

TABLE OF CONTENTS

ARTICLE I: GENERAL PROVISIONS2
SECTION 1.01 - TITLE AND SHORT TITLE2
SECTION 1.02 - PREAMBLE2
SECTION 1.03 - STATUTORY AUTHORITY3
SECTION 1.04 - STATEMENT OF PURPOSE4
SECTION 1.05 - OMISSION PROVISION4
SECTION 1.06 - SEPARABILITY AND VALIDITY PROVISION4
SECTION 1.07 - REPEAL OF CONFLICTING ORDINANCES OR PARTS THEREOF
.....4
SECTION 1.08 - FAILURE TO ENFORCE ORDINANCE4
SECTION 1.09 - ZONING CASES PRESENTLY ON APPEAL4
SECTION 1.10 - EFFECTIVE DATE OF ORDINANCE5
SECTION 1.11 - PARTIES AGGRIEVED5
SECTION 1.12 - ADOPTION CLAUSE5

ARTICLE II: INTERPRETATION AND DEFINITIONS6
SECTION 2.20: RULES FOR WORDS AND PHRASES6
SECTION 2.21: DEFINITIONS6

ARTICLE III: GENERAL REGULATIONS35
SECTION 3.30 - APPLICATION OF REGULATIONS35
SECTION 3.31- DIMENSIONAL CONTROLS36
SECTION 3.32- PUBLIC/QUASI-PUBLIC FACILITIES AND UTILITIES38
SECTION 3.33 - DIMENSIONAL REQUIREMENTS FOR PUBLIC/QUASI-PUBLIC
FACILITIES AND UTILITIES IN ALL DISTRICTS39
SECTION 3.34 - REQUIRED DEDICATIONS AND IMPROVEMENTS
.....39
SECTION 3.35 - HOME OCCUPATIONS39
SECTION 3.36 - MISCELLANEOUS GENERAL REGULATIONS41
SECTION 3.37 - OFF-STREET PARKING, LOADING SPACE AND ACCESS
REQUIREMENTS46
SECTION 3.38 - NONCONFORMITIES52
SECTION 3.39 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS57
SECTION 3.40 - SIGNS58

ARTICLE IV: ESTABLISHMENT OF ZONING DISTRICTS; PROVISION FOR
OFFICIAL ZONING MAP; REGULATIONS FOR ZONING DISTRICTS...86
SECTION 4.100 - ZONING DISTRICTS86
SECTION 4.101 - OFFICIAL ZONING MAP86
SECTION 4.102 - REPLACEMENT OF OFFICIAL ZONING MAP87
SECTION 4.103 - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.88
SECTION 4.150 - A-1 AGRICULTURAL/ DISTRICT90

SECTION 4.200 - R-E RESIDENTIAL ESTATE DISTRICT	93
SECTION 4.210 - R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT	96
SECTION 4.220 - R-2 SINGLE- FAMILY RESIDENTIAL DISTRICT	98
SECTION 4.230 - R-3 PATIO HOME, TOWNHOUSE, ETC. DISTRICT	101
SECTION 4.240 - R-4 MULTI-FAMILY RESIDENTIAL DISTRICT	110
SECTION 4.250 - R-M MANUFACTURED HOME PARK RESIDENTIAL DISTRICT	115
SECTION 4.260 - M-X MIXED USE RESIDENTIAL DISTRICT	119
SECTION 4.275 - PUD PLANNED UNIT DEVELOPMENT DISTRICT	122
SECTION 4.310 - C-1 NEIGHBORHOOD COMMERCIAL DISTRICT	130
SECTION 4.320 - C-2 CENTRAL BUSINESS DISTRICT	134
SECTION 4.330 - C-3 GENERAL COMMERCIAL DISTRICT	137
SECTION 4.340 - C-4 MAJOR THOROUGHFARES COMMERCIAL DISTRICT ..	141
SECTION 4.350 - C-5 ADULT ENTERTAINMENT DISTRICT	147
SECTION 4.400 - I-1 LIMITED INDUSTRIAL DISTRICT	150
SECTION 4.410 - I-2 HEAVY INDUSTRIAL DISTRICT	155
SECTION 4.500 - S-1 INSTITUTIONAL SPECIAL USE DISTRICT	159
SECTION 4.550 – S-2 SPECIAL PLANNED HIGHWAY CORRIDOR DISTRICT ..	164
ARTICLE V: ADMINISTRATION AND ENFORCEMENT	178
SECTION 5.600 - ADMINISTRATION AND ENFORCEMENT	178
5.600.1 PURPOSE OF THIS ARTICLE	178
5.600.2 ALL BUILDING AND ZONING-RELATED ACTIONS TO BE INITIATED THROUGH THE OFFICE OF COMMUNITY DEVELOPMENT	178
5.600.3 DUTIES, POWERS, AND LIMITATIONS OF THE ZONING ADMINISTRATOR AND BUILDING OFFICIAL IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE	178
5.600.4 ADMINISTRATIVE PERMITS: ADMINISTRATIVE INTERPRETATION AND DETERMINATION OF NEW AND UNLISTED USES	181
5.600.5 BUILDING PERMITS	183
5.600.6 APPLICATION FOR BUILDING PERMIT	184
5.600.7 EXPIRATION OF BUILDING PERMIT	187
5.600.8 REQUIRED CONFORMANCE.....	185
5.600.9 POWERS AND DUTIES OF THE BYRAM ZONING AND PLANNING COMMISSION.....	185
5.600.10 PROCEEDINGS OF THE ZONING AND PLANNING COMMISSION	185
5.600.11 HEARINGS, APPEALS, NOTICES	186
5.600.12 STAY OF PROCEEDINGS	186
5.600.13 DUTIES OF THE BOARD OF MAYOR AND ALDERMEN ..	187
5.600.14 DIMENSIONAL VARIANCES	187
5.600.15 CONDITIONAL USES (SPECIAL EXCEPTIONS).....	192

5.600.16 AMENDMENTS TO THE ZONING ORDINANCE TEXT OR
THE OFFICIAL ZONING MAP (RE-ZONING)202

5.600.17	SITE PLAN REVIEW PROCEDURES	208
5.600.18	SPECIFICATIONS FOR ALL REQUIRED SITE PLANS	210
5.600.19	OTHER REQUIREMENTS	213
5.600.20	CRITERIA FOR SITE PLAN REVIEW	213
5.600.21	PUBLIC HEARING NOTICES AND PROCEDURES	221
5.600.22	FEES	224
5.600.23	APPEALS	225
5.600.24	RECONSIDERATION OF REZONED PROPERTIES	226
5.600.25	VESTED RIGHTS DETERMINATION	227
5.600.26	ADMINISTRATIVE CORRECTION OF TEXT ERRORS	227
5.600.27	ORDINANCE ENFORCEMENT.....	227

ZONING ORDINANCE
OF THE
CITY OF BYRAM, MISSISSIPPI

Prepared By:

Central Mississippi Planning and Development District
1170 Lakeland Drive - Post Office Box 4935
Jackson, Mississippi 39296-4935

Telephone: (601) 981-1511

JUNE 2011

ARTICLE I

GENERAL PROVISIONS

SECTION 1.01 - TITLE AND SHORT TITLE

THE TITLE FOR THE ORDINANCE SHALL BE: AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF BYRAM, 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 BYRAM, MISSISSIPPI, and may be so cited, and further referenced elsewhere as ZONING ORDINANCE, and herein as “the Ordinance” or “this Ordinance” shall imply the same wording and meaning as the full title.

