in compliance with Section 35 of this ordinance.

340.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER

SECTION 600.09: All Petition(s) and Application(s) For a Conditional Use Permit shall include Design Guidelines in accordance with Section 340.10.

- A. Public or quasi-public facilities and utilities in compliance with Section 32 and other regulations of this Ordinance.
- B. Detached, Single-Family Residential Dwellings.
- C. Zero lot line dwellings.
- D. Patio Homes.
- E. Attached, Single-Family Townhouse Dwellings.
- F. Residential Dwelling Units in compliance with Section 340.05.
- G. Residential Hotel, Housing for the elderly complexes (excluding “Retirement Villages” as defined by this ordinance, which shall be zoned “Special Use” Districts only), and specialized housing to accommodate other specific populations.
- H. Commercial sports and recreational facilities such as swimming pools, tennis courts, and fully-enclosed facilities such as gymnasiums.
- I. Commercial printing facilities.
- J. All uses first permitted in C-2A (Excluding Restricted Uses as Defined in Article II).
- K. Buildings in excess of 48 feet or four stories.
- L. Secondary attached/detached dwelling units as defined in Article II and subject to the regulations in Section 31.06 of this Ordinance.
- O. All uses first permitted in C-3.
- P. Apartment Complexes built prior to October 1, 2016, at a maximum density of ten (10) units per acre calculated upon the total contiguous acreage owned on February 4, 2014, complete with landscaping, signage, and parking and including Multi-family dwellings. Apartment complexes regulated by this Section shall be subject to the dimensional controls and other regulations as listed in Sections 260.04, 260.05, 260.06, 260.07, 260.08, 260.09, and 260.10 of the Official Zoning Ordinance of the City of Ridgeland. Apartment complexes may also include accessory uses such as laundromats, vending machine centers, recreational buildings, swimming pools, tennis courts, fences and walls, and similar uses and structures incidental to multi-family buildings. Accessory uses and structures shall be considered an integral part

of the Apartment Complex and shall be reserved exclusively for use by residents and guests of residents of the multi-family complex. Provided, however, the provisions of Section 600.09 do not apply to this use.

Q. Hotels and motels and related restaurants. New or renovated hotels and motels shall be subject to Special Use Site Plan Standards in Section 600.14.F.12.

R. Conference and Convention Center Facilities.

340.04 DIMENSIONAL REQUIREMENTS FOR INDEPENDENT COMMERCIAL USES (NOT PART OF MIXED USE DEVELOPMENT):

When a traditional commercial development is proposed containing only use(s) first permitted in this district then the following dimensional requirements shall be met:

A. Maximum Height: 48 feet or four stories for a vertical mixed-use building, but higher buildings may be considered as a conditional use subject to the provision of Section 600.09.

B. Minimum Lot Area: None.

C. Minimum Lot Width: None.

D. Lot Coverage, Maximum: Subject to Site Plan Review.

E. Minimum Yards:

1. **Front yard:** Subject to Site Plan Review.

2. **Side yards and rear yards:** Subject to Site Plan Review.

340.05 DIMENSIONAL REQUIREMENTS FOR MIXED USE

DEVELOPMENTS: The following dimensional requirements shall be observed in all mixed use developments, except where the requirement is more specifically attributed to horizontal mixed-use, or vertical mixed use, as the case may be.

A. Minimum Area for Entire Development Not Containing Single-Family Attached/Detached Residential Uses: None.

B. Minimum Area for Entire Development Containing Single-Family Attached/Detached Residential Dwellings: 3 acres.

C. Minimum Commercial Density in Vertical Mixed Use Buildings: The ground floor of any vertical mixed use building containing residential units must have a minimum of 50% of the leasable floor area dedicated to independent commercial uses intended for public use. Permitted Commercial use area excludes lobbies, common areas, other areas dedicated to residential

leasing and management, elevators, stairs, mechanical rooms, and any space not suitable for lease as an independent commercial use.

D. Minimum Heated and Cooled Floor Area Per Residential Unit in a Vertical Mixed Use Building:

1. **Studio:** 600 square feet minimum; Max. Occupancy: 2
2. **1 Bedroom:** 750 square feet minimum; Max. Occupancy: 3
3. **2 Bedroom:** 1000 square feet minimum; Max. Occupancy: 4
4. **3 Bedroom:** 1250 square feet minimum; Max. Occupancy: 5
5. **4 Bedroom:** 2000 square feet minimum; Max. Occupancy: 6

Note: Vertical mixed use buildings shall not contain any unit that exceeds four bedrooms.

E. Maximum Building Height: 48 feet or four stories for a vertical mixed-use building, but higher buildings may be considered as a conditional use subject to the provision of Section 600.09. No parking structure shall exceed a height of the average height of adjacent existing or proposed structures on the site and on all abutting properties.

F. Minimum Floor to Ceiling Height: All commercial floor space provided on the ground floor of a vertical mixed-use building shall have a minimum floor to ceiling height of Eleven (11) feet.

G. Maximum Single-Family Residential: No mixed-use development shall contain more than fifty (50) percent of the total land area of the mixed-use development as single-family residential dwellings on individual lots. This percentage shall be calculated to include all land in the development occupied by individual lots including private alleys.

H. Minimum Detached Single-Family Residential: If a mixed-use development is proposed to include detached single-family residential dwelling units, then the mixed-use development shall include no less than twenty (20) detached single family residential dwelling lots.

I. Minimum Mixes for Mixed Use Development: For any mixed use development, as defined in Article II, a minimum of twenty-five (25) percent of the mixed use development's total land area shall be devoted to retail/service, office, and/or civic/institutional uses. This percentage shall be calculated to include all land in the development occupied by a building, parking lot, service/refuse area, etc. which is dedicated to the retail/service, office, and/or civic/institutional use of the land.

- J. Minimum Greenspace/Open Space for Mixed Use:** For mixed use developments, there shall be at least twenty (20) percent of the total land area within the mixed use development that is passive or active recreation or open space.

340.06 DIMENSIONAL REQUIREMENTS FOR SINGLE-FAMILY DETACHED DWELLINGS WITHIN A HORIZONTAL MIXED USE

DEVELOPMENT: When detached, single-family residential dwellings, each on their own lot, are provided in horizontal mixed-use developments, such uses shall conform to the following dimensional requirements:

- A. Maximum Height:** 40 feet or 3 stories.
- B. Minimum Lot Area:** 5,000 square feet.
- C. Minimum Lot Width:** 50 feet.
- D. Minimum Heated Floor Area:** 1,800 square feet.
- E. Minimum Yards:**
 - 1. **Front yard:** Subject to Site Plan Review.
 - 2. **Side yards and rear yards:** Subject to Site Plan Review.
- F. Maximum Density:** 6 units per acre.

340.07 GARAGE REQUIREMENTS FOR SINGLE-FAMILY DETACHED DWELLINGS WITHIN A HORIZONTAL MIXED USE

DEVELOPMENT: Each detached dwelling unit on its own lot, where proposed and permitted, shall have a two-car garage which must be located to the rear of the dwelling on at least 60 percent of the units. Where garages are permitted to have their entrance in the front facing the street, the garage shall be recessed a minimum of four (4) feet from the building line.

340.08 DIMENSIONAL REQUIREMENTS FOR SINGLE-FAMILY ATTACHED TOWNHOUSE DWELLINGS:

When attached, single-family residential townhouse dwellings, each on their own lot, are provided in horizontal mixed-use developments, such uses shall conform to the following dimensional requirements:

- A. Maximum Height:** 35 feet or 2 ½ stories.
- B. Minimum Lot Area:** 3,000 square feet.
- C. Minimum Lot Width:** 30 feet.
- D. Minimum Heated Floor Area:** 1,500 square feet.

E. Minimum Yards:

1. **Front yard:** Subject to Site Plan Review.
2. **Side yards and rear yards:** Subject to Site Plan Review.

F. Maximum Density: 8 units per acre.

340.09 SITE PLAN REQUIRED: A site plan shall be submitted in accordance with Section 600.11 of this Ordinance.

340.10 CONCEPT PLAN AND DESIGN GUIDELINES REQUIRED: A Concept Plan and Design Guidelines shall be required to be submitted along with the *Petition and Application For a Conditional Use Permit* for any new mixed-use development containing any of the uses listed as Conditional (Section 340.03). The mixed-use development concept and illustrated site plan shall show the following areas of land use, as appropriate:

1. Residential neighborhoods
2. Commercial and office-professional areas
3. Civic and institutional areas
4. Vertical mixed use areas

The applicant may modify the name of the use types listed above to better represent the themes of the proposed mixed-use development. The mixed-use site plan is not required to include each of these types of uses listed above; provided, however, that a mix of uses, either within a single building or on a development site, must be provided.

The development guidelines shall include, but not be limited to, the following as applicable:

1. Building Placement / Massing
2. Architecture Style (Including materials and finishes)
3. Building Form and Articulation
4. Building Height
5. Parking, Parking Adjustments, and Circulation
6. Site Amenities (Including bicycle-friendly amenities)
7. Landscaping and Screening Requirements
8. Mechanical Equipment
9. Uses and Mixing of Uses
10. Compatibility with Adjacent Properties
11. Storefront Design
12. Lighting
13. Other information deemed necessary by the Director of Community Development or his designee.

- 340.11 PHASING AND SEQUENCING PLAN REQUIRED:** A phasing and/or sequencing plan shall be submitted in conjunction with the site plan, concept plan, and design guidelines as required. The phasing plan shall illustrate the anticipated construction phasing and sequencing for the development and may be modified periodically by the applicant subject to the approval by the Mayor and Board of Aldermen.
- 340.12 REQUIRED LANDSCAPING FOR AREAS NOT USED FOR BUILDINGS OR OTHER STRUCTURES, PARKING, REQUIRED YARDS OR DRIVEWAYS:** Developers shall provide landscaping for all portions of a lot not used for buildings or other structures, parking, required yards or driveways. All proposed landscaping shall be noted on the site plan. Maintenance of this required landscaping shall be the responsibility of the property owner, and failure to maintain the landscaping in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein.
- 340.13 REQUIREMENTS REGARDING EXISTING NARROW STREETS, AND PROPOSED NEW STREETS:** See *Subdivision and Development Review Ordinances of the City of Ridgeland*.
- 340.14 REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL:** See Section 37 for off-street parking, loading and access control requirements.
- 340.15 SIGNS:** See *Sign Ordinance of the City of Ridgeland, Mississippi*.

350.01 PURPOSE OF THIS DISTRICT: The purpose of the Controlled Use Overlay district hereby created is to provide a means of promoting the health and welfare of the residents of existing residential neighborhoods within the City which are near commercially zoned districts and/or near major streets by permitting, subject to specific requirements, permissions, exclusions, conditions and restrictions established as herein set out, uses on properties abutting said districts and streets which are more appropriate for such properties but are otherwise precluded by the use restrictions of the residential district zoning regulations of the district in which the existing residential neighborhood is located. As a result of the imposition of this overlay district and the enforcement of the specific requirements, permissions, exclusions, conditions and restrictions established for a particular area, the existing residential neighborhoods will be stabilized and enhanced by precluding a change in the character of the neighborhood due to a change in zoning otherwise necessary to permit such uses, by preventing the conduct in the vicinity of the neighborhood of those commercial activities incompatible with the residential character of the neighborhood, and by encouraging the development and improvement of such areas in a manner which is established to complement and enhance the existing residential neighborhood by allowing in these areas only those uses which can be planned and controlled by the incorporation of techniques, conditions and/or elements which provide stability and promote compatibility between commercial areas and residential neighborhoods. This Controlled Use Overlay district shall be a superimposed designation laid over all or part of a residential zoning district, but if only a part of a district is so affected, such part shall be clearly identified and defined. The imposition of this overlay district shall not be deemed, for any purpose other than notice, a change in the zoning of the residential district or such part thereof, but shall be interpreted and enforced solely a method to permit uses in such areas which are subject to the specific requirements, permissions, conditions and restrictions established as herein set out. Under no circumstances shall the imposition of this Controlled Use Overlay district be construed as a change in the character of the residential neighborhood.

350.02 LAND USES PERMITTED:

- A.** Any use permitted outright in the underlying residential zoning district.
- B.** Any use permitted in a C-1 zoning district, subject to those specific requirements, permissions, exclusions, conditions, restrictions, techniques and elements which, after due consideration and input from the residents of the existing residential neighborhood, the Mayor and Board of Aldermen deem necessary or advisable to impose in the Use Guidelines adopted for the area.

350.03 USE GUIDELINES REQUIRED: As a part of the superimposition of the CUO district on an identified, residentially zoned area of the City, a written document, setting forth the specific requirements, permissions, exclusions, conditions, restrictions, techniques and elements which the users of such area shall be subject, shall be submitted to and approved by the Mayor and Board of Aldermen. The requirements, permissions, exclusions, conditions, restrictions, techniques and elements included in the Use Guidelines shall be deemed to be provisions of this Ordinance pertinent to such area, and any violation of same shall be enforced in any manner available to the City under this or any other ordinance, statute, law or power.

The Use Guidelines approved by the Mayor and Board of Aldermen shall be included as an exhibit to the minutes of the meeting at which such approval is given, and a copy of the approved document setting forth the guidelines, certified by the Clerk, shall be maintained by the Director of Community Development. In addition, the owner and the Clerk shall execute, and the Clerk shall file for record in the office of the Chancery Clerk of Madison County, an instrument which is appropriate to give constructive notice that the particulars of the approved document setting for the guidelines, which particulars shall be listed in said instrument and run with and bind the property shown on the approved Site Plan. Should for any reason the approved Use Guidelines terminate or lapse, thereafter only the uses permitted in and the requirements of the underlying residential district shall thereafter be permitted within the area.

350.04 SITE PLAN REQUIRED: As a part of the superimposition of the CUO district on an identified, residentially zoned area of the City, a Site Plan of said area which meets the requirements of Sections 600.12, 600.13, 600.14 and any other applicable ordinance of the City, shall be submitted to and approved by the Mayor and Board of Aldermen. In addition, the Site Plan shall identify and describe those requirements, permissions, exclusions, conditions, restrictions, techniques and elements which the owner(s) of the land in the area deem appropriate and are willing to impose on the development and improvement of such area. Should the Mayor and Board of Aldermen deem it necessary or advisable to modify and/or impose additional exclusions, limitations, restrictions, conditions, techniques and elements, and the owner(s) decline to have such modifications and additions made a part of the submitted Site Plan, the Site Plan shall be deemed to be denied without further act or action by the Mayor and Board of Aldermen. The requirements, permissions, exclusions, conditions, restrictions, techniques and elements shown of the Site Plan shall be deemed to be provisions of this Ordinance pertinent to such area, and any violation of same shall be enforced in any manner available to the City under this or any other ordinance, statute, law or power.

The Site Plan approved by the Mayor and Board of Aldermen shall be included as an exhibit to the minutes of the meeting at which such approval is given, and a copy of the plan, certified by the Clerk, shall be maintained by the Director of Community Development. In addition, the owner and the Clerk shall execute, and the Clerk shall file for record in the office of the Chancery Clerk of Madison County, an instrument which is appropriate to give constructive notice that the particulars of the approved Site Plan, which particulars shall be listed in said instrument and shall run with and bind the property shown on the approved Site Plan. Should for any reason the Site

Plan approval terminate or lapse, thereafter only the uses permitted in and the requirements of the underlying residential district shall thereafter be permitted within the area.