SECTION 1.02 - PREAMBLE

WHEREAS, the Statutes of the State of Mississippi, Section 17-1-1 to 17-1-27, inclusive, of the **Mississippi Code of 1972**, annotated, as amended, empower the CITY OF BYRAM, Mississippi, to enact a zoning regulations and provide for their administration, enforcement and amendment; and

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 1.03 – STATUTORY AUTHORITY

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

SECTION 1.04 – STATEMENT OF PURPOSE

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

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

SECTION 1.05 – OMISSION PROVISION

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

SECTION 1.06 – SEPARABILITY AND VALIDITY PROVISION

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

SECTION 1.07 – REPEAL OF CONFLICTING ORDINANCES OR PARTS THEREOF

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

SECTION 1.08 – FAILURE TO ENFORCE ORDINANCE

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

SECTION 1.09 - ZONING CASES PRESENTLY ON APPEAL

For all zoning cases on appeal to the Circuit Court, Court of Appeals or Supreme Court at the date of adoption of this Ordinance, the zoning under the previous Zoning Ordinance or the amendment to the Ordinance that is the subject of the appeal shall remain in effect until such

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

SECTION 1.10 – EFFECTIVE DATE OF ORDINANCE

This Ordinance shall become effective THIRTY CALENDAR DAYS FROM AND AFTER ITS ADOPTION, and following publication of its summary in a newspaper of general circulation in Byram.

SECTION 1.11- PARTIES AGGRIEVED

Any party feeling aggrieved by the change of zoning status of his property as reflected by the Official Zoning Map adopted herein shall have ninety days from the effective date of this Ordinance within which to petition the 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 adoption of the aforesaid Official Zoning Map.

SECTION 1.12- ADOPTION CLAUSE

Adopted this, the ___ day of _____, 2011, at the regular meeting of the Mayor and Board of Aldermen of the City of Byram, Mississippi.

ATTEST:

Angela Richburg, City Clerk

Nick Tremonte, Mayor

I, the undersigned _____, City Clerk of the City of Byram, 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 Byram at its meeting on _____, the ___ day of _____, 2011, as the same appear in Minute Book of the City of Byram at pages ___ through ___ thereof. Given under my hand and official seal, this the ___ day of _____, 2011.

Angela Richburg, City Clerk
Byram, Mississippi

(SEAL)

ARTICLE II

INTERPRETATION AND DEFINITIONS

SECTION 2.20 - RULES FOR WORDS AND PHRASES

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

SECTION 2.21 - DEFINITIONS

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

Abandonment: To stop the use of property intentionally. When the use of property has ceased and the property has been vacant for 6 months, abandonment of use will be presumed unless the owner can show that a diligent effort has been made to sell, rent, or use the property for a legally permissible use.

Accessway: A path, route, etc., that provides access to a specific destination or property, as to a public beach or state park or place of business.

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

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

Adult Arcade : An establishment where, for any form of consideration, one or more motion picture projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions,

which are characterized by emphasis upon the depiction or description of "specified sexual activities" (as defined by this Ordinance) or "specified anatomical areas."

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

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

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

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

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

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

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

Animal, Domestic: Any animal that has been bred and/or raised to live in or about the habitation of humans and is dependent on people for food and shelter. Such animals include dogs, cats, birds in cages, or pot bellied pigs.

Antenna: An accessory structure and system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

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

Arterial Street/Highway : See "Street".

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

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

Bar : A commercial structure or part of a structure used primarily for the sale or dispensing of alcoholic beverages by the drink for consumption on-site.

Base Flood : A flood having a one percent (1%) chance of being equaled or exceeded in any given year. A.K.A a 100-year flood.

Basement : A story completely or partially underground. For the purpose of height regulation, a basement shall be counted as a story when building code requirements for a story.

Bed and Breakfast Facility : Residential establishment in which the owner or his representative resides on the property and wherein units are rented to transient guests on an overnight basis and wherein breakfast is the only meal served to these guests.

Bike Lane: A portion of a roadway, which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

Bike Path: A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right of way or within an independent right of way. It is also referred to as a shared use path.

Bike Route: A portion of a roadway designated by the jurisdiction having authority by signing as a preferred route for bicycle use. Bike routes have no striping identifying separate lanes for bicycle use only. Bicyclists and motorists “share the road” on this type of facility.

Bikeway: Any road, path, or way that is specifically designated for bicycle travel.

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

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

Bond : Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Mayor and Board of Aldermen. All bonds shall be approved by the Mayor and Board of Aldermen, whenever a bond is required by these regulations.

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

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

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

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

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

(NOTE: This definition is intended to distinguish between buildings that are "canopies", which do not have walls on all sides, from those that are fully-enclosed by walls. When the term "fully-enclosed building" is used in this Ordinance, it is intended to prevent exposure of equipment, materials, etc. to the outside world, thereby controlling some characteristics that might be

objectionable, such as noise and uses that are not aesthetically appropriate for a particular zoning district.)

Building Height : The vertical distance measured from the average elevation of the finished grade within twenty feet of the structure to the highest point of the roof. The International Building Code governs building height.

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

Building Line: See setback line.

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

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

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

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

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

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

Cemetery : Property used for the interring of the dead. ALL cemeteries are considered public/quasi-public facilities.

Certificate of Occupancy : A document signed and issued by the building official/zoning administrator allowing the occupancy or use of a new or altered building and certifying that the structure or use has been constructed or will be used in compliance with the building code, and all applicable municipal codes and ordinances and to have a record on the point.

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

Child Care Facility(A.K.A.) Day Care Center : A place which provides shelter and personal care for six (6) or more children who are not related to the operator, whether such place be organized or operated for profit or not. These centers are licensed by the state. For those child care facilities that care for five (5) or fewer children see **Home Based Child Care Provider**.

City : The City of Byram, Mississippi.

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

Collector Street: See "Street".

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

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

Conditional Use : A land use which would not generally be appropriate in a particular zoning district, but which, with certain restrictions or conditions, would in the judgment of the Mayor and Board of Aldermen promote the public health, safety, morals, or general welfare of the City and would not adversely affect adjacent properties. A permit (building permit or change of use permit) granted by the City 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. It is also referred to as a "Special Exception ".

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

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

Consignment Shop: A retail establishment engaged in selling used merchandise, such as clothing, furniture, books, shoes, or household appliances, on consignment, or a retail

establishment engaged in selling donated used merchandise that is operated by an organization granted federal tax exemption pursuant to section 501c 3 of the Internal Revenue Service Code as amended. Merchandise is brought to the establishment and processed by marking, cleaning, sorting, and storing as a major part of the principal use. Such stores do not include those selling vehicles, auto parts, scrap, or waste.

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

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

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

Convenience Store : A store of not more than 3,000 square feet of retail sales area, not counting storage, which deals in grocery items of a convenience nature.

Country Club : A land area and buildings containing recreational facilities, clubhouse and the usual accessory uses, open only to members and their guests for a membership fee. Country clubs are regulated as public/quasi-public facilities and are subject to the provisions of Sections 3.32 and 3.33 of this Ordinance.

County : The county of Hinds.

Coverage : That part of a lot covered by buildings.

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

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

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

Derelict Vehicles: Vehicles that are wrecked, dismantled, partially dismantled, inoperable (not in working order), abandoned or discarded and are not capable of being legally driven upon the streets.

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

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

Development Ordinance: The control of the division of a tract of land by requiring development according to design standards and procedures adopted by local ordinance. A.K.A. Byram Development Ordinance.

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

Dimensional Variance : See "Variance ".

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

Distribution Center: A commercial use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

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

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

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

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

Duplex : A detached residential building on a single lot designed to be occupied by two families living independently of each other, with separate utilities and entrances.

Dwelling : Any building, or portion thereof, or manufactured/ mobile home, which is designed and used for human habitation; however, a manufactured/ mobile home, as defined herein, shall not be used as a dwelling in any residential district other than Manufactured Home Park (MHP) district.

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

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

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

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

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

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

Eating and Drinking Places: Retail establishments selling prepared foods and drinks for consumption on premises, and also lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption.

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

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

- (a) Churches and other religious institutions.
- (b) Schools, including all private, public or parochial schools, excluding institutions of higher learning which shall be zoned "Special Use" districts only.
- (c) All governmental buildings (including municipal buildings and buildings erected by County, State or Federal governments) and major governmental facilities, such as water pumping stations, sewage treatment plants, sanitary landfills and the like. (NOTE: Public recreation and open space facilities are a land use permitted outright in ANY district, and such facilities are not subject to the regulations of Section 3.33 as special exceptions.)
- (d) All hospitals, whether public or private.
- (e) Convalescent homes or nursing homes, excluding "Comprehensive Elderly Retirement Facilities" which shall be zoned as "Special Use" districts only.
- (f) Civic organization buildings and major facilities.
- (g) Buildings and facilities erected by charitable organizations (e.g., American Red Cross, Salvation Army, etc.); (Note: When such facilities are erected as emergency measures, they shall be exempt from the Special Exception provisions of this Ordinance, including site plan review and public hearing requirements).
- (h) Country clubs and other major recreational facilities constructed by private groups.
- (i) ALL cemeteries.
- (j) Major facilities associated with privately-owned utilities (electrical, natural gas, telephone) including but not limited to electrical substations, telephone communications centers, microwave towers, cellular telephone antennas, natural gas pumping facilities and similar significant uses.

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

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

Feedlot: A confined area or structure, pen, or corral, used to fatten livestock prior to final shipment

Fence: An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth.

Fence, Decorative: A designed open or solid fence or wall that meets all of the following: a. It contributes to the identification and beauty of the principal use; b. It is not erected to satisfy any other provision of this ordinance; c. It does not act as a retaining structure; d. It is made of material that typically is not found in security structures, such as chain link; e. It is not available for purchase in stores.

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

Flea Market: An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures. This definition does not include informal garage or yard sales.

Floating Zone: A zoning district that is described with all the zone requirements in the text of the zoning ordinance but is not mapped as a specific district in a specific location. When an application for a development meeting the zone requirements is approved, the area can then be designated on the zoning map.

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

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

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

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

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

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

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

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

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

Garage Sale: An offering for sale to the general public of items of tangible personal household property obtained by the seller for his or her personal use, whether within or outside any building. This item shall also include "rummage sale," "yard sale," "attic sale," and all similar terms. The sale of a single item, such as a vehicle, shall not constitute a "garage sale."

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

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

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

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

Halfway House: A place where persons are aided in readjusting to society following a period of imprisonment, hospitalization, or institutionalized treatment.

Health Club: A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

Health Spa: A place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. Also, a place or building that provides massage, exercise, and related activities with or without such equipment or apparatus.

Health Department : The Hinds County Health Department and the State Board of Health.

Home Based Child Care Provider: A person's home that provides shelter and personal care for five or fewer children some of whom may or may not be related to the operator. It may or may not be operated for profit and is not licensed by the state.

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

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

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

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

of Byram, and shall be considered a commercial use.

Hotel : A building in which lodging, and sometimes food and various personal services are provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house as herein defined. Hotels shall be considered a commercial use.

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

Individual Sewage Disposal System : A septic tank, seepage tile sewage disposal system, or any other sewage treatment device approved by the Hinds County Health Department and the State Board of Health.

Industry: A facility for processing products or raw materials.

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

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

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

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

Institutional Use: The use of land, buildings or structures for the purpose of providing social, religious, educational, recreational, charitable, and/or healthcare services to residents of the buildings.

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

Junk Yards (or "Salvage Yard") : A place where waste and discharged or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for storage of salvaged

house wrecking and structural steel materials and equipment; but EXCLUDING places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition or salvaged materials incidental to manufacturing operations.

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

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

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

Laundromat: A business that provides coin-operated washing, drying, and/or ironing machines to the public for the purpose of laundry cleaning on the premises.

Laundry and Dry Cleaning Shop: A building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected to the process of laundering, dry dyeing, or cleaning elsewhere, and for the pressing and distribution of any such articles or goods which have been subjected to any such process, and may include a self-service laundry and/or self-service dry cleaning.

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

Local Street : See "Street".

Lodging House : See "Rooming House ".

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

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

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

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

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

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

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

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

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

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

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

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

Manufacturing Use : A facility at which goods are made from secondary materials (previously prepared or refined materials) or raw materials (unrefined materials) through the use of machinery and labor and often employing assembly line techniques. In the case of "light"

manufacturing uses, most goods are produced from secondary materials, except for processing, packaging, or canning of food products, and little or no water is used in the manufacturing process. In the case of "heavy" manufacturing, goods are often produced from raw materials and may involve the use of large amounts of water.

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

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

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

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

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

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

Mine: See Quarry.

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

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

and the mobile home are offered to the public on a rental or lease basis only. The term “mobile home park” shall include the terms “trailer park,” “trailer court,” and similar terms.

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

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

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

Mortuary : *See "Funeral Home".*

Motel : A building (or group of buildings) containing living or sleeping accommodations use only for transient occupancy offered to the public for compensation, and in which access to and from each room or unit is through an exterior door..

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

Nonconformities : Any land, lot, building, structure or parts thereof existing prior to the enactment of this Ordinance, which subsequent to the enactment of this Ordinance or amendment thereto, does not conform with the use regulations and/or dimensional regulations of the district in which it is situated, and/or does not comply with any other requirements herein. (See Section 1.40 of this Ordinance for definitions of the various types of nonconformities, including (1) nonconforming undeveloped lots of record, (2) nonconforming structures, and (3) nonconforming uses).

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

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

Nursing Homes : *See "Convalescent Home".*

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

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

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

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

Overlay District: A zoning district designation that superimposes certain additional requirements upon a basic use zoning district without disturbing the requirements of the base use district.

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

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

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

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

Pawnshop: Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

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

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

dressing, bathing or in other matters of personal hygiene, and the supervision of medication. A facility with over three bedrooms requires a state license to operate.

Pet: See Animal, Domestic.

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

Planning Commission : The duly appointed Byram Zoning and Planning Commission of the City of Byram, Mississippi.

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

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

Portable Building : See "Building, Portable ".

Portable Storage Unit: As used herein, shall mean any portable, above-ground container including, but not limited to, any container normally used for short-term storage. For the purpose of this article, a PSU shall not exceed 130 square feet. Also known as storage pods.

Principal Arterial Street/ Highway : See "Street".

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

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

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

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

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

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

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

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

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

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

Rest Home: See "Convalescent Home".

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

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

Restaurant, Drive-in: A building and adjoining parking area used for the purpose of preparing and furnishing, food, soft drinks, ice cream, and similar confections to the public normally for

consumption outside the confines of the principal permitted building, or in vehicles parked upon the premises, regardless of whether or not, seats or other accommodations are provided inside for the patrons. Patrons are principally served while they remain in their vehicles.

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

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

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

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

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

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

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

Sanitary Sewer System: A public sewage disposal system or private central sewage disposal system of a type approved by the proper controlling authorities (Mississippi Department of Natural Resources, Bureau of Pollution Control).

School : The term "school" as used in this Ordinance shall include public, private, and parochial institutions of learning, including trade or industrial schools" (i.e., those schools offering training

to students in skills required for the practice of trades and industry), but EXCLUDING INSTITUTIONS OF HIGHER LEARNING (colleges and universities).

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

Secondhand Store: Retail sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment. This classification does not include secondhand motor vehicles, parts, or accessories.

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

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

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

Shopping Center : A commercial area consisting of five or more retail businesses, planned, constructed, and managed as a unit providing convenience goods, general merchandise, office, service, or recreational activities; providing for off-street parking adjacent to such activities.

Sidewalk : A paved walk for pedestrians. When a sidewalk is to be constructed within a dedicated right-of-way, the sidewalk shall be constructed in accordance with this city ordinances and shall comply with Federal ADA requirements.

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

Sign : Any device, structure, fixture, or placard using graphics, symbols, and/ or written copy designed specifically for the purpose of advertising or identifying any establishment, product, services, activity, place, person or any other item of information. Signs may be further defined as to types in the Sign Section of this Ordinance.

Site Plan : A drawing indicating the location of existing and proposed buildings or other structures with dimensions designated thereon, topography, existing or proposed easements,

rights-of-way, utilities, drainage, landscaping and planting screens, and points of access/egress and driveways on a single lot. A "site plan" differs from a "subdivision plat" in that a subdivision plat reflects certain required information for two or more lots.