350.05 ARCHITECTURAL GUIDELINES REQUIRED: As a part of the superimposition of the CUO district on an identified, residentially zoned area of the City, sufficient written architectural guidelines, the adherence to which will assure architectural compatibility with the existing residential neighborhood, shall be submitted to and approved by the Mayor and Board of Aldermen. Architectural Guidelines shall identify and address those elements pertinent to the exterior of a structure, and by means of example, sample, rendering, photograph, and/or description, promulgate as guidelines such standards and requirements for the locations, dimensions, height, materials, color, design style, appointments, appurtenances and any other element of architectural significance as the owner(s) of the property are willing to impose on structures to be erected or permitted to remain on his property. Should the Mayor and Board of Aldermen deem it necessary or advisable to modify and/or impose additional exclusions, limitations, restrictions, conditions, techniques and elements, and the owner(s) decline to have such modifications and additions made a part of the submitted Architectural Guidelines, the Architectural Guidelines shall be deemed to be denied without further act or action by the Mayor and Board of Aldermen. The standards and requirements of the approved Guidelines shall be deemed to be provisions of this Ordinance pertinent to the property to which they are applicable, and any violation of same shall be enforced in any manner available to the City under this or any other ordinance, statute, law or power.

The Architectural Guidelines approved by the Mayor and Board of Aldermen shall be included as an exhibit to the minutes of the meeting at which such approval is given, and a copy of the document, certified by the Clerk, shall be maintained by the Director of Community Development. In addition, the owner and the Clerk shall execute, and the Clerk shall file for record in the office of the Chancery Clerk of Madison County, an instrument which is appropriate to give constructive notice that the particulars of the approved Architectural Guidelines run with and bind the improvement and use of the property to which they are applicable. Should for any reason the Architectural Guidelines shall terminate or lapse, thereafter only the structures permitted in the underlying residential district shall be erected within the property.

350.06 NOTICE AND PUBLIC HEARING: Prior to any action by the Mayor and Board of Aldermen under this ordinance, notice shall be given in the same time and manner of a public hearing to be held before the Zoning Board on any proposal for the creation of an overlay zone. The Zoning Board shall conduct such public hearing and forward its recommendations thereafter to the Mayor and Board of Aldermen in the same time and manner as any other zoning proposal.

350.07 No Controlled Use Overlay district shall be approved under this ordinance except on the favorable vote of two thirds (2/3) of all members of the Board of Aldermen.

360.01 PURPOSE OF THIS DISTRICT: The purpose of this district is to provide an area for the development of compatible light manufacturing (assembly) and service-related businesses. It also will provide a compatible location for corporate headquarters, other office buildings, and commercial/retail operations. Retail operations would be directed toward support industries (wholesale trade primarily with limited retail), but not directed toward retail operations which would require heavy customer traffic/volume to obtain their profit goals. Support industries could also be located in the same area in the form of smaller warehouse/distribution operations which could serve as a distribution hub to support the various commercial entities and industries located in the area. It is the intent of this district to provide smaller acreage sites for a variety of operations in an attractive setting. There will not be allowed any residential uses, other than a residence for the purpose of security or support of a storage or distribution operation.

360.02 LAND USES PERMITTED

- A. Any uses permitted in I-1 Limited Industrial Districts, subject to the same conditions and limitations found therein.
- B. Any uses permitted in C-1 or C-2 zoning districts, subject to the same conditions and limitations found therein.
- C. Public streets, highways, private streets, and alleys.

360.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 600.09

- A. Public or quasi-public facilities and utilities in compliance with Section 32 and other regulations of this Ordinance.
- B. Conditional uses listed in Section 500.03.

360.04 DIMENSIONAL REQUIREMENTS:

- A. **Front yard:** 30 feet.
- B. **Side yards and rear yards:** 10 feet.
- C. **Maximum Building Height:** Subject to Site Plan Review.
- D. **Minimum Lot Area:** Subject to Site Plan Review.
- E. **Minimum Lot Width:** Subject to Site Plan review.

F. **Lot Coverage, Maximum:** Subject to Site Plan Review.

G. **Internal Building Space:** No principal building or detached accessory building shall be constructed nearer than 20 feet to any other principal building or accessory building, unless otherwise specified in the current adopted Building Code of the City of Ridgeland.

360.05 SITE PLAN REQUIRED: As each lot is sold and developed, the occupant of each lot shall be required to file a site plan in accordance with Section 600.11 of this Ordinance.

360.06 REQUIRED LANDSCAPING: Developers/owners of any use shall provide landscaping of all portions of the lot not used for buildings or other structures, parking, required yards or driveways. The location and type of landscaping installed shall be noted on the site plan. The maintenance of this required landscaping shall be the responsibility of the property owner and failure to maintain landscaping in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties described herein.

360.07 REQUIREMENTS REGARDING EXISTING NARROW STREETS AND PROPOSED NEW STREETS: See Subdivision and Development Review Ordinances of the City of Ridgeland.

360.08 REQUIREMENTS OF OFF-STREET PARKING, LOADING AND ACCESS CONTROL: See Section 37 for off-street parking, loading and access control requirements.

360.09 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

400.01 PURPOSE OF THIS DISTRICT: The purpose of this district is to provide relatively quiet, attractive, and spacious areas for the development of low-intensity commercial uses that do not generate substantial volumes of vehicular traffic. This district is intended to encourage high quality office park development and to serve as a transition zone between low density residential uses (single-family detached dwellings) and higher intensity uses (such as those first permitted under the C-2 General Commercial zone). These districts are appropriate for the fringes of retail zones.

400.02 LAND USES PERMITTED:

- A. Business and professional offices of all types.
- B. Office showroom facilities in which at least 50% of the tenantable area is outfitted as office and in which all loading facilities are at the rear of buildings and completely screened from view of public streets and any adjacent residential property.
- C. Personal service establishments such as hair styling shops and photographic portrait studios.
- D. Instructional services such as studios for the teaching of fine arts, photography, music, drama and dance; business and stenographic schools; barber and beauty schools; and similar facilities.
- E. Business-related retail and service establishments not to exceed 25% of the leasable area of any office building or not to exceed 10,000 square feet if freestanding. Permitted uses include, but are not limited to, office supply stores, office equipment dealers, telecommunication equipment sales and service companies, computer stores and services, blueprint and copy services, drafting supply and equipment dealers, private employment agencies, travel agencies, quick print shops not over 3,000 square feet in size, emergency clinics, postal and shipping services, indoor ATM's, day care facilities, and totally enclosed health club facilities.
- F. Restaurants, cafeterias, delicatessens, boutique grocery stores, coffee shops and carry out food establishments if located within an office building.
- G. Trade or Vocational schools, tutoring facilities and other similar uses; excluding those uses that require outdoor space and/or industrial type structures, and facilities that involve trucking or similar equipment.

- H. Privately-owned and operated libraries, museums, galleries and similar facilities. (NOTE: Public or quasi-public facilities of this nature are permitted in any district as conditional uses).
- I. Residential facilities (e.g., care-taker residences) and ancillary uses commonly associated with any permitted use.
- J. Public streets, highways, private streets, and alleys.
- K. Level 1 and Level 2 Electric Vehicle Charging facility as an accessory use to a principle commercial structure.
- L. Medical Offices, as defined herein.

400.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 600.09

- A. Public or quasi-public facilities and utilities in compliance with Section 32 and other regulations of this Ordinance.
- B. Residential hotels, housing for the elderly complexes (excluding "Retirement Villages" as defined by this Ordinance, which shall be zoned as "Special Use" districts only), and specialized housing to accommodate other specific populations.
- C. Patio homes, at densities permitted in the R-3 Single Family Residential District, and subject to ALL regulations of that district.
- D. Commercial sports and recreational facilities such as swimming pools, tennis courts, and fully-enclosed facilities such as gymnasiums.
- E. Conference and Convention Center Facilities.
- F. Office Warehouse. Warehouse area cannot exceed more than 25% of the tenantable area.
- G. Buildings in excess of 48 feet or four stories.

400.04 DIMENSIONAL REQUIREMENTS:

- A. **Maximum Building Height:** 48 feet or four stories, but higher buildings may be considered as a conditional use subject to the provisions of Section 600.09. If a conditional use is granted permitting height beyond 48 feet or four stories a dimensional variance shall not be required.
- B. **Minimum Lot Area:** No minimum lot area is required.

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

D. Lot Coverage, Maximum: 50%

E. Minimum Yards:

1. **Front yard:** 30 feet.
2. **Side yards and rear yards:** 10 feet. Where any permitted use would adjoin any residentially zoned property, excluding multi-family residential, a 50-foot landscaped open space shall be provided between any building, parking lot or paved area and the side/rear lot line adjoining such residentially zoned property. When a dedicated right-of-way separates the side/rear lot line of a commercially zoned property and residentially zoned property, excluding multi-family residential property, the 50 foot greenspace may be reduced by all or part of the right-of-way width by the Mayor and Board of Aldermen at site plan review. Where any permitted use would adjoin ANY residentially zoned property, at site plan review an appropriate fence or screen between the properties shall be presented for approval by the Mayor and Board of Aldermen.

Where any permitted use would adjoin the Old Agency Road Corridor"(OARC), a 75-foot landscaped open space shall be provided between any building, parking lot or paved area and the side/rear lot line adjoining said district. All landscaping shall be provided in accordance with standards adopted by the City of Ridgeland. In addition, a planting screen having a height of at least six feet shall be installed along the side/rear lot line adjoining such residentially zoned property.

F. Minimum Space between Buildings on the Same Lot: No principal building or accessory building shall be constructed nearer than twenty (20) feet to any other principal building or accessory building unless otherwise specified in the Standard Codes of the City of Ridgeland.

400.05 REQUIRED LANDSCAPING FOR AREAS NOT USED FOR BUILDINGS OR OTHER STRUCTURES, PARKING, REQUIRED YARDS OR

DRIVEWAYS: The first five feet adjacent to the boundary line on rear and side yards and the first ten feet adjacent to the street on the front setback shall be landscaped. This area shall not be used for parking spaces; however, driveways for connectivity to adjacent properties shall be permitted. Developers shall provide landscaping for all portions of a lot not used for buildings or other structures, parking, required yards or driveways. The location and type of landscaping to be installed shall be noted on the site plan. Maintenance of this required landscaping shall be the responsibility of the property owner and failure to maintain the landscaping in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein.

400.06 REQUIREMENTS REGARDING EXISTING NARROW STREETS, UNPAVED STREETS AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinances of the City of Ridgeland*.

400.07 DIRECTIONAL EXTERIOR LIGHTING REQUIRED: The developer shall be responsible for installing directional exterior lighting in accordance with adopted standards of the City of Ridgeland. Proposed exterior lighting as to type and location shall be shown on the required site plan.

400.08 RESIDENTIAL USES AND NOISE MITIGATION: No residential uses permitted in C-1 districts shall be located closer than 100 feet from the right-of-way of streets designated as arterial streets on the adopted *Land Use/Thoroughfares Plan*, nor closer than 500 feet from the right-of-way of an Interstate highway. These distances may be reduced by the Mayor and Board of Aldermen if shown that proper noise mitigation measures are to be installed. The noise mitigation measures shall be shown on the site plan subject to section 600.12 of this ordinance.

400.09 REQUIRED OFF-STREET PARKING, LOADING AND ACCESS CONTROL: See Section 37 for off-street parking, loading and access control requirements.

400.10 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

410.01 PURPOSE OF THIS DISTRICT:

- A. The purpose of this district is to promote the development of well-planned shopping centers and independent (free-standing) commercial uses within carefully selected areas of the City of Ridgeland. The commercial activities permitted in this district include uses of a higher intensity than those first allowed in Low-Intensity Commercial districts (C-1).
- B. It is the intent of this Ordinance that shopping centers and independent commercial uses be developed so that pedestrian and vehicular circulation is coordinated with the circulation patterns of adjacent properties in the vicinity that are also affected. In order to facilitate access between adjoining properties and to reduce the number of curb cuts onto arterial streets, the installation of a service drive shall be considered in connection with any independent commercial use (i.e., a commercial use that is not a part of a shopping center) proposed in this district.

410.02 LAND USES PERMITTED:

- A. All commercial uses allowed in the Low-Intensity Commercial (C-1) District, subject to all C-1 district regulations.
- B. Business-related retail and service establishments first permitted in Low-Intensity Commercial (C-1) District (no size restrictions).
- C. Commercial uses in which services performed and merchandise offered for sale are conducted or displayed entirely within enclosed structures, including grocery stores, department stores (full line or discount) and furniture and appliance stores.
- D. Shopping centers located on minimum sites of three (3) acres on an existing or proposed arterial street as shown on the adopted *Thoroughfares Plan*; shopping centers may contain any of the uses permitted outright in C-2 zones.
- E. Strip Center Developments.
- F. Broadcast studios (with transmitting towers located elsewhere).
- G. Commercial healthcare and medical facilities, such as dialysis centers, physical therapy facilities, diagnostic and imaging facilities, 24-hour medical clinics, etc.

- H. Veterinary clinics and pet shops, excluding outside runs (kennels) subject to Special Use Site Plan Standards in Section 600.14.F.
- I. Mortuaries, funeral homes, mausoleums, chapels and related facilities subject to Special Use Site Plan Standards in Section 600.14.F.
- J. Public streets, highways, private streets, and alleys.
- K. Free standing, enclosed restaurants including fast food and fast casual restaurants with no drive-thru (excluding drive-in restaurants).

410.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 600.09

- A. Townhouses, patio homes, and zero lot line homes subject to the regulations of the R-3 Single Family Residential District, R-4 Zero Lot Line Residential District, and R-4A Townhouse Residential District provided: that the front yard setback for these residential uses when fronting on a principal arterial or minor arterial street (according to the adopted *Thoroughfares Plan*); shall be at least 100 feet from the existing or proposed street right-of-way of such arterial streets; or that noise mitigation measures, acceptable to the Mayor and Board of Aldermen (such as berms), be installed by the developers of these residential uses.
- B. Public or quasi-public facilities and utilities in compliance with Section 32 and other regulations of this Ordinance.
- C. Other Conditional uses listed under the C-1 Low-Intensity Commercial District regulations.
- D. Buildings in excess of 48 feet or four stories.
- F. Apartment Complexes built prior to October 1, 2016, at a maximum density often (10) units per acre calculated upon the total contiguous acreage owned on February 4, 2014, complete with landscaping, signage, and parking and including Multi-family dwellings. Apartment complexes regulated by this Section shall be subject to the dimensional controls and other regulations as listed in Sections 260.04, 260.05, 260.06, 260.07, 260.08, 260.09, and 260.10 of the Official Zoning Ordinance of the City of Ridgeland. Apartment complexes may also include accessory uses such as laundromats, vending machine centers, recreational buildings, swimming pools, tennis courts, fences and walls, and similar uses and structures incidental to multi-family buildings. Accessory uses and structures shall be considered an integral part of the Apartment Complex and shall be reserved exclusively for use by residents and guests of residents of the multi-family complex. Provided, however, the provisions of Section 600.09 do not apply to this use.

- G. Hotels and motels and related restaurants.** New or renovated hotels and motels shall be subject to Special Use Site Plan Standards in Section 600.14.F.12.

410.04 DIMENSIONAL REQUIREMENTS:

- A. Maximum Building Height:** 48 feet or four stories, but higher buildings may be considered as a conditional use subject to the provisions of Section 600.09. If a conditional use is granted permitting height beyond 48 feet or four stories a dimensional variance shall not be required.

B. Minimum Lot Area:

1. **Shopping centers:** Three (3) acres min.
2. **Independent commercial uses:** No minimum lot area is required.

C. Minimum Lot Width:

1. **Shopping centers:** 300 feet.
2. **Independent commercial uses:** No minimum lot width required.

D. Lot Coverage, Maximum: 50%

E. Minimum Yards:

1. **Front yard:** 30 feet, except for townhouses or patio homes fronting on principal arterial or minor arterial streets, the front yard setback shall be 100 feet; OR if noise mitigation measures acceptable to the Mayor and Board of Aldermen are to be installed, the setback requirement may be reduced.
2. **Side yards and rear yards:** 10 feet.

Where any permitted use would adjoin any residentially zoned property, excluding multi-family residential, a 50-foot landscaped open space shall be provided between any building, parking lot or paved area and the side/rear lot line adjoining such residentially zoned property. When a dedicated right-of-way separates the side/rear lot line of a commercially zoned property and residentially zoned property, excluding multi-family residential, the 50 foot greenspace may be reduced by all or part of the right-of-way width by the Mayor and Board of Aldermen at site plan review. Where any permitted use would adjoin ANY residentially zoned property, at site plan review an appropriate fence or screen between the properties

shall be presented for approval by the Mayor and Board of Aldermen.

Where any permitted use would adjoin the "Old Agency Road Corridor Preservation District" (OARC), a 75-foot landscaped open space shall be provided between any building, parking lot or paved area and the side/rear lot line adjoining said district in accordance with standards adopted by the City of Ridgeland. In addition, a planting screen having a height of at least six feet shall be installed along the side/rear lot line adjoining such residentially zoned property.

F. Internal Building Space: No principal building or accessory building shall be constructed nearer than 20 feet to any other principal building or accessory building, unless otherwise specified in the Standard Codes of the City of Ridgeland.

410.05 SITE PLAN REQUIRED: A site plan shall be submitted in accordance with Section 600.11 of this Ordinance.

410.06 REQUIRED LANDSCAPING FOR AREAS NOT USED FOR BUILDINGS OR OTHER STRUCTURES, PARKING, REQUIRED YARDS OR DRIVEWAYS: The first five feet adjacent to the boundary line on rear and side yards and the first ten feet adjacent to the street on the front setback shall be landscaped. This area shall not be used for parking spaces; however, driveways for connectivity to adjacent properties shall be permitted. Developers shall provide landscaping for all portions of a lot not used for buildings or other structures, parking, required yards or driveways. The location and type of landscaping to be installed shall be noted on the site plan. Maintenance of this required landscaping shall be the responsibility of the property owner and failure to maintain the landscaping in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein.

410.07 REQUIREMENTS REGARDING EXISTING NARROW STREETS AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinances of the City of Ridgeland*.

410.08 DIRECTIONAL EXTERIOR LIGHTING REQUIRED: The developer shall be responsible for installing directional exterior lighting in accordance with adopted standards of the City of Ridgeland. Proposed exterior lighting as to type and location shall be shown on the required site plan.

410.09 RESIDENTIAL USES AND NOISE MITIGATION: No residential uses permitted in C-2 districts shall be located closer than 100 feet from the right-of-way of streets designated as arterial streets on the adopted *Land Use/Thoroughfares Plan*, nor closer than 500 feet from the right-of-way of an Interstate highway. These distances may be reduced by the Mayor and Board of Aldermen if shown that proper

noise mitigation measures are to be installed. The noise mitigation measures shall be shown on the site plan subject to section 600.12 of this ordinance.

410.10 REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL: See Section 37 for off-street parking, loading and access control requirements.

410.11 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

GENERAL COMMERCIAL DISTRICT (C-2A) (ARTERIAL STREETS)

420.01 PURPOSE OF THIS DISTRICT: The purpose of this district is to allow property zoned General Commercial (C-2A) located on arterial streets to have additional permitted uses because of the volume of traffic located in these areas.

420.02 LAND USES PERMITTED:

- A. All commercial uses allowed in the General Commercial (C-2) District, subject to all C-2 district regulations.
- B. Food product carry-out and delivery stores.
- C. Banks, branch banks, drive-thru ATM's, and other banking facilities.
- D. Laundry and dry cleaning pickup stations.
- E. Restricted Uses (as defined in Section 21). Restricted Uses shall be limited to C-2A only and may not pyramid into any other Zoning District. Restricted Uses are subject to the provisions found in Section 600.14.F.
- F. Public Streets, highways, private streets, and alleys.
- G. Independent Liquor Stores (as defined in Section 21). Independent Liquor Stores shall be limited to C-2A only and may not pyramid into any other Zoning Districts and are subject to Special Use Site Plan Standards in Section 600.14.F.

420.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 600.09

- A. Fast Food Restaurant with a drive-thru, Fast Casual Restaurant with a drive-thru, drive-in restaurants, as defined by this Ordinance.
- B. Convenience Stores subject to Special Use Site Plan Standards in Section 600.14.F.
- C. Service Stations subject to Special Use Site Plan Standards in Section 600.14.F.
- D. Convenience Grocery Stores subject to Special Use Site Plan Standards in Section 600.14.F.
- E. Pharmacy with a drive-thru.

F. Other Conditional Uses listed under the C-2 General Commercial District regulations

G. Lawn and Garden equipment sales and service (excluding outside sales and display).

H. Public or quasi-public facilities or utilities may be considered as conditional uses subject to the provisions of Section 32 of this Ordinance.

420.04 OTHER REQUIREMENTS: All other requirements found in Section 410 General Commercial District (C-2) shall apply.

430.01 PURPOSE OF THIS DISTRICT: The purpose of this district is to establish specific areas for the development of convenience commercial uses. These uses generate heavier vehicular traffic volumes than uses first allowed in the C-2 General Commercial districts. The uses first permitted in this district tend to generate more noise and litter than General Commercial uses. These districts are appropriate for location near the intersections of arterial streets, well away from ANY residential uses.

430.02 LAND USES PERMITTED:

- A.** Any use permitted outright in C-2A General Commercial districts, **SUBJECT TO THE REGULATIONS OF THE C-2A DISTRICT.**
- B.** Convenience stores subject to Special Use Site Plan Standards in Section 600.14.F.
- C.** Convenience Grocery stores subject to Special Use Site Plan Standards in Section 600.14.F.
- D.** Service stations subject to Special Use Site Plan Standards in Section 600.14.F.
- E.** Fast food restaurants, drive-thru restaurants, and drive-in restaurants, as defined by this Ordinance.
- F.** Photomats.
- G.** Public streets, highways, private streets, and alleys.
- H.** Pharmacy with a drive-thru

430.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 600.09

- A.** Public or quasi-public facilities or utilities may be considered as conditional uses subject to the provisions of Section 32 of this Ordinance.
- B.** Car washes/vacuum cleaner stations and minor automotive service facilities as defined herein.
- C.** Free-standing "game rooms", for electronic video games, pool tables, etc.

- D. Other Conditional Uses listed under the C-2A General Commercial District regulations.
- E. Indoor Gun Range subject to Special Use Site Plan Standards as listed in Section 600.14.F. Indoor Shooting Ranges shall be limited to C-3 only and may not pyramid into any other Zoning District.

430.04 DIMENSIONAL REQUIREMENTS:

- A. **Maximum Building Height:** 48 feet or four stories.
- B. **Minimum Lot Area:** None.
- C. **Minimum Lot Width:** None.
- D. **Lot Coverage, Maximum:** 50%
- E. **Minimum Yards:**
 - 1. **Front yard:** 30 feet.
 - 2. **Side yards and rear yards:** 10 feet.

Where any permitted use would adjoin any residentially zoned property, excluding multi-family residential, a 50-foot landscaped open space shall be provided between any building, parking lot or paved area and the side/rear lot line adjoining such residentially-zoned property. When a dedicated right-of-way separates the side/rear lot line of a commercially zoned property and residentially zoned property, excluding property zoned multi-family residential, the 50 foot greenspace may be reduced by all or part of the right-of-way width by the Mayor and Board of Aldermen at site plan review. Where any permitted use would adjoin ANY residentially zoned property, at site plan review an appropriate fence or screen between the properties shall be presented for approval by the Mayor and Board of Aldermen.

- F. **Internal Building Space:** No principal building or accessory building shall be constructed nearer than 20 feet to any other principal building or accessory building, unless otherwise specified in the Standard Codes of the City of Ridgeland.

430.05 SITE PLAN REQUIRED: A site plan shall be submitted in accordance with 600.11 of this Ordinance.

430.06 REQUIREMENTS REGARDING EXISTING NARROW STREETS, UNPAVED STREETS AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinances of the City of Ridgeland*.

430.07 REQUIRED LANDSCAPING FOR AREAS NOT USED FOR BUILDINGS OR OTHER STRUCTURES, PARKING, REQUIRED YARDS OR

DRIVEWAYS: The first ten feet adjacent to the boundary line on rear and side yards and the first ten feet adjacent to the street on the front setback shall be landscaped. This area shall not be used for parking spaces; however, driveways for connectivity to adjacent properties shall be permitted. Developers shall provide landscaping for all portions of a lot not used for buildings or other structures, parking, required yards or driveways. The location and type of landscaping to be installed shall be noted on the site plan. Maintenance of this required landscaping shall be the responsibility of the property owner and failure to maintain the landscaping in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein.

430.08 DIRECTIONAL EXTERIOR LIGHTING REQUIRED: The developer shall be responsible for installing directional exterior lighting in accordance with adopted standards of the City of Ridgeland. Proposed exterior lighting as to type and location shall be shown on the required site plan.

430.09 REQUIRED FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL: See Section 37 for off-street parking, loading and access control requirements.

430.10 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

440.01 PURPOSE OF THIS DISTRICT: The purpose of this district is to provide an area for highly planned developments that typically require direct auto traffic access and visibility from Federal-Aid Primary highways (U. S. highways) and Interstate highways. Any development within this zone shall reflect high aesthetic qualities, be developed in an orderly fashion that exhibits continuity throughout the entire district, and must exhibit an appearance consistent with the latest planning directives as recommended by the Board of Aldermen.

440.02 LAND USES PERMITTED:

- A. Any use permitted outright in C-2 General Commercial District, subject to the regulations of the C-2 District.
- B. Public streets, highways, private streets, and alleys.

440.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 600.09

- A. Public or quasi-public facilities and utilities in compliance with Section 32 and other regulations of this Ordinance.
- B. Automobile, truck, and other vehicle (ATV's, UTV's, golf carts, etc.) sales, lease, rental, and service of both new and used vehicles, and; Major automotive service facilities. This EXCLUDES heavy machinery and implement dealers/repair shops.
- C. Yard and garden centers, nurseries, and greenhouse operations.
- D. Large FULLY ENCLOSED sports and recreational facilities such as skating rinks, bowling alleys, dance halls, gymnasiums and similar uses.
- E. Commercial kennels.
- F. Lawn and Garden equipment sales and service (with outside sales and display).
- G. Any use permitted outright in C-1 Low-Intensity Commercial District, C-2 General Commercial District, C-2A General Commercial District, or C-3 Convenience Commercial District, Subject to the REGULATIONS OF THOSE DISTRICTS.

- H. Other Conditional uses listed under the C-3 Convenience Commercial District regulations.
- I. Buildings in excess of 48 feet or four stories.
- J. Climate Controlled Storage Facilities.
- K. Office Warehouse. Warehouse area cannot exceed more than 80% of the tenantable area.

440.04 DIMENSIONAL REQUIREMENTS:

- A. **Maximum Building Height:** 48 feet or four stories, but higher buildings may be considered as a conditional use subject to the provisions of Section 600.09. If a conditional use is granted permitting height beyond 48 feet or four stories a dimensional variance shall not be required.
- B. **Minimum Lot Area:** 10,000 square feet.
- C. **Minimum Lot Width:** 100 feet.
- D. **Lot Coverage, Maximum:** 50%
- E. **Minimum Yards:**
 - 1. **Front yard:** 30 feet.
 - 2. **Side yards and rear yards:** 10 feet.

Where any permitted use would adjoin any residentially zoned property, excluding multi-family residential, a 50-foot landscaped open space shall be provided between any building, parking lot or paved area and the side/rear lot line adjoining such residentially-zoned property. When a dedicated right-of-way separates the side/rear lot line of a commercially zoned property and residentially zoned property, excluding property zoned multi-family residential, the 50 foot greenspace may be reduced by all or part of the right-of-way width by the Mayor and Board of Aldermen at site plan review. Where any permitted use would adjoin ANY residentially zoned property, at site plan review an appropriate fence or screen between the properties shall be presented for approval by the Mayor and Board of Aldermen.

- F. **Internal Building Space:** No building shall be nearer than 20 feet to any other building, unless otherwise specified in the Standard Codes of the City of Ridgeland.

440.05 DIRECTIONAL EXTERIOR LIGHTING REQUIRED: The developer shall be responsible for installing directional exterior lighting in accordance with adopted standards of the City of Ridgeland. Proposed exterior lighting as to type and location shall be shown on the required site plan.

440.06 REQUIRED LANDSCAPING FOR AREAS NOT USED FOR BUILDINGS OR OTHER STRUCTURES, PARKING, REQUIRED YARDS OR DRIVEWAYS: The first ten feet adjacent to the boundary line on rear and side yards and the first ten feet adjacent to the street on the front setback shall be landscaped. This area shall not be used for parking spaces; however, driveways for connectivity to adjacent properties shall be permitted. Developers shall provide landscaping for all portions of a lot not used for buildings or other structures, parking, required yards or driveways. The location and type of landscaping to be installed shall be noted on the site plan. Maintenance of this required landscaping shall be the responsibility of the property owner and failure to maintain the landscaping in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein.

440.07 REQUIREMENTS REGARDING EXISTING NARROW STREETS, AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinances of the City of Ridgeland*.

440.08 REQUIRED FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL: See Section 37 for off-street parking, loading and access control requirements.

440.09 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

450.01 PURPOSE OF THIS DISTRICT: The purpose of this district is to provide areas for the development of land uses in which all or part of the associated activity is conducted outdoors. The uses first permitted in this district are appropriate only in selected areas adjacent to major thoroughfares or railroads, well away from all residential areas. These uses tend to generate noise levels detectable at considerable distances off the premises.

450.02 LAND USES PERMITTED:

- A.** Automobile, truck, and other vehicle (ATV's, UTV's, golf carts, etc.) sales lease, rental, and service (both new and used).
- B.** Yard and garden centers, nurseries, and greenhouse operations.
- C.** Large FULLY ENCLOSED sports and recreational facilities such as skating rinks, bowling alleys, dance halls, gymnasiums and similar uses.
- D.** Truck stops
- E.** Heavy equipment sales and service.
- F.** Mobile home sales.
- G.** Recreational vehicle sales and service.
- H.** Boat Sales and Service.
- I.** Bus terminals.
- J.** Building materials sales where some or all building materials, such as bricks, lumber, concrete culverts etc., are displayed outdoors or are visible from adjoining thoroughfares. (NOTE: This permitted use does not include the manufacturing of such building materials.)
- K.** Outdoor commercial recreational enterprises, such as water slides, golf driving ranges, amusement parks, etc.
- L.** Public streets, highways, private streets, and alleys.
- M.** Level 1 and Level 2 Electric Vehicle Charging facility as an accessory use to a principle commercial structure.

450.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 600.09:

- A. Public or quasi-public facilities and utilities in compliance with Section 32 and other regulations of this Ordinance.
- B. Other Conditional uses listed under the C-4 Highway Commercial district regulations.