Site Plan Review: The process specified under Sections 5.600.17 through 5.600.20 of this Ordinance in which site plans for certain proposed developments and/or site plans (when required by the Zoning Administrator in coordination with other City/County officials) accompanying applications for dimensional variance, conditional use, and rezoning are reviewed by City officials, the Zoning and Planning Commission and the Mayor and Board of Aldermen for conformance with this Ordinance and other applicable laws and Ordinances, and to determine what other special restrictions (if any) need to be applied if the site plan and application are approved by the Mayor and Board of Aldermen.

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

Special Exception : See "Conditional Use ".

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

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

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

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

Stable, Private: A detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire, or sale.

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

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

Types of streets:

Principal Arterials: This system of streets serves the major centers of activity, has some of the highest traffic volumes and the longest trip desires.

Minor Arterials: The minor arterial street system interconnects with and augments the principal arterial system. It provides service to trips of moderate length and includes facilities that place more emphasis on land access than the principal arterial system.

Collectors: The collector street system provides land access service and traffic circulation within residential neighborhoods, commercial and industrial areas. It distributes trips from the arterials to their ultimate destinations.

Local streets: These roads and streets provide direct access to adjoining land and to higher systems; they provide the lowest level of mobility, and through traffic movement is discouraged on local facilities. Local streets and roads are not thoroughfares.

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

Strip Development : A linear commercial development of two or more businesses or offices under one or many ownership or management providing off-street parking and consisting of a similar or compatible architectural or graphic character of theme.

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

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

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

Subdivision : The division of any lot, tract or parcel of land into two (2) or more lots for the immediate or future purpose of sale or building development by means of an appropriately recorded document. However, the term “subdivision” as used herein shall not include the exceptions to these regulations as cited under Section 3.30. See also “Major Subdivision” and “Minor Subdivision”.

Subdivision Regulations: Locally adopted laws governing the process of converting raw land into building sites. The City of Byram’s subdivision regulations are officially known as the City of Byram Development Ordinance.

Surface Mining: The extraction of materials or minerals for any purpose including dirt, soil, sand, gravel, clay, or other materials from the ground or water or from waste or stock piles or from pits or banks or natural occurrences by methods including but not limited to, strip, open pit, contour or auger mining, dredging, placering, quarrying and leaching and activities related thereto, which will alter the surface. Surface mining operations require a state permit and are not intended to restrict removal of materials during normal building activity.

Temporary Banner: A sign with or without characters, letters, illustration, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing, and it is not intended or designed for permanent display.

Temporary Storage Unit: See Portable Storage Unit.

Temporary Use: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

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

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

Through Lot : See "Lot, Double Frontage ".

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

Townhouse : A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation. A townhouse normally has two but sometimes three, stories.

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

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

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

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

Transportation Plan : One of the elements of a Comprehensive Plan . See Section17-1-1 (c)(ii) of the **Mississippi Code of 1972**, Annotated, As Amended.

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

Undeveloped Lot : A vacant lot or parcel of land.

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

Use, Accessory : See "Accessory Use".

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

Variance : A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. However, financial hardship shall not be considered justification for granting a variance. The criteria for issuance of a variance are listed under SECTION 5.600.14 of this Ordinance. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining district.

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

Veterinary Hospital : See "Hospital, Veterinary".

Walking Trail: A path, paved or unpaved, that is designed for and used by people for recreational walking or running.

Warehouse: Facility engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive. It is characterized by frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacture or production.

Warehouse, Residential storage or Self-storage Facility(mini-warehouse): A building or group of buildings divided into separate, fully-enclosed bays or compartments used to meet the storage needs of small businesses, apartment dwellers and other residential uses; and may include climate controlled facilities. Items stored typically are household goods or personal property.

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

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

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

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

Zoning Administrator: The official charged by the Mayor and Board of Aldermen with the administration and enforcement of this Ordinance, or his duly authorized representative. In this case it shall be the Building Official.

Zoning District : See "District".

GENERAL REGULATIONS

SECTION 3.30 - APPLICATION OF REGULATIONS

- 3.30.1** **REGULATIONS ARE CONSIDERED TO BE MINIMUM:** The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.
- 3.30.2** **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 Byram for an activity that requires a federal, State of Mississippi, and/or City license until said license is obtained from the appropriate authorities.
- 3.30.3** **CONFORMANCE TO DIMENSIONAL REQUIREMENTS:** No building or other structure shall hereafter be erected or altered to exceed the height; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; or to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this ordinance.
- 3.30.4** **A BUILDING'S YARDS TO BE SEPARATE FROM OTHERS:** No part of a yard, other open space, off-street parking, or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, off-street parking, or loading space similarly required for any other building.
- 3.30.5** **PERMITTED USES CONSTITUTE CONFORMING USES:** Any land use which is permitted as a conditional use (also referred to herein as a "special exception") in a particular district under the terms of this ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.
- 3.30.6** **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.

- 3.30.7** **AREAS ANNEXED AFTER ENACTMENT OF THIS ORDINANCE:** Any land annexed into the City of Byram following enactment of this ordinance shall bear the zoning classification(s) that most nearly corresponds to the Land Use Plan classification covering the annexed land or the category of zoned land that it is adjacent to until due public notice of hearings is given to consider the zoning of all or part of such annexed land in accordance with the zoning regulations in this Ordinance. Following such public hearings and action by the Mayor and Board of Aldermen, the annexed land shall be subject to the regulations of the new zoning district, if any.
- 3.30.8** **PENDING APPLICATIONS FOR BUILDING PERMITS:** Nothing in this ordinance shall require any change in the overall layout, plans, construction, size, or designated use of any development, building, structure, or part thereof for which official approvals and required building permits have been legally granted before the enactment of this ordinance. Construction shall have been started within six months of the effective date of this ordinance and completed within a subsequent two year period and not discontinued until completion except for reasons beyond the builder=s control. All permits for which construction has not begun within six months of the effective date of this ordinance are hereby revoked and void.
- 3.30.9** **CONFORMANCE WITH DEVELOPMENT ORDINANCE:** No building shall be constructed on any lot which does not conform to the provisions of the Development Regulations of the City of Byram.

SECTION 3.31- DIMENSIONAL CONTROLS

- 3.31.1** **REDUCTION OF YARDS AND LOTS BELOW MINIMUM REQUIREMENTS PROHIBITED:** No yard or lot of record existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots of record created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.
- 3.31.2** **FRONT YARDS ON CORNER OR DOUBLE FRONTAGE LOTS:** On corner lots or double frontage lots (“through lots”), each side fronting on a street shall be considered a front yard, and the required front yard

setback shall be measured from each existing or proposed (on the adopted Thoroughfares Plan, as part of the Comprehensive Plan) right-of-way upon which the lot abuts. In accordance with the Development Ordinance of the City of Byram, the front yard setbacks of all lots shall be shown as a dashed line on all preliminary and final subdivision plats.

3.31.3 **DETERMINATION OF SETBACKS**: In measuring a required front yard (i.e., setback), the minimum horizontal distance between the existing or proposed right-of-way line and the main structure shall be used. The required setback line shall be measured from the existing or proposed right-of-way line (or lines for corner lots and double frontage lots), which shall be determined by the adopted Thoroughfares Plan. If a proposed street is not functionally classified (as a local, collector or arterial street) by the adopted Thoroughfares Plan, the functional classification of said street shall be determined by the Zoning and Planning Commission during the sketch plat review process for the proposed subdivision or during the site plan review process (for developments not involving a subdivision of land).

3.31.4 **VISIBILITY AT INTERSECTIONS**: On a corner lot in any district, nothing shall be erected, placed, or planted 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.

3.31.5 **ACCESSORY BUILDINGS OR USES**: No accessory building or use shall be placed within the required front yard or side yard of any main building or use in ANY district. An accessory building or use shall be at least five (5) feet from the side and/or rear property line, and the accessory building shall be set back a minimum of sixty (60) feet from the street line on which the lot and main building fronts. No accessory building shall cover more than ten (10) percent of a required rear yard.