450.04 DIMENSIONAL REQUIREMENTS:

- A. **Maximum Building Height:** 48 feet or four stories.
- B. **Minimum Lot Area:** 10,000 square feet.
- C. **Minimum Lot Width:** 100 feet.
- D. **Lot Coverage, Maximum:** 50%
- E. **Minimum Yards:**
 - 1. **Front yard:** 50 feet.
 - 2. **Side yards and rear yards:** 20 feet.

Where any permitted use would adjoin any residentially zoned property, excluding multi-family residential, a 50-foot landscaped open space shall be provided between any building, parking lot or paved area and the side/rear lot line adjoining such residentially-zoned property. When a dedicated right-of-way separates the side/rear lot line of a commercially zoned property and residentially zoned property, excluding property zoned multi-family residential, the 50 foot greenspace may be reduced by all or part of the right-of-way width by the Mayor and Board of Aldermen at site plan review. Where any permitted use would adjoin ANY residentially zoned property, at site plan review an appropriate fence or screen between the properties shall be presented for approval by the Mayor and Board of Aldermen.

- F. **Internal Building Space:** No building shall be nearer than 20 feet to any other building, unless otherwise specified in the Standard Codes of the City of Ridgeland.

450.05 SITE PLAN REQUIRED: A site plan shall be submitted in accordance with Section 600.11 of this Ordinance.

450.06 REQUIRED LANDSCAPING FOR AREAS NOT USED FOR BUILDINGS OR OTHER STRUCTURES, PARKING, REQUIRED YARDS OR

DRIVEWAYS: The first ten feet adjacent to the boundary line on rear and side yards and the first ten feet adjacent to the street on the front setback shall be landscaped. This area shall not be used for parking spaces; however, driveways for connectivity to adjacent properties shall be permitted. Developers shall provide landscaping for all portions of a lot not used for buildings or other structures, parking, required yards or driveways. The location and type of landscaping to be installed shall be noted on the site plan. Maintenance of this required landscaping shall be the responsibility of the property owner and failure to maintain the landscaping in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein.

450.07 DIRECTIONAL EXTERIOR LIGHTING REQUIRED: The developer shall be responsible for installing directional exterior lighting in accordance with adopted standards of the City of Ridgeland. Proposed exterior lighting as to type and location shall be shown on the required site plan.

450.08 REQUIREMENTS REGARDING EXISTING NARROW STREETS, AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinances of the City of Ridgeland*.

450.09 REQUIRED FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL: See Section 37 for off-street parking, loading and access control requirements.

450.10 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

460.01 PURPOSE OF THIS DISTRICT: The purpose of this District is to provide for the preservation and perpetuation of retail and commercial enterprise and to provide areas for the development of regional shopping malls of integrated design and high density development of commercial businesses in certain areas adjacent to major transportation arteries or thoroughfares within the City. For the purposes of this Ordinance a regional shopping mall shall be any grouping of commercial activities the structure of which exceeds 400,000 square feet in leasable floor space. Properties immediately adjacent to the regional shopping mall may be zoned within this district if their proposed development is consistent with the mall development and plan.

460.02 LAND USE PERMITTED:

- A. Any use permitted in C-1, C-2, C-2A, C-3 or C-4 zoning EXCEPT for Conditional Uses listed in Section 460.03 and for Prohibited Uses listed in 460.04.
- B. Outside activities that are common to regional malls including, but not limited to, balloon races, fun runs, festivals, etc.
- C. Public Streets, highways, private streets, and alleys.

460.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 600.09:

- A. Public or quasi-public facilities and utilities in compliance with Section 32 and other regulations of this Ordinance.
- B. Fully enclosed sports and recreational facilities such as skating rinks, bowling alleys, dance halls, gymnasiums and similar uses.
- C. Fully enclosed entertainment facilities such as motion picture theaters.
- D. Free-standing "game rooms", for electronic video games, pool tables, etc.

460.04 LAND USES PROHIBITED:

- A. Restricted uses as defined in Section 21.
- B. Laundry and dry cleaning pick-up stations and coin operated Laundromat
- C. Mortuaries, funeral homes, mausoleums, chapels and related facilities.
- D. Convenience stores.

- E. Convenience Grocery stores.
- F. Car washes/vacuum cleaner stations
- G. Adult Entertainment as defined in Section 21
- H. Taxidermy
- I. Blood and Plasma Collection Facilities
- J. Liquor Stores
- K. Gambling Establishment
- L. Nightclub, Bar, or Cocktail Lounge

460.05 DIMENSIONAL REQUIREMENTS: Dimensional requirements, including building height, lot area, maximum lot coverage, yard size, landscaping, off-street parking, loading and access control shall be considered upon the submission of a site plan in accordance with Section 600.11 of this Ordinance.

460.06 SITE PLAN REQUIRED: A site plan shall be submitted in accordance with Section 600.11 of this Ordinance.

460.07 REQUIRED LANDSCAPING FOR AREAS NOT USED FOR BUILDINGS OR OTHER STRUCTURES, PARKING, REQUIRED YARDS OR DRIVEWAYS: The first ten feet adjacent to the boundary line on rear and side yards and the first ten feet adjacent to the street on the front setback shall be landscaped. This area shall not be used for parking spaces; however, driveways for connectivity to adjacent properties shall be permitted. Developers shall provide landscaping for all portions of a lot not used for buildings or other structures, parking, required yards or driveways. The location and type of landscaping to be installed shall be noted on the site plan. Maintenance of this required landscaping shall be the responsibility of the property owner and failure to maintain the landscaping in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein.

460.08 REQUIREMENTS REGARDING EXISTING NARROW STREETS, AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinances of the City of Ridgeland*.

460.09 REQUIRED FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL: See Section 37 for off-street parking, loading and access control requirements.

460.10 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

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

500.02 LAND USES PERMITTED:

- A. Office Warehouse.
- B. Outside storage of materials subject to screening requirements. Outside storage must be used in conjunction with an office type use on the same parcel (i.e. construction company, landscape company, foundation repair company, utility company)
- C. Towing and Wrecker service with vehicle storage and impound yard.
- D. Transportation services (i.e. tour bus, limousine service, taxi-cab service)
- E. Self-storage facilities and climate controlled storage facilities as defined by this ordinance.
- F. Light or limited manufacturing conducted wholly within completely enclosed buildings, except that the temporary storage of articles, materials, or other matter to be processed, assembled, or otherwise changed may be permitted if 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:
 - 1. Processing, canning, packaging and other treatment of food products, including: bakery products, confectionary and related products, fruit and vegetable products, fish, poultry and other meat products, excluding the rendering or refining of fats and oils and the slaughtering of animals; and other kindred products.

2. Manufacturing, assembly or other treatment of products from the following secondary materials (previously prepared or refined materials): plastics, glass, paper, precious or semi-precious metals or stones, tobacco, and wood (excluding sawmills).
 3. Fabrication of metal products including the manufacture of: machinery (engines and turbines, farm machinery and equipment, etc.); electrical equipment and supplies; transportation equipment (including motor vehicles and parts, aircraft and parts, motorcycles, bicycles and parts, etc.); and other secondary metal manufacturing such as metal cans, cutlery, hand tools, and general hardware, heating apparatus and plumbing fixtures, metal stamping, fabricated wire products, and coating, engraving and allied services.
 4. Manufacturing of pottery or similar ceramic products (using only previously prepared or pulverized clay, and kilns fired only by electricity or natural gas).
 5. Manufacturing of professional, scientific, and controlling instruments; photographic or optical goods; watches and clocks.
 6. Manufacturing of textile mill products, including broad and narrow woven fabrics and other small wares (cotton, man-made fibers, silk and wool), floor coverings (rugs and carpets), yarns and similar products.
 7. Manufacturing of apparel and other finished products made from fabrics, leather, fur and similar materials.
- G.** Warehousing and storage, provided that all storage is within enclosed structures; such warehousing may include the storage of goods manufactured on the premises as well as goods manufactured off the site.
- H.** Dwellings for resident watchmen and caretakers employed on the premises of the primary permitted use.
- I.** Accessory structures and uses customary and incidental to any of the foregoing permitted uses and not otherwise prohibited.
- J.** Lawn and Garden equipment sales and service (with outside sales and display).
- K.** Public streets, highways, private streets, and alleys.
- L.** Other similar enterprises which are of the same character and nature as those specifically permitted above, but not to include those uses first permitted in the I-2 Heavy Industrial district.

- M. Level 1 and Level 2 Electric Vehicle Charging facility as an accessory use to a principle industrial structure.

500.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 600.09:

- A. Public or quasi-public facilities and utilities in compliance with Section 32 and other regulations of this Ordinance.
- B. Conditional uses listed under the C-4 Highway Commercial District regulations, subject to C-4 Regulations.
- C. Television and radio transmitters, telephone microwave towers, and similar communications facilities (does not include cellular or wireless data towers which are regulated as public/quasi-public facilities).

500.04 DIMENSIONAL REQUIREMENTS:

- A. **Maximum Building Height:** Subject to Site Plan Review.
- B. **Minimum Lot Area:** 10,000 square feet.
- C. **Minimum Lot Width:** 100 feet.
- D. **Lot Coverage, Maximum:** 60%
- E. **Minimum Yards:**
 - 1. **Front yard:** 30 feet. No parking will be permitted in the first 15 feet, as measured from the street right-of-way, but access across this area with walks, bikeways, trails, and drives will be permitted.
 - 2. **Side yards and rear yards:** When a proposed I-1 use would adjoin a C-4 Highway Commercial or a C-5 High Intensity Commercial District or another industrial district or an existing commercial or industrial use, side and rear yards of 25 feet shall be required.

When a proposed I-1 use would adjoin any district other than a commercial or industrial district or an existing commercial or industrial use, side and rear yards of 50 feet shall be required. This 50 feet shall be landscaped open space.
- F. **Minimum Space between Buildings:** No building shall be nearer than 20 feet to any other building, unless otherwise specified in the current adopted Building Code of the City of Ridgeland.
- G. **Outside Storage/Refuse Areas:** All storage areas and refuse collection areas shall be located in the rear or side yard and shall be totally encircled and

screened by a fence, planting, or other suitable visual barrier in order to minimize view from public streets.

500.05 REQUIRED PLANTING SCREEN FOR USES ABUTTING EXISTING RESIDENTIAL ESTATE OR SINGLE-FAMILY DETACHED RESIDENCES:

When a proposed use in the I-1 district will abut an existing single-family detached residence, residential estate zone, or single-family residential zone, the developer shall install a planting screen having a height of at least six (6) feet along the side and/or rear property lines of the proposed use. The location and type of planting screen to be installed shall be noted on the site plan. Maintenance of this required planting screen shall be the responsibility of the property owner, and failure to maintain the planting screen shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein.

500.06 REQUIRED LANDSCAPING FOR AREAS NOT USED FOR BUILDINGS OR OTHER STRUCTURES, PARKING, REQUIRED YARDS OR DRIVEWAYS:

The first five feet adjacent to the boundary line on rear and side yards and the first fifteen feet adjacent to the street on the front setback shall be landscaped. This area shall not be used for parking spaces; however, driveways for connectivity to adjacent properties shall be permitted. Developers shall provide landscaping for all portions of a lot not used for buildings or other structures, parking, required yards or driveways. The location and type of landscaping to be installed shall be noted on the site plan. Maintenance of this required landscaping shall be the responsibility of the property owner and failure to maintain the landscaping in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein.

500.07 REQUIREMENTS REGARDING EXISTING NARROW STREETS, AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinances of the City of Ridgeland*.

500.08 REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL: See Section 37 for off-street parking, loading and access control requirements.

500.09 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

510.01 PURPOSE OF THIS DISTRICT: The purpose of this district is to provide areas for the exclusive development of industrial uses that generally have extensive space requirements and/or generate substantial amounts of noise, vibration, odors, or possess other objectionable characteristics. It is the intent of this Ordinance that such "heavy" industrial districts be located insofar as possible adjacent only to C-4 Highway Commercial districts, C-5 High Intensity Commercial districts, or I-1 Limited Industrial districts, which shall serve as transitional zones between I-2 districts and residential uses and lower intensity commercial uses. Heavy industrial uses shall be located only in areas directly accessible to major thoroughfares or railroads. (See also Section 36 of this Ordinance with regard to prohibited uses.) The land uses permitted in I-2 districts may include those located OUTDOORS as well as those within enclosed structures, subject to the regulations of this Ordinance and standards established by appropriate Federal and State regulatory agencies.

510.02 LAND USES PERMITTED:

- A. Any use permitted in an I-1 district, subject to I-1 regulations.
- B. Heavy manufacturing uses WHICH ARE NOT POTENTIALLY HAZARDOUS OR OFFENSIVE TO NEIGHBORING LAND USES due to the emission of dust, gas, smoke, noise, fumes, odors, vibrations, or other objectionable influences shall be permitted by right in I-2 districts, EXCEPT THAT MANUFACTURING USES OF THE "WET" TYPE (i.e., those industries which require large amounts of water in processing or discharge large amounts of by-products through the sewer system) SHALL BE PERMITTED ONLY AS CONDITIONAL USES (see Section 510.03).
- C. Concrete manufacturing plants.
- D. Sawmills.
- E. Wholesale landscape nursery and greenhouse operations.
- F. Sod Farm.
- G. Accessory structures and uses customary and incidental to any of the foregoing permitted uses and not otherwise prohibited.
- H. Public streets, highways, private streets, and alleys.

510.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 600.09:

- A.** Public or quasi-public facilities and utilities in compliance with Section 32 and other regulations of this Ordinance.
- B.** Any conditional use listed under I-1 district regulations, subject to I-1 regulations.
- C.** Primary metal manufacturing, including: blast furnaces, steel works, and the rolling and finishing of ferrous metals; iron and steel foundries; primary smelting and refining of non-ferrous metals; and similar activities.
- D.** Any manufacturing activity requiring large amounts of water for processing or discharging large amounts of waste or by-products into the sewer system.
- E.** Mining, quarrying (including sand and gravel pits operations), and crude petroleum and natural gas production. In the case of open pit mining or quarrying, a Reclamation Plan shall be submitted to and approved by the Mayor and Board of Aldermen prior to the initiation of such uses.
- F.** Junk yards subject to Special Use Site Plan Standards in Section 600.14.F.
- G.** Any other use of a heavy industrial nature which is not prohibited under Section 36.05 of this Ordinance or otherwise prohibited by law may be initiated in I-2 districts, subject to any limitations and restrictions deemed necessary by the Mayor and Board of Aldermen.
- H.** Existing Landfill subject to Special Use Site Plan Standards in Section 600.14.F.
- I.** New Landfill or Expansion or Reconfiguration of an Existing Landfill subject to Special Use Site Plan Standards in Section 600.14.F.

510.04 DIMENSIONAL REQUIREMENTS:

- A. Maximum Building Height:** Subject to Site Plan Review.
- B. Minimum Lot Area:** One (1) acre.
- C. Minimum Lot Width:** 100 feet.
- D. Lot Coverage, Maximum:** 60%
- E. Minimum Yards:**

1. **Front yard:** 60 feet from the right-of-way line of an existing or proposed street in accordance with the adopted *Thoroughfares Plan*.
2. **Side yards and rear yards:** 25 feet. When a proposed I-2 use would adjoin any other zoning district other than I-1 or I-2, a 75-foot building setback and landscaped open space shall be required. A 50-foot wide buffer of this 75 foot setback shall be planted with trees or naturally forested space if preserved. No other use shall occur in this setback.

F. Minimum Space between Buildings: No building within the I-2 district shall be nearer than 20 feet to any other building.