Accessory buildings shall not exceed a height of 12 feet, (exception: detached private garages, as defined in the Definitions Section, shall not exceed a height of 20 feet), unless a greater height is approved by the Mayor and Board of Aldermen.

Exterior materials of the accessory buildings or uses shall be compatible with surrounding structures, unless an accessory building is screened by solid fencing as to not be visible from the street or any sides.

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

3.31.7 **EXCEPTIONS TO HEIGHT REGULATIONS** : The height regulations contained in the District Regulations of this ordinance do not apply to spires, belfries, cupolas, antennas, water tanks, ventilation chimneys, masts, towers, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. However, any person proposing to erect such an appurtenance to exceed a height of 35 feet above the finished grade shall apply for a conditional use permit (special exception), Section 5.600.15, in accordance with Site Plan Review procedures, Sections 5.600.17 through Sections 5.600.20 of this ordinance.

SECTION 3.32- PUBLIC/QUASI-PUBLIC FACILITIES AND UTILITIES

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

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

3.32.2 That all such proposed uses shall be subject to the procedures stated under Section 5.600.15 relative to Special Exceptions (Conditional Uses). No public or quasi-public facility or utility shall be located in a residential district or other district where such land use would adversely affect the surrounding area. Provided, however, that all cemeteries existing prior to the adoption of this ordinance shall be permitted in any district. All dimensional requirements follow Section 3.33.

SECTION 3.33 - DIMENSIONAL REQUIREMENTS FOR PUBLIC/OUASI-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:

- 3.33.1 **MAXIMUM BUILDING HEIGHT:** Building height is determined by the International Building Code.

- 3.33.2 **MINIMUM LOT AREA:** Established based upon proposed use.

- 3.33.3 **MINIMUM LOT WIDTH:** Established based upon proposed use.

- 3.33.4 **MINIMUM YARDS:**
 - A. **Front yard:** 30 feet from the existing or proposed right-of-way as shown on the adopted Byram Thoroughfares Plan to the building setback line.

 - B. **Side yard:** 10 feet, unless the proposed public/quasi-public use abuts an existing single-family detached residence or a R- 1 or R-2 district in which case the side yard shall be at least 50 feet from any building to the lot line abutting the single-family detached residence or R- 1 or R-2 district.

 - C. **Rear yard:** 20 feet, unless the proposed public/quasi-public use abuts an existing single-family detached residence or a R- 1 or R-2 district in which case the side yard shall be at least 50 feet from any building to the lot line abutting the single-family detached residence or R-1 or R-2 district.

SECTION 3.34 - REQUIRED DEDICATIONS AND IMPROVEMENTS

See the City of Byram’s Development Ordinance

SECTION 3.35 - 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:

- 3.35.1 **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.
- 3.35.2 **MAXIMUM AREA**: Not more than 25 percent of the floor area of the dwelling, not to exceed 150 square feet, shall be used for the conduct of the home occupation.
- 3.35.3 **TRAFFIC AND PARKING RESTRICTIONS** : No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood (as determined by the Zoning Administrator), and any need for parking generated by the conduct of such home occupations shall be met off the street and other than in a required yard. Furthermore, an ample amount of such off-street parking shall be provided as determined by the Zoning Administrator at the time of the application for a building permit or change of use permit.
- 3.35.4 **EXTERIOR LIGHTING**: There shall be no exterior lighting which would indicate that the dwelling and/or accessory building is being utilized in whole or in part of any purpose other than residential.
- 3.35.5 **SIGNS RELATING TO HOME OCCUPATIONS**: None permitted.
- 3.35.6 **NON-RESIDENT EMPLOYEES**: None permitted.
- 3.35.7 **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.”
- 3.35.8 **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.
- 3.35.9 **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.

- 3.35.10** **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. Commercial auto repair on vehicles is prohibited. Also prohibited are: commercial boat repair, animal hospitals, commercial kennels, funeral parlors or undertaking establishments, antiques shops, nurseries, restaurants, rooming houses, dancing schools, tea rooms, and embalming facilities.
- 3.35.11** **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.
- 3.35.12** **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.
- 3.35.13** **USES PER DWELLING UNIT**: There shall not be more than one use constituting a designated home occupation per dwelling unit.
- 3.35.14** **OTHER PROVISIONS**: No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses outside of the dwelling unit or accessory building in which the occupation is conducted. No equipment or process shall be used in any home occupation that creates visual or audible electrical interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

SECTION 3.36 - MISCELLANEOUS GENERAL REGULATIONS

- 3.36.1** **COMMON YARDS, OPEN SPACE, AND OFF-STREET PARKING OR LOADING SPACE**: No yard, other than open space, off-street parking or loading space required for any building or structure shall be included as a yard, open space or off-street parking or loading space required for any other building or structure, except where permitted through site plan review. This requirement shall not be construed to apply to planned unit developments (PUDs) approved by the Mayor and Board of Aldermen.

3.36.2 **STREET ACCESS REQUIRED** : Every building or structure hereafter constructed, moved, or structurally altered shall have direct access to a public (dedicated) street and shall be so located as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

3.36.3 **FENCES, WALLS, AND HEDGES** : No fences of any kind are permitted in front yards in any residential district, except residential estate districts, and then decorative fences only. No chain link fences are allowed in any front yard of any residential district, but they are allowed in rear yard only and beginning at the rear building line.

Except for the requirements of Section 3.31.04 regarding visibility at intersections, fences, walls, and hedges or other densely planted vegetation shall be permitted in required rear or side yards or along the edge of any yard, especially where the rear yard of a corner lot abuts the side and front yards of an interior lot. However, said fences, walls, or dense vegetation shall not exceed a height of four feet in the front yards of Single-Family Residential (R-1 and R-2) and (R-3) Districts, except where such districts abut a multi-family residential use or district or a commercial or industrial use or district, in which case the fence, wall, or dense vegetation may be erected or allowed to grow to a height of six feet. No portion of the vegetation shall encroach on the street Right-of-Way.

All fences constructed that are parallel to and/or face the street and are constructed completely or partially of wood, shall have the smooth side of the fence facing toward the street with the supports on the side not observable from the street.

3.36.4 **PROHIBITED USES** : Within the City of Byram, 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.

3.36.5 **MATERIALS AND GROWTH CONSTITUTING PUBLIC HEALTH AND/OR SAFETY HAZARDS PROHIBITED**: No rubbish,

salvage materials, junk or hazardous waste materials, including inoperable vehicles (those vehicles that are unable to move under its own power and/or are without current license plate and State inspection sticker) and parts and any combustible matter, shall be openly stored, allowed to accumulate, or kept in the open, and no weeds or other growth shall be allowed to go uncut within any district when the same shall be determined by the appropriate City Official (the Zoning Administrator , Fire Chief, or other authorized City employee) or health official to constitute a menace to the public health and/or a safety. This would include the placement of basket ball goals on public streets or right-of-way is prohibited.

3.36.6 GARBAGE OR REFUSE CONTAINER STORAGE AND REQUIRED ENCLOSURE :

- A. Upon the effective date of this ordinance , all garbage disposal facilities (i.e., garbage cans, dumpsters, etc.) located on the site of existing (at the effective date of this ordinance) or new multi-family residential mobile home parks, commercial, industrial, or public/ quasi-public uses shall be enclosed at least three sides by solid fencing or other material in a manner that prevents direct visibility of the garbage cans, dumpster, etc., from the street side (or sides) of such uses. The fourth side (front) of the enclosure shall have a gate. Failure to maintain such garbage disposal facilities in a neat and sanitary manner shall constitute a violation of this ordinance and be subject to the penalties imposed herein. All site plans for multi-family residential, mobile home parks, commercial, industrial, or public/quasi-public uses proposed following the effective date of this ordinance shall indicate the location of garbage disposal facilities on the site and the manner (material, etc.) to be used to enclose such facilities.
- B. Pads for dumpsters shall be constructed with 8-inch thick, Class 3000 cement. Pads shall extend twenty (20) inches beyond the enclosure with 8-inch thick Class 3000 cement. The pad sizes will be evaluated on a case-by-case basis as part of the Site Plan Review process. Refuse/recycling sites and pads will be sloped to provide positive drainage. The site and pad drainage slope will provide easy passage by collection vehicles and crews.
- C. Garbage containers shall be stored behind the front line of the structure.