G. Outside Storage/Refuse Areas: All storage areas and refuse collection areas shall be located in the rear or side yard and shall be totally encircled and screened by a fence, planting, or other suitable visual barrier in order to eliminate view from public streets.

510.05 REQUIRED LANDSCAPING FOR AREAS NOT USED FOR BUILDINGS OR OTHER STRUCTURES, PARKING, REQUIRED YARDS OR DRIVEWAYS:

The first five feet adjacent to the boundary line on rear and side yards and the first ten feet adjacent to the street on the front setback shall be landscaped. This area shall not be used for parking spaces; however, driveways for connectivity to adjacent properties shall be permitted. Developers shall provide landscaping for all portions of a lot not used for buildings or other structures, parking, required yards or driveways. The location and type of landscaping to be installed shall be noted on the site plan. Maintenance of this required landscaping shall be the responsibility of the property owner and failure to maintain the landscaping in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein.

510.06 REQUIREMENTS REGARDING EXISTING NARROW STREETS, AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinances of the City of Ridgeland*.

510.07 REQUIRED FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL: See Section 37 for off-street parking, loading and access control requirements.

510.08 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

520.01 PURPOSE OF THIS DISTRICT: The purpose of the Technical Industrial Park (TIP) District is to provide areas adjacent to major transportation arteries and thoroughfares where light industrial, technological and professional firms can locate with the assurance of a high permanent level of design quality, extensive site amenity, open space, and environmental protection. The operation and development standards of the TIP District are intended to provide for the protection and compatibility of abutting residential and non-industrial parcel and the compatibility and amenity among the firms located in the TIP District, by the application of stringent site planning and aesthetically desirable design.

520.02 LAND USES PERMITTED:

- A. All uses permitted in a C-2 (General Commercial District), except when it abuts a residential district, then only C-1 uses are permitted.
- B. Research and laboratory facilities.
- C. Light manufacturing, compounding, processing, fabricating, assembling, packaging, warehousing, and distribution facilities, all with such activities conducted wholly within enclosed structures. There shall be no exterior evidence of such activities, except for areas reserved for loading/unloading of materials from trucks. Furthermore, outdoor storage of manufacturing or other activities shall be prohibited except as otherwise indicated by the dimensional requirements and other regulations of Technical Industrial Park District.
- D. Colleges, vocational-technical schools and trade schools.
- E. ATM Machines (indoor), ATM Machines (drive-thru), Branch Banks, (drive-thru), Bank Office, and other banking facilities.
- F. Pharmacy/Drug Store (with drive-thru).
- G. All uses permitted shall be limited to those that are free of emissions consisting of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, water-carried waste, or other emissions detectable off the premises.
- H. Public Streets, highways, private streets, and alleys.
- I. Data Center including Data Center Related Facilities
- J. Public/quasi-public facilities and utilities associated with data centers

520.03 CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 600.09:

- A. Public or quasi-public facilities and utilities in compliance with Section 32 and other regulations of this Ordinance.
- B. Climate controlled storage facilities and self-storage facilities.

520.04 DIMENSIONAL REQUIREMENTS:

A. Minimum Lot Area: none.

K. Minimum Lot Width: none.

C. Minimum Yards:

1. **Front yard or yards abutting streets:** 30 feet. No parking will be permitted in the first 15 feet, as measured from the street right-of-way, but access across this area with walks, bikeways, trails, and drives and the installation of identification signs will be permitted.
2. **Side yard width:** 10 feet, except where it adjoins residentially zoned property in which case it shall be increased to 50 feet. No building of any kind and no parking will be permitted in this setback area but access across this area with walks, bikeways, trails, and drives will be permitted. (See maximum building height.)
3. **Rear yard depth:** 20 feet, except where it adjoins residentially zoned property in which case it shall be increased to 50 feet. (See maximum building height.) No building of any kind and no parking will be permitted in this setback area, but access across this area with walks, bikeways, trails, and drives will be permitted. However, when a parcel adjoins residentially zoned property if the principal building is less than 10,000 square feet of gross floor area and has no dock loading space in the rear, parking will only be prohibited in the first 25 feet as measured from the abutting residentially zoned property.

D. Maximum Building Height: 75 feet, except where the parcel adjoins low or moderate density residentially zoned property, in which case there shall be added one foot of yard setback for each foot of building height over 45 feet. No building of any kind and no parking nearer than 50 feet from the abutting residentially zoned property will be permitted in this setback area, but access across this area with walks, bikeways, trails, and drives will be permitted.

E. Maximum Lot Coverage: 50%.

F. Storage/Refuse Areas: All storage areas and refuse collection areas shall be located at the rear of the site and shall be totally encircled and screened by a fence, planting, or other suitable visual barrier. On corner parcels, storage and refuse areas must be located on the opposite corner of the parcel from the street corner.

G. Loading/Unloading Areas: All loading and unloading space shall be located to the rear of the principal buildings. On corner parcels, or on through parcels, if there is only one principal building, one side of the principal building may be used for loading and unloading. Side loading is also permitted if the loading space is screened from abutting properties and the view from the street.

H. Temporary Structures: No structure of a temporary character of any kind shall be permitted except during the construction period.

520.05 REQUIRED LANDSCAPING FOR AREAS NOT USED FOR BUILDINGS OR OTHER STRUCTURES, PARKING, REQUIRED YARDS OR

DRIVEWAYS: The first five feet adjacent to the boundary line on rear and side yards and the first fifteen feet adjacent to the street on the front setback shall be landscaped. This area shall not be used for parking spaces; however, driveways for connectivity to adjacent properties shall be permitted. Developers shall provide landscaping for all portions of a lot not used for buildings or other structures, parking, required yards or driveways. The location and type of landscaping to be installed shall be noted on the site plan. Maintenance of this required landscaping shall be the responsibility of the property owner and failure to maintain the landscaping in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein.

520.06 REQUIREMENTS REGARDING EXISTING NARROW STREETS, AND PROPOSED NEW STREETS: See *Subdivision and Development Review Ordinances of the City of Ridgeland*.

520.07 REQUIRED FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL: See Section 37 for off-street parking, loading and access control requirements.

520.08 SIGNS: See *Sign Ordinance of the City of Ridgeland, Mississippi*.

ARTICLE V

ADMINISTRATION AND ENFORCEMENT

SECTION

600

ADMINISTRATION AND ENFORCEMENT

600.01 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.

600.02 REQUIRED PERMITS, DRAWINGS, SURVEYS AND CERTIFICATES

- A. Building Permits Required:** In accordance with the Current Adopted Building Code, any person who desires to construct, enlarge, alter, repair, move, demolish, or change the USE of a building or structure, or to cause such work to be done, shall first make application to the Building Official and obtain the required permit. Each application for a permit shall be filed, with the required fee, with the Building Official on a form furnished for that purpose.
- B. Plot Diagram or Site Plan Required:** The Building Official shall require either a plot diagram or a site plan to be submitted with ANY application for construction permit (building permit). Depending on the scope of work to be performed and/or USE of the proposed or altered building, one of the following options shall be required as deemed appropriate by the Building Official or Director of Community Development or his designee:
- 1. Plot Diagram Required:** The Building Official shall require a plot diagram to be submitted with every application for a building permit which does not require a site plan as specified in Section 600.11. The plot diagram shall depict the following as deemed appropriate by the Building Official:
 - (a) Name of applicant/owner.
 - (b) The actual dimensions and shape of the lot to be built upon or change in its use, in whole or in part, and the area of the lot in square feet.
 - (c) If the subject lot is part of a recorded subdivision, indicate the lot number and subdivision name.
 - (d) North arrow and scale of the plot diagram.

- (e) The location and size (area in square feet) on the lot of every EXISTING building or structure, if any, and an indication of the height of existing buildings or structures.
- (f) Existing streets and proposed streets and street names (if known), indicating right-of-way widths.
- (g) The location and size (area in square feet) on the lot of the PROPOSED buildings or structures, and an indication of the height of the proposed buildings or structures.
- (h) A breakdown of proposed occupancy by use, indicating how each portion of existing and proposed buildings will be used.
- (i) Required yards (set-backs) in accordance with this Ordinance shown as dashed lines.
- (j) The location of existing and proposed driveways and parking in accordance with this Ordinance.
- (k) The location of existing and proposed easements, if any.
- (l) Such other information as the Director of Community Development or his designee may require as necessary to satisfy the provisions of this Ordinance, the currently adopted building code, and other codes and Ordinances.
- (m) Elevations indicated by contours expressed in national geodetic vertical data.

2. Site Plan Required: The Building Official shall require a site plan to be submitted with an application for permit for projects that are required to conform with Section 600.11 of this ordinance. Prior to the issuance of a permit, the Building Official shall ensure that the site plan is consistent with the plan approved following the requirements as set forth in the *Development Review Ordinance* as adopted, which shall be a part of this ordinance to which references made and included herein.

C. Boundary Line Survey: The Building Official may also require a boundary line survey, if necessary, prepared by a registered land surveyor.

D. Issuance of a Building Permit: If the Building Official is satisfied that the proposed construction or proposed change of use as described in the application for a permit and the plot diagram (or site plan, when required) filed therewith conform to the requirements of this Ordinance, the *Sign Ordinance, the Currently Adopted Building Code* and other pertinent

laws and Ordinances, he shall issue a permit to the applicant. When the Building Official issues a permit, he shall endorse, in writing, or stamp, each set of drawings "Reviewed". One copy of the drawing set shall be returned to the applicant.

E. Certificate of Occupancy: See Currently Adopted Building Code of the City of Ridgeland.

F. Appeals of Action of Building Official or Director of Community Development or his designee regarding decisions made under Section 600.02: See Currently Adopted Building Code of the City of Ridgeland.

600.03 ALL BUILDING AND ZONING-RELATED ACTIONS TO BE INITIATED THROUGH THE OFFICE OF THE DIRECTOR OF COMMUNITY DEVELOPMENT: All actions with regard to the currently adopted Building Code collection, this Ordinance, the Sign Ordinance, the Development Review Ordinance, the Subdivision Regulations, Landscape Ordinance, and the Tree Ordinance shall be initiated through the office of the Director of Community Development of the City of Ridgeland. The Director of Community Development, or his duly authorized representative, shall be responsible for coordinating all building and zoning-related activities with other City of Ridgeland officials, including (as appropriate) the Building Official, the City Engineer, the Director of Community Development or his designee, the City Attorney, the Fire Chief, Police Chief, Director of Public Works, Mayor and Board of Aldermen, Zoning Board, Architectural Review Board, and other City boards having responsibility with regard to building or development matters.

600.04 DUTIES, POWERS, AND LIMITATION OF POWERS OF THE DIRECTOR OF COMMUNITY DEVELOPMENT IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE: The Director of Community Development or his designee designated by the Mayor and Board of Aldermen shall administer and enforce this Zoning Ordinance in accordance with the provisions herein.

A. Duties of the Director of Community Development:

1. The Director of Community Development shall either personally or by designee(s):
 - (a) Coordinate all matters relating to this Ordinance with, as appropriate, other City 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 in good and useful condition and properly recording on that map all zoning amendments (rezoning).
- (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 and zoning amendments (re-zonings).
- (g) Receive and take appropriate action on all site plans submitted in accordance with Section 600.12 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 Zoning Board 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 of this Ordinance and notifying 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. Such notification shall be by U.S. Mail, posting notice at the property, or shall be delivered personally by the Director of Community Development or his designee.
- (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 Director of Community Development or his designee may simply notify the City Clerk that advertisement of a public hearing is needed, and the City Clerk may actually transmit the required notice to the appropriate newspaper or newspapers).

- (o) Keep records pertaining to zoning matters.
- (p) Attend Zoning Board and Mayor and Board of Aldermen meetings, as needed.
- (q) Provide administrative interpretation as provided in Subsection 600.04.B.

B. Administrative Interpretation by the Director of Community

Development or his Designee: 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 Director of Community Development or his designee shall have the power to make such administrative decisions and interpretation.

- 1. 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, dimensional variance, or zoning amendment (either an amendment to the zoning text or a district re-classification---that is, the re-zoning of any land), the provisions for which use are given elsewhere in this Ordinance.
- 2. Appeals from the Administrative Interpretation by the Director of Community Development or his designee: Appeals from said administrative interpretation shall be made as provided in Subsection 600.17.A of this Ordinance.

C. Administrative Permits - Administrative Interpretation and

Determination of New and Unlisted Uses: It is recognized that new types of land use will develop and forms of land use not anticipated and listed may seek to locate in the City of Ridgeland. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- 1. Administrative Permit Application Procedures and Review Standards:
 - (a) The Building Official of the City of Ridgeland (or any member of his/her staff) shall refer the question concerning any new or unlisted use to the Director of Community Development or his designee requesting an interpretation as to the zoning classification into which the use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves such characteristics as dwelling activity, sales, processing, type of product, storage, and amount and nature thereof, enclosed or open storage,

anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated, the general requirements for public utilities such as water and sanitary sewer, and the degree of compatibility of the use.

- (b) The Director of Community Development or his designee must first determine if the proposed use is in harmony with the purpose and intent of this Ordinance.
- (c) The Director of Community Development or his designee must then determine if the proposed use is in harmony with the purpose and intent of the district.
- (d) The Director of Community Development or his designee may require conditions to be met to make the use compatible with the district.
- (e) The Director of Community Development or his designee shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within such use should be permitted.
- (f) The Director of Community Development or his designee shall keep a permanent record of the findings and determination for future reference.
- (g) The Director of Community Development or his designee may, upon his own initiative, make such a determination.
- (h) Negative findings by the Director of Community Development or his designee may be appealed to the Mayor and Board of Aldermen on grounds of error in his determination.
- (i) Upon making his determination, and if there is no appeal, the Director of Community Development or his designee shall notify any other officer or agency of the city likely to be affected by such ruling.
- (j) Such determinations are binding on all officers and agencies of the city as an administrative ruling, and may be included as an amendment to the zoning Ordinance when subsequent amendment items are considered by the Mayor and Board of Aldermen, and if the proposed use is sufficiently common to justify a text amendment.

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

600.05 DUTIES AND RULES OF CONDUCT OF THE RIDGELAND ZONING

BOARD: In accordance with Section 1 of *An Ordinance Establishing a Zoning Board for the City of Ridgeland, Mississippi, and Providing for the Appointment of Members Thereto*, an advisory body known as “the Zoning Board of the City of Ridgeland” was established. See that Ordinance for duties and rules of conduct as set forth therein.

600.06 SECTION NOT USED

600.07 DUTIES OF THE MAYOR AND BOARD OF ALDERMEN IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE:

The Mayor and Board of Aldermen of the City of Ridgeland 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. Administrative review under which the Mayor and Board of Aldermen hears and decides appeals from actions of the Director of Community Development or his designee.
- B. Acting upon all applications for dimensional variances and conditional use permits.
- C. Acting upon all applications for re-zonings (i.e., amendments to the *Official Zoning Map*). In accordance with Section 17-1-17 of the *“Mississippi*

Code of 1972, As Amended, "any party aggrieved with the recommendation of the (Zoning Board) shall be entitled to a public hearing before the (Mayor and Board of Aldermen), with due notice thereof after publication for the time and as provided by (the Mississippi Code)."

- D. Acting upon all proposed amendments to the text of the *Zoning Ordinance*.
- E. Accepting, rejecting, or conditionally approving site plans, preliminary subdivision plats or development plans.
- F. Appointing the members of the Zoning Board.
- G. Appointing the members of the Architectural Review Board.