3.36.7 MANUFACTURED HOME GENERAL REGULATIONS:

- A. **Installation of Manufactured Homes:** Manufactured homes must be installed by a licensed installer/transporter licensed by the State Fire

Marshal's Office and tied down properly in order to make sure that the home remains stable during a storm. All manufactured homes must be installed/tied down according to one of the following means:

1. As described in the installation manual that came with the mobile home, or
2. If no manual is available, then use minimum standards available from the State Fire Marshal's office

B. Manufactured Home Foundations: All Manufactured homes shall be placed on a foundation required by 42 U.S. Code 5401 et. sec. The wheels and hitching tongue shall be removed.

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

3.36.8 SATELLITE DISH ANTENNAE: The purpose and intent of this section is to minimize any health and safety hazards created by mounting satellite dish antennae on residential buildings, to control the location and screening of satellite dish antennae, to lesson any impact on surrounding properties, and to preserve the City's image and character. A satellite dish antennae shall not be located in the front yard without first obtaining a permit and is screened to prevent direct visibility from the street. It may be located in the side yard if under 24 inches in diameter and shall not be located within 10 feet of side or rear property line unless screened from view from adjacent property to the side and rear. It may be located on the roof, side or rear wall of a building if under 24 inches in diameter.

3.36.9 GARAGE SALES: The City of Byram permits two garage sales each year per property. They must be permitted. The sale may last no longer than two days and a person cannot sell merchandise acquired solely for resale purposes in the garage sale. A sign advertising the sale can only be placed on the property where the sale is occurring. Garage sale signs may not be placed on property other than where the garage sale is occurring without the written permission of that property owner. No signs are permitted in the right-of-way, attached to trees, utility poles, traffic control devices, etc. or in the median and shall be placed not more than one day in advance of the sale and shall be removed upon completion of sale. Signs placed other than on the property where the sale is occurring may be removed and/or ticketed.

3.36.10 **INCIDENTAL SALE OF VEHICLE:** No more than two (2) vehicles by any one (1) owner or seller may be offered for such incidental sale at any given time, provided the vehicle has been used for transportation by the property owner/tenant. A pattern of offering vehicles for sale in this manner on a continuing basis shall be grounds for determining the sales to be non-incidental, and a violation of this Ordinance. Exception: Except for property zoned where such sale of vehicles is an outright permitted use.

3.36.11 **PROHIBITED PARKING OR STORAGE OF VEHICLES IN FRONT AND SIDE YARDS:** No vehicle shall be parked or stored in any front yard within any residentially zoned district, except within a garage, carport, apron or driveway or other approved surface, which is defined as concrete, asphalt. Approved surface area cannot cover more than 50 percent of the front yard and shall be attached to the existing driveway.

No large trucks shall be permitted to travel upon or park in local or collector streets in residentially zoned property, nor shall they be allowed to be parked anywhere on residential premises. For the purposes of these regulations the term “large trucks” is defined to include all trucks with either a cargo box or bed in excess of twenty (20) feet or a Gross Vehicle Weight Rating (GVWR) in excess of 38,000.

Vehicles shall not be parked on streets or right-of-way in residential zoned districts for over 48 consecutive hours.

Recreational vehicles, transient trailers, travel trailers, motor homes and the like must be parked or stored within a garage or open carport or behind the back line of the building (rear yard). Such vehicles may be parked in the driveway, front or side yard for loading/unloading, cleaning or repair for a period not to exceed seventy-two hours. Using such vehicles for living, sleeping or housekeeping is prohibited.

Trailers, boats, all-terrain vehicles (ATV), shall be parked or stored within a garage or open carport or behind the back line of the building (rear yard). EXCEPTION: Such items may be placed in side yard and if enclosed by solid fencing in a manner that prevents direct visibility from the street.

3.36.12 **REPAIR OF VEHICLES:** Minor repairs such as changing oil, or the replacement of the air filter, spark plugs, brakes, tires, shocks, etc. are permitted in the residentially zoned district. Minor repairs of any vehicle performed other than within a fully enclosed building shall not exceed a

seventy-two (72) hour period of time. Major repairs such as, but not limited to, replacing or overhauling of engine, transmission, or auto bodywork or other repairs that exceed a 72 hour period is only permitted if such work is being conducted within a fully enclosed building. Commercial Vehicle repair shops are prohibited within any residential district. Recreational and hobby car enthusiasts are excluded from this regulation.

- 3.36.13** **HOLIDAY/SEASONAL DECORATIONS:** Residential holiday and seasonal decorations, including, but not limited to, holiday lights on houses or in the yard or shrubbery, yard ornaments or decorations, and the like, shall not be installed or placed more than forty-five (45) days before the date of the holiday for which said decorations are intended and shall be removed within a reasonable period of time, not to exceed thirty (30) days, following the date of the holiday for which said decorations were intended. Holiday lights, even if not illuminated, are not permitted to remain on any house or structure year-round.

SECTION 3.37 - OFF-STREET PARKING, LOADING SPACE AND ACCESS REQUIREMENTS

- 3.37.1** **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.

3.37.2 **OFF-STREET PARKING:**

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

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

2. **Non-residential Uses and Off-site Parking:** Off-street parking space for all non-residential land uses shall be provided on the same parcel of land as the use to which the parking space is appurtenant; PROVIDED, however, that, following site plan review in accordance with Section 5.600.18 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 an accessory to.

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

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

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

space for parking and storage of vehicles shall be provided in accordance with the following schedule:

1. **All Residential Uses Other Than Multiple Family Residential:** Two spaces per dwelling unit.
2. **Multiple-Family Residential Uses:** Two spaces per dwelling unit.
3. **General Business, Commercial or Service Establishments Catering to the Retail Trade:** One parking space for each 200 square feet of gross floor area, except for the following prescribed uses:
 - a. Hotels and motels : - One space for each guest room plus one space for each employee.
 - b. Restaurants and similar establishments serving food and beverages: One space for each 75 square feet of floor area devoted to patron use, plus one space for each employee.
 - c. Offices of physicians and dentists . Four spaces for each professional staff member.
 - d. Other business and professional offices (other than physicians or dentists) One space for each 300 square feet of gross floor area.
 - e. Furniture and appliance stores One space for each 400 square feet of gross floor area.
 - f. Theaters, auditoriums and other commercial places of assembly One space for every four fixed seats.
 - g. Gasoline service stations . One space for each employee and five spaces for each wash rack, lubrication rack, repair bay, or similar facility for servicing and incidental repair of motor vehicles (not including said rack or bay as a space).
 - h. “Drive-in service” establishments , such as drive-in banking, drive-in “windows” for restaurants, dry-cleaning and laundry establishments and similar uses . In addition to one parking space for every 200 square feet of gross floor area, each such establishment shall have five standing spaces (i.e., spaces for vehicles waiting in line for service)

for each teller window or other facility at which customer service is provided.

- i. Motor vehicle repair shops, body shops , etc. One space for each regular employee, plus one space for each 300 square feet of floor area used for mechanical or body repair.
- j. Motor vehicle sales, machinery sales and equipment sales establishments. Two parking spaces (one customer and one employee) for each 1,000 square feet utilized for the display of vehicles, machinery or equipment for sale, whether or not said area is enclosed. (Note: If a motor vehicle sales establishment is combined with a motor vehicle repair shop, body shop or similar use, one space shall be provided for each employee of the establishment, whether mechanic, salesman, or other, plus one space for every 1,000 square feet of sales display area and one space for every 300 square feet of floor area used for repair).
- k. Grocery stores (excluding convenience type grocery stores). One parking space (for employees and customers) for each 100 square feet of non-storage floor area.
- l. Convenience-type grocery stores. A minimum of four parking spaces for any such use plus one space for each 400 square feet of non-storage area.
- m. Skating rinks and other commercial places of amusement or assembly without a fixed seating arrangement. One parking space for each 75 feet of floor area devoted to use by patrons.
- n. Bowling alley. Five spaces for each bowling lane.
- o. Elementary and junior high schools (or those schools generally educating students through the age of 14). One space for every four students or one space for every four fixed seats (if provided) in any auditorium, gymnasium or other facility for public assembly, whichever is greater, to accommodate parent/visitor parking needs; PLUS one space for each staff member or other employee of the school.

- p. High Schools (or those schools generally educating students 15 years of age or older). One space for every three students or one space for every three fixed seats in any auditorium, gymnasium or other facility for public assembly, whichever is greater, to accommodate student and parent/visitor parking needs; PLUS one space for each staff member or other employee of the school.
- q. Warehouse, Wholesale and Manufacturing Uses NOT Catering to the Retail Trade: One parking space for each 1,000 square feet of gross floor area, or one parking space for each two employees on the largest shift, whichever is greater; plus one space for each vehicle operating from the premises.
- r. Public/Quasi-Public Facilities and Uses : Off-street parking space requirements for public/quasi-public facilities and uses shall be determined based upon a Site Plan and in accordance with the following schedule of requirements for specific uses:
1. Churches: One parking space for every five fixed seats in the principal assembly hall or one parking space for every 90 linear inches of pew space, whichever is applicable.
 2. Hospitals. One space for each patient bed, plus one space for each employee determined by the number of employees on the largest shift.
 3. Rest homes, nursing homes, sanitariums, convalescent homes, and institutions. One space for every two patient beds, plus one space for each employee determined by the number of employees on the largest shift.
 4. Libraries, art galleries, and museums, both public and private. One space for each 200 square feet of floor area (excluding storage rooms).
 5. Other public/quasi-public facilities and uses not listed above. The off-street parking requirements for public/quasi- public uses not listed above shall be determined on the basis of a Site Plan submitted

in accordance with Section 5.600.18 of this ordinance.

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

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

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

- A. **Access Barrier**: Each lot, with its buildings, other structures and parking and loading areas shall be physically separated from each adjoining street by a curb or other suitable barrier against unchannelled motor vehicle ingress or egress. Except for the accessways permitted below, such barrier shall be continuous for the entire length of any lot line adjoining a street.
- B. **Number of Accessways Per Lot** : A minimum of one accessway per lot, or as many accessways as required during site plan review.
- C. **Width of Accessways**: The width of any accessway shall not be less than 20 feet. The alignment of accessways shall be approved in accordance with Site Plan Review procedures specified under Section 5.600.18.

- D. **Distances between Accessways and Minimum Setbacks from Street Intersections:** The spacing of accessways shall conform to the following: (1) at its intersection with the lot line, no part of any accessway shall be nearer than 20 feet to any other accessway on the same lot, nor shall any part of the accessway be nearer than ten feet to any side or rear property line; (2) at intersections with other streets, no part of an accessway shall be permitted within 50 feet of the intersecting streets right-of-way line; and (3) no part of an accessway shall be permitted within a corner radius.
- E. **Reduction of Traffic Hazards at Accessways:** Accessways shall be constructed so that vehicles will not have to back into the roadway. In addition, the location and number of accessways shall be so arranged that they will reduce the possibility of traffic hazards as much as possible.
- F. **Corridor Accessways:** Accessways along the defined corridors will be limited to rear access except for public streets. Access cannot be obtained directly from the corridor.

3.37.5 PARKING AND STORAGE OF DERELICT VEHICLES: Vehicles that are wrecked, dismantled, partially dismantled, inoperable, abandoned or discarded and are not capable of being legally driven upon the streets of the City of Byram shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings, nor shall such vehicles be parked on public streets.

SECTION 3.38 - NONCONFORMITIES

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

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

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change of plans, construction, or designated use of any building on which ACTUAL CONSTRUCTION WAS LAWFULLY INITIATED PRIOR TO THE EFFECTIVE DATE OF ADOPTION OR

AMENDMENT OF THIS ORDINANCE and upon which actual building construction has been carried on diligently. “Actual construction” is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially initiated preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be “actual construction,” provided that work shall be carried on diligently.

3.38.2

TYPES OF NONCONFORMITIES : Where the definition of a nonconformity has been given in Section 2.21 and under Section 3.40, such nonconformities shall be further defined according to one of the types of nonconformities listed below, or combination thereof, for the purpose of regulation.

- A. **Nonconforming Undeveloped “Lot of Record”**: This type of nonconformity is an undeveloped “lot of record” (i.e., part of a subdivision, the map of which has been recorded in the office of the Chancery Clerk of Hinds County, Mississippi, or a lot described by metes and bounds, the description of which has been recorded in said office) the dimensions of which, subsequent to the passage of this ordinance, do not meet the area or width requirements, or both, of the district wherein such lot is located.
- B. **Nonconforming Structure** : This type of nonconformity includes anything lawfully constructed or erected with a fixed location on the ground (or attached to something having a fixed location on the ground) prior to the passage of this ordinance, but which subsequently does not comply with the bulk, placement and dimensional requirements of the zoning district wherein located.
- C. **Nonconforming Use** : This type of nonconformity includes the uses of any land, lot, building, structure, or parts thereof, which lawfully existed prior to the passage of this ordinance but which subsequently does not comply with all or some part of the use requirements of the zoning district wherein located.
- D. **Classification of Nonconforming Uses and Structures**: Nonconforming uses and structures are those that do not conform to a provision or requirement of this ordinance but were lawfully established prior to the time of the ordinance’s adoption. Upon findings that continuance of the nonconforming use or structure: 1) would not be contrary to the public health, safety or welfare, or the spirit of this ordinance, 2) that the use or structure does not and is not likely to significantly depress the value of

nearby properties, 3) that the use or structure was lawful at the time of its inception, and 4) 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.

3.38.3 REGULATIONS CONCERNING NONCONFORMING UNDEVELOPED LOTS OF RECORD

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

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

Variance of yard requirements shall be obtained only through actions of the Zoning and Planning Commission and the Mayor and Board of Aldermen (See Sections 5.600.09 and 5.600.14 of this ordinance).

(NOTE: Subsection 3.38.03-A provides the explicit guarantee that a single-family dwelling can be erected on any lot of record in a district where single-family dwellings are permitted, provided that yard and other requirements NOT INVOLVING AREA OR WIDTH are met. This complies with the established legal principle that an individual must be allowed to do something with his lot. Furthermore, if such lot is too narrow to build a house and yet provide the side yards specified for a particular district, the correct procedure would be for the individual owning the lot to apply for a building permit to the Zoning Administrator . The Zoning Administrator, however, has no discretion in the matter and must refer the request to the Mayor and Board of Aldermen for a determination as to whether a Variance should be allowed.)

- B. Two or More Nonconforming Undeveloped (or Vacant) Lots of Record with Continuous Frontage Changing Ownership After the Effective Date of This Ordinance:** If two or more undeveloped (or vacant) lots in single ownership with continuous frontage are “of record”

at the time of enactment of this ordinance, and if, subsequent to the passage of this ordinance, such lots become non-conformities in the district where they are located; and if such lots change ownership (except by inheritance or as a gift) after the enactment of this ordinance, the lands involved shall be considered as UNDIVIDED PARCEL for the purposes of this ordinance; and no portion of said parcel shall be used in a manner which diminishes compliance with the lot width and/or lot area requirements established by this ordinance, nor shall any division of any parcel be made that creates a lot width or area (or both) below the requirements stated in this ordinance.

The provisions of this subsection shall not apply to two or more undeveloped lots of record in single ownership with continuous frontage which remain in the same ownership (or if the lots are conveyed by inheritance or as a gift) following enactment of this ordinance. Such lots not changing ownership shall continue to be considered divided parcels; and the owner of such lots may erect single-family dwellings on each lot in districts where single-family dwellings are permitted, subject to the regulations imposed by subsection 3.38.03-A. However, further division of such nonconforming lots of record shall be prohibited.