600.08 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 Mayor and Board of Aldermen is empowered to grant, upon an application relating to such property, a dimensional variance from such strict application so as to relieve such difficulties or hardships. Examples of such difficulties or hardships include exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of this Ordinance; or by reason of the location of trees, natural drainage course, lakes, or other desirable or attractive features, which condition is not generally prevalent in the neighborhood.

A. Requirements for Granting Variances: Any person desiring a dimensional variance from the terms of this Ordinance shall submit a written application (on a form furnished by the Director of Community Development or his designee) demonstrating compliance with all of the following:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district.
2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
5. That the granting of the variance will be in harmony with the general intent and purpose of the Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest.
6. Traffic visibility on adjoining streets will not be adversely affected.
7. Drainage from proposed buildings and structures will not adversely affect adjoining properties and public rights-of-way.

B. Corollary Guidelines for Determining Hardships:

1. A variance is not the appropriate remedy for a general condition:
 - (a) Such hardship is not shared generally by other properties in the same district and the same vicinity.

- (b) The condition or situation of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.
- 2. The extent to which the special conditions or circumstances result from actions of the applicant may be taken into account.
- 3. Personal hardship is not grounds for a variance. The hardship must relate to the physical character of the property:
 - (a) The hardship is created by the physical character of the property, including dimensions, topography, or soil conditions, or by other extraordinary situation or condition of such property.
 - (b) Personal hardship shall not be considered as grounds for a variance, since the variance will continue to affect the character of the neighborhood after title to the property has passed to another owner.
- 4. Economic hardship in itself is not grounds for a variance. It may be considered as an element, but there must be other compelling considerations.
- 5. The hardship must be severe and unnecessary in achieving public purposes.
- 6. The variance must not adversely affect adjacent property or the character of the district. This limitation is clear in item 600.08-A above of the standards governing variances unless the Mayor and Board of Aldermen finds that the authorization of such variance will not be of substantial detriment to adjacent property, and that the character of the district will not be changed by the granting of the variance.

C. Guidelines for Determining Practical Difficulties: A practical difficulty is present where the requested dimensional change is minimal and the harm to the applicant denied a variance will be greater than the probable effect on neighboring properties if the variance is granted. The following factors shall be considered in evaluating the costs and benefits of granting the variance:

- 1. The nature of the zone in which the property lies.
- 2. The character of the immediate vicinity and the permitted uses.
- 3. Whether, if the variance were granted, neighboring property would be seriously affected.

4. Whether, if the variance were not granted, it would seriously hinder the owner's efforts to make normal improvements given the property's permitted use.

D. Variances Granted by Director of Community Development or his

designee: Many times applications for variances involve less than 50 percent of the required dimensions and usually have no problems connected with them. Therefore, the Director of Community Development or his designee shall have the authority to grant variances of up to 50 percent of the dimensional requirement. Requests for variances over 50 percent must be heard by the Zoning Board. Adjacent property owners are notified of the application. If there is no objection, the Director of Community Development or his designee may grant the modification without a public hearing.

E. Existence of Nonconforming Uses Not Grounds for Variance:

The existence of non-conforming uses of neighboring lands, structures, or buildings in the same zoning district shall not be considered grounds for granting a variance. Furthermore, the existence of permitted or non-conforming use of lands, structures, or buildings in other districts shall not be considered grounds for issuance of a variance.

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

F. Site Plan Required: Every applicant for a dimensional variance shall submit a site plan in accordance with Section 600.11 of this Ordinance.

G. Public Hearing Required: A public hearing shall be held in accordance with Section 600.15 of this Ordinance for all proposed dimensional variances.

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

I. Conditions and Safeguards May Be Prescribed with Dimensional

Variance: In granting any dimensional variance, the Mayor and Board of Aldermen may prescribe appropriate conditions and safeguards. Violation 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 600.18 of this Ordinance. The applicant for the dimensional variance shall be required to sign a statement that he/she accepts the conditions and safeguards prescribed by the Mayor and Board of Aldermen. This statement shall be notarized by a Notary Public. The original of this signed statement shall be kept on file by the Director of Community Development or his designee.

J. Granting of a "Use Variance" Prohibited: Under no circumstances shall the Mayor and Board of Aldermen issue a variance for 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.

600.09 CONDITIONAL USES: The Mayor and Board of Aldermen are empowered to hear and decide whether or not proposed conditional uses authorized under this Ordinance should be granted after receiving recommendations from the Zoning Board. Additionally, the Director of Community Development or his designee may review and make recommendations on each conditional use application.

A. Purposes of Conditional Uses:

1. The development and implementation of this Zoning Ordinance is based upon the division of the community into districts, within which the use of land and buildings, and the bulk and location and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics or nature, require special and intensive review to determine whether they should be permitted in specified locations.
2. These conditional uses also require review based upon standards and the application of special conditions and safeguards if permission is granted in such locations. Conditional use procedures and standards as provided herein are intended to assure that such review is made and that appropriate conditions and safeguards are attached. Conditional use procedures and standards shall be applied, and conditional uses granted, only in cases specified in this Ordinance.
3. Conditions are required for specified uses which must satisfy standards in addition to those generally applicable in a zoning district to eliminate or minimize the potentially harmful characteristics or

impact of such conditional uses on the character of the zoning district in which they will be located.

4. In addition to zoning procedures and requirements relating generally to issuance of building permits and certificates of occupancy/zoning compliance, a conditional use system is hereby established. It is intended that this system shall assure special examination, review, and findings by appropriate agents, agencies or bodies in connection with proposed actions particularly specified in this Ordinance.
5. Conditional use procedures and standards as set forth herein are intended to apply in relation to use, occupancy, location, construction, design, character, scale, manner of operation, or necessity for making complex or unusual determinations, and to assure consideration of the particular circumstances of each case and the establishment of such conditions and safeguards as are reasonably necessary for protection of the public interest, generally, of adjacent properties, the neighborhood, and the jurisdiction as a whole.
6. For the purposes of this Ordinance, the term “requirements” refers to the restrictions which apply to all uses in a district, whether permitted as of right or only through a conditional use. They apply automatically to all uses in a zone. “Standards” are the guidelines for use by administrators in making decisions such as for rezonings or variances. They involve the application of stated criteria to given situations. “Conditions” are additional restrictions beyond the stated standards, applied to a particular use, which might govern, for example, hours of operation or the location of exits and entrances or the type of screening. A violation of the conditions is a violation of the Ordinance. The above distinctions help to define the way discretion is to be exercised in making the provisions of this Ordinance flexible to meet the needs of different situations in particular locations.

B. General Procedures and Multiple Applications: Applications for Conditional Uses may be accompanied by applications for re-zonings and/or variances from the Zoning Ordinance or other City Ordinances. When this happens, the administrative officer will schedule a simultaneous hearing between the bodies/agencies involved to hear and decide the applications with the conditional use. These individual procedures must be followed:

1. All applications for conditional uses must first be submitted to the Director of Community Development or his designee, who reviews them in light of all standards in Sections 600.09.
2. If two or more applications are submitted by the same applicant and one, which is dependent on the other, is denied, the other application(s) is/are automatically withdrawn from consideration.

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

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

1. The hearing shall be held, at which any party may appear in person or by agent or attorney. The Mayor and Board of Aldermen must make their decision within a reasonable time thereafter, not to exceed 90 days.
2. After receiving recommendations from the Zoning Board and before granting any conditional use, the Mayor and Board of Aldermen must make written findings that it is empowered under specified sections of this Ordinance to grant the conditional use and that the granting of the conditional use will not adversely affect the public interest.

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

1. The conditional use is in conformity with the city's Master Plan and Comprehensive Plan generally or the Generalized Future Land Use and Transportation Plan specifically and other plans as officially adopted by the city; and with the purpose, intent and applicable standards of this Ordinance.
2. The proposed conditional use is designated by this Ordinance as a conditional use in the zoning district in which the property in question is located.
3. The proposed conditional use will comply with all applicable regulations in the zoning district in which the property in question is located, as may be modified by the approved site plan as set forth in Section 600.11.C.
4. The proposed use will comply with all special regulations established by this Ordinance for such conditional use.
5. The establishment or maintenance of the conditional use shall not be detrimental to the public health, safety, or general welfare.

6. The conditional use shall be located, designed, maintained, and operated to be compatible with the existing or intended character of the zoning district.
7. The conditional use must not depreciate property values.
8. The conditional use must not be hazardous, detrimental, or disturbing to present surrounding land uses due to noise, glare, smoke, dust, odor, fumes, water pollution, erosion, vibration, general unsightliness, electrical interference, or other nuisance.
9. The conditional use must generate only minimal vehicular traffic on local streets as defined by the Adopted Thoroughfares Plan and must not create traffic congestions, unsafe access, or parking needs that will cause inconvenience to the adjoining properties.
10. The conditional use must be served adequately by essential public services such as streets, police, fire protection, utilities, schools, and parks.
11. The conditional use must not create excessive additional requirements at public cost for public facilities and services and shall not be detrimental to the economic welfare of the city.
12. A goal of the City of Ridgeland is to preserve and incorporate the site's important natural and scenic features into the development design subject to the provisions of this ordinance. At a minimum that Mayor and Board of Aldermen shall require that the proposed project comply with all provisions of the Landscape Ordinance and Tree Ordinance and any adopted Design Guidelines.
13. The conditional use shall not cause significant adverse environmental effects.
14. No conditions imposed on a special use as a result of these standards will be so unreasonably difficult as to preclude development of the use.
15. Other information as required by the City of Ridgeland or any official thereof.

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

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

- (d) Control of noise, glare, odor, or other potentially adverse effects of the proposed use on abutting and nearby property, and screening and/or buffering on the periphery of the project to alleviate such effects. Such screening and buffering should also be compatible to abutting and nearby property;
- (e) Control of drainage and erosion;
- (f) Utilities, with reference to location, availability, and compatibility;
- (g) Signs and lighting, with reference to glare, traffic safety, and compatibility and harmony with adjoining properties and the character of the area; preservation of existing trees and other attractive natural features of the land;
- (h) Required yards and other open spaces and preservation of existing trees and other attractive natural features of the land;
- (i) Regulation of time for certain activities; general compatibility with adjacent properties and other property in the area;
- (j) Use of the site next to property lines, to minimize incompatibility with abutting properties. This might require applicant to shift on-site uses to different locations on the site to place less intensive and passive uses closer to abutting properties with less intensive uses;
- (k) Safety of the proposed use, which includes dangerous and obnoxious industrial processes such as gas station fuel tanks, electrical substations, and natural gas pumping stations in residential areas. The administrator and, by extension, the city must assure that these safety problems are resolved;
- (l) Impact on the capacity of public facilities, so that the proposed conditional use does not take an excessive share of the available capacity of the water and sewer-age system, storm drainage channels, schools, and recreational facilities. The project may be required to scale back its proposals, provide the additional public facilities or contribute to the cost of meeting the excess overload;
- (m) Minimal negative environmental and economic impact. The administrator shall impose conditions to mitigate negative impacts based on the known and significant probability that damage will occur in the future rather than the possibility it might occur;

- (n) No encroachment upon flood hazard zones or airport approach zones;
- (o) Where the conditional use application is denied, the record of the administrator must set forth, and the applicant shall receive written notice of, the specific grounds for denial.

F. Conditions, Safeguards, and Assurances: The Mayor and Board of Aldermen may impose such conditions relating to the conditional use as he may deem necessary in the particular case to protect the public interest, in relation to the items listed in Section 600.09.E above and as may otherwise be reasonably necessary, and may require a guarantee or bond to insure continued compliance with such conditions and continued maintenance of such safeguards. Violation of conditions or safeguards lawfully attached to any conditional use shall be deemed violations of this Ordinance. The conditional use approval may be revoked until all violations are corrected.

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

H. Withdrawal of Application; Rehearing if Withdrawn or Denied: An application for a conditional use approval may be withdrawn at any time, but if withdrawn after the Zoning Board has convened the hearing at which it was to be considered or if denied by the Mayor and Board of Aldermen, substantially the same application shall not be considered within 12 months from date of withdrawal or denial.

I. Issuance of Conditional Use Approval: Conditional Use approval must be issued upon certain conditions, such that if the Mayor and Board of Aldermen find that an applicant meets the requisite standards specified in the Ordinance, the Conditional Use permit must be allowed. Conditions other than those delineated in the Ordinance must not be arbitrarily imposed but must be related to the purposes of zoning. Applications may be denied only on proof that the use is detrimental to the public health, safety, and welfare. Reasons for denial must be specific. The Conditional Use permit will be signed and issued by the City Clerk, with the Mayor's signature of approval.

The Mayor and Board of Aldermen is empowered to hear and decide whether or not proposed conditional uses authorized under this Ordinance should be granted.

J. Requirements for Granting a Conditional Use Permit: Any person desiring a conditional use shall submit a written application (on a form furnished by the Director of Community Development or his designee) indicating the Section in the Ordinance under which the conditional use is sought and stating the grounds on which it is requested. The Mayor and

Board shall not grant a conditional use unless satisfactory provision and arrangement has been made concerning the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. Off-street parking and loading areas where required with particular attention to the items noted above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district.
3. Refuse and service areas, with particular reference to the items noted above.
4. Utilities, with reference to locations, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions, and character.
6. Required yards and other open space.
7. General compatibility with adjacent properties and other property in the district.
8. Any other provisions deemed applicable by the Mayor and Board of Aldermen.

K. Site Plan Required: Every applicant for a conditional use permit shall submit a site plan in accordance with Section 600.12 of this Ordinance.

L. Public Hearing Required: A public hearing shall be held in accordance with Section 600.15 of this Ordinance for all proposed conditional uses.

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

A. Type of Amendments/Application Required: Amendments to this Ordinance include: (1) amendments to the text; and (2) amendments to the Official Zoning Map, which is legally a part of this Ordinance. Any person may initiate an amendment to this Ordinance by filing an application with the Director of Community Development or his designee (on a form furnished by him/her) while City-initiated amendments shall follow statutory procedures instead.

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

1. Re-zonings must pass threshold standards: no proposed zoning amendment will receive favorable recommendation unless it passes the following threshold standards for a valid spot zoning:
 - (a) The proposal must not be a small parcel of land singled out for special and privileged treatment.
 - (b) The proposed change must be in the public interest and not only for the benefit of a land owner(s).
 - (c) The proposed change is consistent with all elements of the comprehensive plan and sound planning principles as follows:
 1. If a development proposal falls within one of the use and/or residential density categories indicated on the Future Land Use Map, the Zoning Board and the Mayor and Board of Aldermen shall determine if the proposal is consistent with the plan.
 2. If a development proposal is not consistent with the Future Land Use Map, the Zoning Board and the Mayor and Board of Aldermen will review the plan's written policies to determine whether the proposal would undermine or conflict with them. If the Mayor and Board of Aldermen determines that the proposal would not conflict with or undermine the plan's policies, they shall find the proposal consistent with the plan.
 3. If an applicant's property for re-zoning falls adjacent to a district having the desired zoning classification, the rezoning proposal may be determined to be

consistent as an extension of the adjacent property's zoning classification.

- (d) The proposed change must not create an isolated district unrelated and incompatible to adjacent districts.

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

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

- (i) There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely the uses that applicants state they intend to make of the property involved.)
- (j) There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

C. Criteria for Re-zoning: No amendment to the Official Zoning Map shall be approved unless the proposed re-zoning meets one of the following criteria:

- 1. That there was a mistake in the original zoning. "Mistake" in this context shall refer to a clerical or administrative error, such as a mistake of draftsmanship on the ***Official Zoning Map*** or incorrectly reflecting the Mayor/ Board of Aldermen's decision in the minutes. "Mistake" DOES NOT mean that the Mayor/ Board of Aldermen 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.
- 2. That the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a PUBLIC NEED for the re-zoning.

D. Proposed Re-zoning 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 Mayor and Board of Aldermen unless the proposed re-zoning is consistent with all four elements of the adopted ***Comprehensive Plan of the City of Ridgeland***, including the ***Goals and Objectives, the Generalized Future Land Use and Transportation Plan, and the Community Facilities Plan.***

E. Public Hearing Required: In accordance with Section 17-1-17 of the ***Mississippi Code of 1972***, As Amended, a public hearing before the Zoning Board shall be held on any proposed amendment to the text of this Ordinance or the ***Official Zoning Map*** following at least fifteen days' notice of the hearing in "---an official paper or a paper of general circulation in such municipality --- specifying a time and place of said hearing." The hearing shall be held in accordance with Section 600.15 of this Ordinance. The Mayor and Board of Aldermen reserve the right to conduct the public hearing

before the Mayor and Board of Aldermen in lieu of the public hearing before the Zoning Board.

- F. Notification of Adjacent Property Owners:** The applicant shall notify all property owners within 160 feet in all directions (excluding the rights-of-way of streets or highways) from the lot lines of any parcel or parcels of land proposed for re-zoning. The applicant shall also notify all neighborhood organizations registered with the Community Development Department with geographic boundaries within one thousand (1,000) feet in all directions, from the lot lines of any parcel or parcels of land proposed for re-zoning.

Notification shall be by CERTIFIED MAIL stating the date, time, location and purpose of the public hearing, in the City of Ridgeland, and shall be mailed to such property owners fifteen days prior to the public hearing with notification of receipt of the letter returned to the Director of Community Development or his designee. The Director of Community Development or his designee shall attach all notifications of receipt of the letter to the application.

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

- G. Public Hearing Before Mayor and Board of Aldermen Unnecessary Unless Requested by Aggrieved Party:** Following a public hearing held before the Zoning Board on a proposed amendment to this Ordinance (either an amendment to the text or *Official Zoning Map*), it shall NOT be necessary to hold another hearing on the proposed amendment; the Mayor and Board of Aldermen may act upon the recommendation of the Zoning Board. However, any party aggrieved by the recommendation of the Zoning Board shall be entitled to a public hearing before the Mayor and Board of Aldermen pursuant to the requirements set forth in Section 600.17.B.

- H. Three-fifths Vote of Board of Aldermen Necessary to Approve Re-zoning Under Certain Circumstances:** In case of a protest against a proposed re-zoning signed by twenty percent (20%) or more of the property owners, either within the area of the proposed re-zoning or of those within 160 feet of the property proposed for re-zoning, such amendment shall not become effective except by the favorable vote of three-fifths (3/5) of all members of the Mayor and Board of Aldermen who are not required by law or ethical considerations to recuse themselves from the vote. (See Section 17-1-17 of the Mississippi Code of 1972, Annotated, as amended.)

- I. **Res Judicata:** Upon the submission of an application for a re-zoning, and a determination by the Mayor and Board of Aldermen that said application should be denied, the Mayor and Board of Aldermen shall not accept a subsequent application to rezone the same property or any part thereof to the same classification until the expiration of one (1) year from the date of the decision of the Board denying said application. However, if the application relates to the same property but seeks zoning to a different classification, the doctrine does not apply; and the Mayor and Board may consider such a proposed re-zoning.
- J. **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 600.10.C of this Ordinance. Section 21-13-11 of the Mississippi Code of 1972, Annotated, as amended, requires that "every Ordinance passed by (the 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---."

600.11 SITE PLAN DEVELOPMENT REVIEW PROCEDURES: "*An Ordinance Establishing a Development Review Procedure*" shall be a part of this zoning Ordinance to which reference is made and included herein.

- A. **Submission of Site Plan:** Two (2) printed copies and one (1) digital copy (or more if requested by the Director of Community Development or his designee) of each site plan and project drawings shall be prepared and submitted to the Director of Community Development or his designee who shall circulate one copy for review to:

- Public Works Staff
- Fire Department (as necessary)
- Community Development Staff

The Director of Community Development or his designee shall notify the applicant of any deficiencies or omissions in the site plan.

- B. **Applicant Must Be Represented at Mayor/Board of Aldermen Meetings:** Applicants (or their designated representative) for site plan approval shall be present at meetings of the Mayor and Board of Aldermen when their proposed site plan is to be reviewed, or no action will be taken by those bodies.
- C. **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 600.11.D, shall be consistent with the approved site plan.

- D. 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 Director of Community Development as provided under Sub-section 600.04.B.
- E. As-Built Plans:** In the case where exact lot lines cannot be drawn until after construction, (e.g., townhouses) the developer shall submit "as-built plans" of the development following construction (See also ***Ridgeland Subdivision Regulations***).
- F. Subdivision of Non-residential Property:** No non-residential property shall be subdivided so as to create any parcel with public access limited to a minor arterial street, a collector street or local street without the submission and approval of a site plan as provided by this section. Provided, however, a site plan shall not be required as a condition to subdivision if a subdivision plat is approved in the manner provided by the subdivision regulation. The provisions of this ordinance are supplemental to and in addition to any other requirements imposed by law.

600.12 SPECIFICATIONS FOR ALL REQUIRED SITE PLANS: The purpose of this Section is to present in one place the data and specifications required for any proposed development which shall require site plan review under this Ordinance.

All required site plans shall be prepared insofar as possible in a form which will satisfy the requirements of the ***Ridgeland Subdivision Regulations*** for required data on preliminary and final plats.

- A. Required Site Plan Data:** The following data shall be supplied by the applicant in connection with required Site Plans:
 - 1. Lot lines (property lines).
 - 2. The zoning of proposed site and of adjacent lots.
 - 3. The names of owners of the development and of the adjacent lots.
 - 4. Rights-of-way of existing and proposed streets, including streets shown on the adopted **Thoroughfares Plan**.
 - 5. Accessways, curb cuts, driveways and parking and loading areas.
 - 6. All existing and proposed easements.
 - 7. All existing and proposed water and sanitary sewer lines.

8. Floodplain and floodway designations from Federal Emergency Management Agency maps. A drainage plan showing all existing and proposed storm drainage facilities, including any proposed floodway modifications. The drainage plan shall indicate adjacent off-site drainage courses and projected storm water volumes from off-site and on-site sources.
 9. Landscape areas and planting screens.
 10. Building lines and the location of all structures, existing and proposed.
 11. Proposed uses of the land and buildings.
 12. Existing and proposed contours at vertical intervals of two (2) feet or less. Spot elevations shall be provided in critical drainage areas.
 13. Open space and recreation areas, when required.
 14. Area (in square feet and/or acres) of parcel.
 15. Proposed gross lot coverage by buildings and structures.
 16. Number and type of dwelling units (where proposed).
 17. A "development plan" (see Section 600.12.C) when staging of development is proposed.
 18. The location of any existing and proposed free-standing signs.
 19. Any additional data necessary to allow for a thorough evaluation of the proposed use.
- B. Other Exhibits:** Photographs, renderings, building material samples, building paint color swatches, models, landscape plan (see *Landscape Ordinance*), tree mitigation plan (see *Tree Ordinance*), lighting plan, grading and drainage plan, storm water pollution prevention plan (see *Ordinance for Stormwater Runoff, Illicit Discharges, and Illegal Connections*), erosion control plan, building exterior elevations (all sides), and similar items may be required by the Director of Community Development or his designee, Zoning Board, Architectural Review Board and/or the Mayor and Board of Aldermen, as necessary.
- C. 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., PUDs, large multi-family developments, mixed-use 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 Director of Community Development or his designee) from the development plan initially approved shall require approval by the Mayor and Board of Aldermen.

600.13 REQUIRED LANDSCAPING/ SCREENING PLAN: A landscaping and tree mitigation plan shall be prepared and submitted in accordance with the requirements set forth in the adopted *Landscape Ordinance* and *Tree Ordinance*.

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

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

B. Vehicular Traffic Circulation and Parking: The following aspects of vehicular traffic circulation and parking shall be reviewed:

1. Is the site plan consistent with the adopted *Thoroughfares Plan*?
2. Does the site plan indicate the proposed dedication of right-of-way for widening of existing streets where widening of such streets is reflected on the *Thoroughfares Plan*?
3. Does the site plan indicate the proposed dedication of right-of-way where new streets are reflected on the *Thoroughfares Plan*?
4. Street network capacity: Is the street system in the vicinity capable of carrying traffic generated by the proposed development, according to traffic projections developed by the City Engineer or the Central Mississippi Planning and Development District.
5. Traffic engineering operation of adjacent streets: What traffic control devices are needed on adjacent streets?
6. Compliance with Section 37 (Off-Street Parking, Loading, and Access Requirements).
7. Freight delivery areas are separated from customer access in commercial and industrial developments.

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

1. Water and sewer system capacity and oversizing (future) needs.
2. On-site and off-site drainage requirements, including retention ponds.
3. Are underground utilities required on the site?
4. Are garbage disposal facilities enclosed in accordance with Section 36.07 of this Ordinance?

D. Open Space, Landscaping, and Screening Requirements:

1. All commercial, industrial and public/quasi-public uses shall have a minimum landscaped open space of 10 feet on the front and rear yards unless otherwise specified in the zoning district regulations. Parking shall not be permitted in the landscaped open space. This landscaped open space shall be considered as part of the setback requirements of these particular uses.
2. If the proposed development is residential and will abut Railroad tracks, is the 100-foot railroad setback required under Section 31.08 indicated on the site plan?
3. Planting Screens: If a planting screen is required by this Ordinance, the location of the screen shall be noted on the site plan or landscape plan. Is the spacing, sizes, and types of landscaping consistent with the adopted landscape standards of the City?
4. Open Space/ Recreational Facilities: Open space/recreational facilities proposed for an apartment/condominium complex shall be shown on the site plan. (NOTE: Open space reserved for residents of townhouse subdivisions, patio home subdivisions, or Planned Unit Developments in accordance with this Ordinance shall be shown on preliminary plats as required by the *Ridgeland Subdivision Regulations*.)
5. Preservation of Vegetation: The site plan shall propose the preservation of trees and other vegetation as much as possible and consistent with the requirements set forth in the *Tree Ordinance*.
6. Is proper use made of floodplains on the site? For example, for open space or passive recreational areas.

E. Fire Safety:

1. Fire hydrants shall be shown on the site plan and properly located to ensure fire protection for all structures.
2. There shall be at least two points of ingress/egress for apartment or condominium complexes, office parks, shopping centers, industrial parks, etc. to provide access for fire equipment and to provide for evacuation when necessary.
3. Buildings shall be spaced in accordance with this Ordinance to prevent spread of fires.

F. Special Use Site Plan Standards: The following special uses have specific site plan standards that apply to them to moderate any adverse impacts on surrounding or nearby uses:

1. **Funeral homes, mortuaries, crematoriums, and embalming facilities must be:**
 - (a) Located on arterial streets with rights of way of at least 80 feet and with adequate ingress and egress to said arterial street. Provided however, that said uses may be located on a collector street with a right of way of at least 80 feet, if the Mayor and Board of Aldermen shall determine that the proposed site plan addresses issues related to adequate ingress and egress. In such case the Mayor and Board of Aldermen may impose such conditions as shall be necessary to address the adequacy of ingress and egress;
 - (b) Be located at least 500 feet from any residence (single-family, two-family or multi-family);
 - (c) Have sufficient off-street automobile parking and assembly area provided for vehicles to be used in a funeral procession. The assembly area shall be provided in addition to required off-street parking;
 - (d) Provide screening from all residential view for the loading and unloading area used by ambulances, hearses, or other such service vehicles.
2. **Cemeteries and mausoleums must:**
 - (a) Have a minimum parcel size of five acres;
 - (b) Have a screen of trees around the perimeter of the cemetery;
 - (c) Require that no grave site be within 150 feet of potable water wells or in flood hazard areas;

- (d) That the platting of cemetery burial lots follow subdivision platting procedures.

3. **Junkyards/salvage yards must:**

- (a) Not be located within 500 feet of any interstate highway, or street designated as a gateway, if not completely obscured from view of the street by land forms or buildings;
- (b) Be located near a major collector, arterial, local street, or railroad;
- (c) Comply with all state and federal environmental requirements;
- (d) Be reasonably compatible with surrounding land uses such as vehicle repair shops or businesses that have outdoor storage, especially metal parts;
- (e) Have a minimum of three acres of land;
- (f) Store all items within the fenced area and ensure that no items be piled higher than the fence;
- (g) Provide for the storage and off-site disposal of oil and used tires;
- (h) It shall be unlawful for any person or property owner to store or to allow storage of any junked motor vehicle in the open area on any private property except motor vehicles awaiting repair at legally licensed auto repair garages or legally licensed junkyards.

4. **Tavern, bar, lounge, nightclub, cabaret, saloons, wine restaurants, mini-breweries must:** Not be located closer than 500 feet from any residence/dwelling, church, school, park/playground, day care center, or funeral home. Such distances shall be measured along a straight line between the nearest property lines of the establishment and the residence/dwelling, church, school, park/playground, day care center, senior citizens center, or funeral home.

5. Hospitals must:

- (a) Provide the hospital's long-range development plan showing additional stories and horizontal expansions;
- (b) Be located adjacent to a major arterial with a right-of-way of at least 80 feet, secondary access may be from a collector street;
- (c) Not be located closer than 200 feet from any residence/dwelling;
- (d) Plan vehicular ingress and egress to minimize traffic congestion and maximize traffic flow in and around the facility;
- (e) Not add additional stories beyond the equipment and water pressure capabilities of the fire department;
- (f) Provide a landscaped buffer on hospital tracts abutting residential zones. The buffer is a part of the required zone yards.

6. Nursing Homes must:

- (a) Be located adjacent to at least one arterial street;
- (b) Provide drives and curb-cuts from the nursing home to the arterial or to side streets intersecting with the arterial street;
- (c) Provide trash and dumpster areas to be screened from residential view with opaque screens and designed to reduce access by foraging animals;
- (d) Provide side yards of an extra 15 feet (over the base district setback) for the placement of principal buildings on the nursing home site;
- (e) Be located on a lot size of a least one acre. One acre will serve a facility of approximately 20 beds.

7. Veterinary Services and Animal Clinics must:

- (a) Confine the animals within the exterior walls of the building at all times;

(b) Not be located closer than 200 feet to existing residence, restaurant, apartment, hotel, library, museum, clinic or hospital for humans, church, or theater;

(c) Be sound-proofed from all adjacent property and uses.

8. **Service Stations/Convenience Grocery Stores/Convenience Stores must:**

(a) Not be located within 200 feet of the location of a church, school, hospital, rest home, nursing home, playground, or residential dwelling(s). Distance to be measured from principal structure to principal structure;

(b) Not allow pump islands closer than 15 feet of any property line and canopies no closer than 10 feet from any property line;

(c) Erect masonry or wooden fences at least six feet high and also plant shrubs and trees around the site adjacent to the uses listed in item “a” above if the development wishes to locate closer than 200 feet to such uses. Hours of operation may also be designated as part of the conditional use permit in situations of close proximity to these same uses;

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

(e) No Convenience Grocery Store shall be located within 2,000 linear feet from any other Convenience Grocery Store. Distances shall be measured in a single straight line from front door to front door.

9. **Adult Entertainment Uses or Activities or Establishments:** See an *Ordinance to Regulate Nudity and Sexual Activity in Public Places and Sexually Oriented Businesses for the City of Ridgeland, Mississippi*.

10. Restricted Uses must:

- (a) Not be located within 2,000 linear feet from any other use within the Restricted Use Category. Distances shall be measured in a single straight line from front door to front door;
- (b) Not have a sign advertising the business within 2,000 linear feet from any other sign of a use within the Restricted Use Category. Distances shall be measured in a straight line from nearest point of sign to nearest point of sign.
Exception: Legally approved off-premises signs are not prohibited;
- (c) Not be combined in a single leased space for the purposes of avoiding this regulation;
- (d) Not exceed a total area of 3,000 square feet of building space including storage areas, storage buildings, office area, retail sales area, etc.;
- (e) Be approved by the Community Development Department prior to occupancy. Owners shall be responsible for providing a survey of all distance requirements from adjacent Restricted Uses that are within 2,500 linear feet of the proposed location. Survey must be prepared by a licensed Surveyor registered in the State of Mississippi. The City of Ridgeland reserves the right to verify the survey.

11. Landfills must:

- (a) Be designed and constructed in accordance with all applicable solid waste landfill regulations currently in effect or as may hereafter be adopted by the Mississippi Dept. of Environmental Quality (MDEQ). Additional specific design and construction requirements are:
 - 1. Landfills including buffer areas shall be located no less than 5,000 feet from the nearest existing residential structure and no less than 500 feet from the property line of the nearest adjoining property or right-of-way. There shall be no structure, access roads, accessory functions, detention, treatment/collection facility, or landfill activity within this setback area. Any landfill which expands closer to the nearest residential structure or property line than the requirements hereof shall result in the owner/operator being subject to the daily penalty as

hereinafter set forth in Section 600.18 of this Ordinance and/or revocation of the conditional use permit. Within the five hundred (500) foot landfill setback area there shall be a buffer of natural vegetation of no less than two hundred fifty (250) feet in width parallel to the property lines of the Landfill. The composition and location of the buffer shall be contained in the initial design plans and shall fully screen any offsite view to the landfill and any of its facilities and functions excluding fencing and entrance signage.

2. All plans for Landfills shall be reviewed by an Independent Registered Professional Engineer selected by the City to review and approve plans and monitor operations of the landfill. The owner/operator of the landfill shall be responsible for all costs and fees associated with the Independent Registered Professional Engineer.
3. No Conditional Use Permit application for a new landfill or expansion or reconfiguration of an existing landfill shall be considered unless the application is accompanied by an Environmental Impact Study prepared by a professional engineer with respect to the proposed site. The Environmental Impact Study must address, at a minimum, the following:
 - i. The composition of the underlying soil and bedrock.
 - ii. The flow of surface water over the site.
 - iii. The impact of the proposed landfill on the local vegetation, wetlands and wildlife.
 - iv. The potential impact on historical and/or archeological conditions on the proposed site.
 - v. Any necessary wetlands mitigation must be, if at all possible, performed on site.
 - vi. The height limitation to be placed upon the depository of accepted waste.
 - vii. The location of drinking water wells within a 50-mile radius, and the potential impact on drinking water and aquifers.

4. A Good Neighbor Plan must be submitted and include commitments for litter prevention, maintenance, and cleanup along all roads leading to the Landfill, illegal dumping prevention, maintenance, and clean up along all roads leading to the Landfill, and means and methods and guarantees on controlling odors and noise from the Landfill. The Good Neighbor Plan must be implemented by the operator as long as the Landfill is in operation and continued until the closure plan/monitoring period on file with MDEQ is finished.
5. A complete “closure” plan must also be submitted at the time the application is filed. All closure plans shall be prepared in accordance with all applicable regulations of the Mississippi Dept. of Environmental Quality (MDEQ) and shall be reviewed and approved by the Independent Registered Professional Engineer prior to any application being set for a hearing.
6. Prior to any Conditional Use Permit being considered at a public hearing the applicant shall pay for the completion of a traffic impact study. The study shall be performed by a Registered Professional Engineer selected by the City and shall be submitted as part of the record at the public hearing.

12. Indoor Shooting Range must comply with the following requirements:

- (a) The Building shall be located a minimum of 2,000 linear feet from a Church or School located on property zoned S-1. The distance shall be measured front door of church or school to nearest point of Indoor Shooting Range building in a straight line.
- (b) No Indoor Shooting Range Use shall be within 2,000 linear feet from another Indoor Shooting Range Facility. The distance shall be measured from property line to property line in a straight line.
- (c) No Indoor Shooting Range Building shall be within 400 feet of Residentially Zoned Property.
- (d) Indoor Shooting Range Uses shall be on a site larger than 2 acres to allow for appropriate buffers and parking.

- (e) The Indoor Shooting Range Building shall be newly constructed, built with Ballistic Design standards in all directions to prevent accidental escape of a bullet, and shall be a free-standing building that may include Uses in addition to the Indoor Shooting Range to allow for the sale, rental, and demonstration of guns and sale of ammunition and apparel along with meeting rooms, training rooms, safe, and storage.
- (f) Front Setbacks shall be 30 feet, and Side and Rear Setbacks shall be 30'. Rear and/or Side Setbacks may be reduced by the Mayor and Board at time of Site Plan review to 10 feet if adjoining an existing railroad track provided the elevation of the railroad track accomplishes a buffer purpose.
- (g) Parking Requirements shall be 1.5 spaces per lane for Indoor Shooting Range (plus) standard number of parking spaces as defined by the Zoning Ordinance for separate internal uses (plus) peak employee parking.

13. Hotels and Motels and related restaurants:

- (a) Buildings must be constructed with Type 2B Construction as defined by the current-adopted Building Code.
- (b) Buildings must maintain an operable Automatic Fire Suppression System.
- (c) Rooms shall not be accessible from an exterior door (excludes porches and balconies where access is limited to the single room).
- (d) Plan vehicle ingress and egress to minimize traffic congestion and maximize traffic flow in and around the facility as well as adjacent commercial uses. A minimum of one bike rack shall be incorporated into the site plan.
- (e) Provide a landscaped buffer along bordering residentially-zoned property.
- (f) Applicants for new hotels shall provide the City with a current STR Occupancy Report showing occupancy rates for all Hotels in Ridgeland for the previous 2 years.
- (g) All Architectural Elevations shall comply with the requirements as set forth herein. All Architectural Elevations (including front, side, and rear elevations) and

Site Design shall consider offsite views (present, proposed, or future):

1. Architectural construction shall replicate a distinct character by way of building unity in color and repetitive forms and details.
2. Architectural and Site details and proportions shall be authentic to the architectural style of the building.
3. Architectural materials used shall be complementary, durable, easy to maintain, easy to clean, and repairable in a manner that is consistent with the original finish.
4. Architectural materials used within eight feet (8') of the slab surface shall be brick (with or without a finish), stone, or other cementitious materials. EIFS that is applied within this height shall include a heavy weight mesh in addition to standard weight mesh (i.e. Dryvit Panzer Mesh) and shall only be considered on a project-by-project basis.
5. The use of split-face block shall be limited to minor accent details and shall only be considered on a project-by-project basis.
6. Exterior utility meters, air conditioning units, mechanical equipment, and other service equipment shall be clustered and screened where possible.
7. Visible Roof Materials shall be limited to standing-seam metal, architectural grade shingles, tile, slate, or synthetic slate. Buildings with flat roofs shall include architectural features that hide the roofing material and appurtenances from ground level.

14. Climate Controlled Storage Facilities and Self-Storage Facilities must:

- (a) (for all existing and future Climate Controlled Storage Facilities and Self-Storage Facilities)
 1. NOT be used as a residence or for sales, service, repair, or any other commercial business venture at the facility other than storage.
 2. NOT allow for storage of combustible or flammable liquids or fibers, explosives, toxic materials, or illegal substances or items.

3. Endeavor to make storage units available to Ridgeland citizens and business owners before making them available to other individuals and businesses.
- (b) (for Climate Controlled Storage Facilities and Self-Storage Facilities constructed after the date of the adoption of this Amendment)
1. NOT be located within 2,000 linear feet from any other existing Climate Controlled Storage or Self Storage Facilities and/or Structures. Distances shall be measured in a straight line from nearest point of structure to nearest point of structure.
- (c) (for Climate Controlled Storage Facilities constructed after the date of the adoption of this Amendment)
1. Architecture and design should be sensitive to the surrounding context and the intended character of the district (including consideration of the potential reuse plan).
 2. Be designed for reuse pursuant to the underlying Zoning district and Future Land Use Plan. Climate Controlled Storage Facilities in Commercial districts shall be designed and constructed in a manner to be reused as a Commercial property such as retail or office building complete with windows, doors, and floor-to-ceiling height (minimum 9 feet) compatible with the retail or office building use. Climate Controlled Storage Facilities in Industrial Districts shall be designed and constructed in a manner to be reused as an Industrial facility such as a warehouse or light manufacturing facility.
 3. Include sufficient enough undeveloped property on the same parcel for future reuse parking and be illustrated in the design plans.

15. Liquor Stores:

- (a) Must be permitted by the Mississippi Department of Revenue and comply with all rules and regulations of the Alcoholic Beverage Control Division as defined in Title 35, Part II of the Mississippi Administrative Code; and Title 67, Chapter I of the Mississippi Code.
- (b) Independent Liquor Stores, as defined in this ordinance, shall not be located within 2,000 linear feet from any other Independent Liquor Store. Distances shall be measured in a straight line from the nearest point of the building to the nearest point of the building housing the proposed Independent Liquor Store.
- (c) Independent Liquor Stores shall not be located within four hundred (400) feet of any church, funeral home, school, housing for the elderly complexes, or kindergarten or child-care facility. Distances shall be measured in a straight line from the nearest point of the building to the nearest point of the building housing the proposed Independent Liquor Store.
- (d) Independent Liquor Stores shall not be located within four hundred (400) feet of any residential neighborhood entrance. Distance shall be measured in a straight line from the intersection of right-of-way centerlines to the front door of the Independent Liquor Store.
- (e) Ancillary Liquor Stores shall be subordinate in area and purpose to the attached principal grocery with a maximum gross floor area not to exceed 20% of the principal grocery's gross floor area and shall not exceed maximum area of 10,000 sq. ft. The gross floor area of the liquor store shall be calculated separately and in addition to the principal grocery's gross floor area and not as part thereof.
- (f) Ancillary Liquor Stores must be attached to the principal grocery by a common wall and be located on the same parcel.

600.15 PUBLIC HEARING NOTICES AND PROCEDURES: In accordance with the provisions previously established in this Ordinance, public hearings shall be conducted by the Zoning Board (unless the Mayor and Board of Aldermen choose to conduct the public hearing before the Mayor and Board of Aldermen) for all dimensional variances, all Nonconformity approvals requiring action by the Zoning Board or Mayor and Board of Aldermen, all conditional uses, and all amendments to the text of the *Zoning Ordinance* or amendments to the *Official Zoning Map* (i.e., re-zoning).

A. *Public Hearing Notice in a Newspaper Required:* Whenever a public hearing is required by this Ordinance, notice of such hearing shall be given by publishing a notice to all interested persons one time at least fifteen days prior to the date fixed for said hearing, such notice to be published in an official paper or newspaper of general circulation in the City of Ridgeland, 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:

1. For Dimensional Variances or Nonconformity approvals:

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 CITY HALL, RIDGELAND, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A [DIMENSIONAL VARIANCE or NONCONFORMITY APPROVAL] SHALL BE GRANTED TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE CITY OF RIDGELAND, MISSISSIPPI:

(Insert Property Description Here)

APPROVED:

ATTEST:

Mayor's Signature
DATE

City Clerk's Signature

2. 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 CITY HALL, RIDGELAND, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A CONDITIONAL USE SHALL BE ALLOWED ON THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE CITY OF RIDGELAND, MISSISSIPPI:

(Insert Property Description Here)

APPROVED:

ATTEST:

Mayor's Signature
DATE

City Clerk's Signature

3. For an Amendment to the Official Zoning Map (or a Re-zoning):

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 CITY HALL, RIDGELAND, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT THE ZONING OF THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE CITY OF RIDGELAND, MISSISSIPPI, SHALL BE CHANGED FROM (Insert existing zoning classification) TO (Insert proposed zoning classification):

(Insert Property Description Here)

APPROVED:

ATTEST:

Mayor's Signature
DATE

City Clerk's Signature

4. 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 CITY HALL, RIDGELAND, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT THE FOLLOWING AMENDMENTS SHALL BE MADE TO THE ZONING ORDINANCE OF THE CITY OF RIDGELAND, MISSISSIPPI:

(Insert Proposed Amendments to the Zoning Ordinance Here)

APPROVED:

ATTEST:

Mayor's Signature
DATE

City Clerk's Signature

- B. Public Hearing Notice on Property Signs Required:** Whenever any zoning action (i.e., a dimensional variance, conditional use or re-zoning) is considered by the Zoning Board, 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 with letters legible from the nearest street, using at least one (1) sign for every four hundred (400) feet of frontage on a publicly dedicated street upon which the property abuts.

600.16 FEES:

- A. 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 600.11, and the processing of applications for variances, conditional uses and zoning amendments. Said schedule of fees shall be posted in the Community Development Department whose office shall be responsible for their collection.
- B. Amendment or Alteration of Fee Schedule:** The schedule of fees may be altered or amended only by the Mayor and Board of Aldermen.
- C. Payment Required:** No action or processing shall be taken on any application until all applicable fees, charges and expenses have been paid in full.
- D. Fees Not Refundable:** No fees or other monies paid in conjunction with zoning-related matters shall be refunded.

600.17 APPEALS

- A. Appeals from Administrative Interpretation of the Director of Community Development or his designee:** In accordance with Section 600.04-B of this Ordinance, any party aggrieved with the administrative interpretation of the Director of Community Development or his designee shall have the right to appeal such interpretation. Such appeals may be made directly to the Mayor and Board of Aldermen, or the appeal may be made to the Zoning Board if a recommendation from the Zoning Board is deemed necessary. If the appeal is made to the Mayor and Board of Aldermen, the party aggrieved shall submit a written request to the City Clerk by 5:00 p.m. on Tuesdays preceding any regularly-scheduled meeting of the Mayor and Board of Aldermen at which the aggrieved party desires to be heard. Appeals to the Zoning Board shall be also be made by 5:00 p.m. on Fridays preceding any regularly-scheduled meeting of the Zoning Board.

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, conditional use or re-zoning, together with a statement of the reason for the appeal.

- B. Appeals from Recommendation of the Zoning Board:** Any party aggrieved with the recommendation of the Zoning Board as adopted at any meeting of said Board 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, provided that THE AGGRIEVED PARTY FILES A WRITTEN REQUEST WITH THE CITY CLERK WITHIN THREE (3) WORKING DAYS OF THE VOTE OF THE ZONING BOARD ON THE RECOMMENDATION. The written notice shall be on a form prescribed by the City Clerk and shall be available to the public from the City Clerk, free of charge, during normal business hours. The Board will set a hearing within 30 days of receipt of request.
- C. 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 Clerk of Madison County.

600.18 ORDINANCE ENFORCEMENT: In accordance with Section 17-1-27 of the *Mississippi Code of 1972*, As Amended, "Any person---who shall knowingly and willfully violate the terms, conditions or provisions of (this Ordinance), for violation of which no other criminal penalty is prescribed, shall be guilty of a misdemeanor and upon conviction therefore shall be sentenced to pay a fine of not to exceed one hundred dollars (\$100.00), and in case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be separate offense."