(NOTE: Subsection 3.38.03-B is intended to prevent the construction of dwelling units at too high a density by individuals purchasing two or more nonconforming vacant lots in continuous frontage after the effective date of this Ordinance. At the same time, it is intended to avoid undue harshness with regard to persons who owned such lots prior to the effective date of this Ordinance.)

C. Average Depth of Front Yards:

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

immediately adjoining; provided, however, that the depth of a front yard in any "R" District shall be at least ten feet and not block the line of sight for motorists.

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

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

NOTHING IN THIS ORDINANCE SHALL BE DEEMED TO PREVENT THE STRENGTHENING OR RESTORING TO A SAFE CONDITION OF ANY BUILDING OR PART THEREOF DECLARED TO BE UNSAFE BY ANY OFFICIAL CHARGED WITH PROTECTING THE PUBLIC SAFETY, UPON ORDER OF SUCH OFFICIAL.

- 3.38.5** **REGULATIONS CONCERNING SIGNS AS NONCONFORMING STRUCTURES AND/OR NONCONFORMING LAND USES** : See Sign chapter of this ordinance for regulations concerning nonconforming signs.

- 3.38.6** **PERMITTED CONDITIONAL USES CONSTITUTE CONFORMING USES**: Any land use which is permitted as a conditional use in a particular district under the terms of this ordinance (OTHER THAN APPROVAL BY ACTION OF THE MAYOR AND BOARD OF ALDERMEN ALLOWING A CHANGE FROM A NONCONFORMING LAND USE TO ANOTHER NONCONFORMING USE) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

SECTION 3.39 - REQUIRED LANDSCAPING ALONG ALL ARTERIAL STREETS IN ALL ZONING DISTRICTS

3.39.1 ARTERIAL STREET LANDSCAPING FOR SUBDIVISION:

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

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

NO FENCE SHALL BE ERECTED IN A MANNER WHICH BLOCKS ACCESS TO THIS REQUIRED LANDSCAPED EASEMENT.

3.39.2 ARTERIAL STREET LANDSCAPING FOR DEVELOPMENTS NOT INVOLVING THE SUBDIVISION OF LAND:

Developers of all multiple family residential (apartments or condominiums), manufactured/mobile home parks, commercial, industrial or public/quasi public uses not involving the subdivision of land shall provide a landscaped strip at least ten (10) feet in width consisting of grass, shrubs and trees along all existing or proposed streets or highways designated as Principal Arterial or Minor Arterial on the adopted Thoroughfares Plan of the City of Byram. The spacing, sizes and specific types of landscaping material to be installed within this landscaped easement shall be shown on the required site plan. A site plan shall not be approved unless the developer's proposals for the landscaped strip are acceptable to the Mayor and Board of Aldermen. This requirement is intended to insure consistent treatment along the traffic frontage, which is essential for appearance and permanency. Maintenance of this required landscaped strip shall be the responsibility of the property owners and not the City of Byram. Failure

to maintain the landscaping in a satisfactory manner shall constitute a violation of this ordinance and be subject to the penalties imposed herein.

NO FENCE SHALL BE ERECTED IN A MANNER WHICH BLOCKS ACCESS TO THIS REQUIRED LANDSCAPED EASEMENT.

SECTION 3.41 - SIGNS

3.41.1 **PURPOSE:** This Ordinance is adopted for the following purposes:

- A. Assist the local business community in providing signage which directs the public to each individual business establishment.
- B. Provide for consistent and equitable signage requirements for both large and small businesses.
- C. To provide for a reasonable system of control of signs
- D. To encourage a desirable urban characteristic that has a minimum of overhead clutter.
- E. To enhance the economic value of the community and each area thereof through the regulation of such things as size, location, design, and illumination of signs.
- F. To encourage signs which are compatible with adjacent land use.
- G. To reduce possible traffic and safety hazards through sign regulation.
- H. Insure that the type and amount of signage accurately reflects the character of the City of Byram.

3.41.2 **DEFINITIONS.**

Abandoned Sign: A sign, which no longer correctly advertises a bona fide business, lessor, owner, project, or activity conducted or product available on the premises where such sign is displayed for a period of at least 3 months

Advertising Sign: See “Off Premises Sign”

Animated Sign: Any sign which moves or which appears to move by any means, including fluttering or rotating. Animated signs shall include but are not limited to pennants, flags,

balloons, ribbons, streamers or propellers. For purposes of this Ordinance, this term does not refer to flashing or changing signs, all of which are separately defined.

Balloons: Any display or arrangement of inflated objects, including large inflated characters, blimps, replicas of hot air balloons, etc. which are anchored to the ground, a building or pole with the intention to attract the attention of the public to a location or business.

Banners: A temporary sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind or of other materials, with only such material for backing. Banners are furnished by a recognized manufacturer, which, with or without insignia, attracts the attention of citizenry to a location or business.

Board: Sign Appeals Board.

Building Face or Wall: All window and wall areas of a building in one plane or elevation.

Business Sign: A sign which directs the attention to a business, profession, commodity, service or entertainment conducted, sold, or offered upon the same lot where the sign is located.

Campus Environment Office Project: A multi-building commercial development consisting of buildings with uniform architecture located within a subdivision containing covenants and restrictions and arranged with common areas and similar landscaping.

Changeable Copy Sign (Manual): A sign on which copy is changed manually (i.e., reader boards with changeable copy) the area of which shall be included within the allotted face of sign square footage, and if ground mounted, enclosed under a locked and vandal proof case, at the discretion of the Building Official.

Changing Sign (Automatic): A sign such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.

Civic Signs: Signs used for announcements, directing and identification by churches, schools and civic organizations. i.e. Lions Club, Rotary etc.

Construction Sign: A temporary sign erected on the premises on which construction is taking place, during the period of construction, and indicating the names of the architects, contractors, owners, financial supporters, sponsors and similar persons or firms involved with the construction and development of the project.

Copy: The wording or graphics on a sign surface.

Development Sign: A temporary sign relating to the promotion of a sale or rental of a new development or subdivision being constructed on the site upon which the sign is located, or located off-site and containing information and directions to a new development or subdivision.

Directional Sign: An off premises sign denoting the name and direction to a civic organization.

Exterior Directory Sign: A sign containing the building identification and address and the name and location of each tenant, and allowed in any project where one or more tenants does not have an exterior entrance or does not qualify for an exterior sign.

Facade: The face of a building most nearly parallel with the right of way line of the street upon which the building faces.

Face of Sign: The entire area of a sign on which copy could be placed, and in the instance where a double faced sign is utilized, the area of one face shall be included to determine face square footage, if both faces include the same copy.

Flashing Sign: Any sign, which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, changes in the degree of light intensity, or any externally mounted intermittent light source.

Front Footage: The lineal width measured parallel to the street frontage of the heated and enclosed structure, not including out-building or appurtenant structures, unless said structure has no street frontage in which case the front footage shall be the structure's side width of principal entrance.

Ground Level: Immediate surrounding grade.

Ground Sign: A sign mounted at or near ground level the face of which is no more than thirty-six (36) inches and no less than twenty-four (24) inches above the centerline of the adjacent street, highway, or right of way.

Height of Sign: The vertical distance measured above the centerline of the adjacent Street, highway, or right of way to the highest point of the sign.

Interstate Viewable Sign: A sign located within the S-2 Highway Corridor zoning district that is placed within the required rear yard of the business requesting the sign and is used to identify the name of that business.

Instructional Sign: A sign conveying instructions strictly for the direction safety and convenience of the public with respect to the premises on which it is maintained, such as a sign designating the entrance to or exit from a parking area, a sign identifying restrooms, a trespassing sign, a danger sign and similar signs.

Mall: A shopping center in which access for tenants is provided by a roofed or enclosed common pedestrian area.

Mobile (or portable) Sign: A sign attached to, mounted, pasted, painted, or drawn on any vehicle (e.g. a trailer), whether motorized or drawn, that is placed, parked, or maintained at one particular location for the express purpose and intent of promotion or conveying an advertising.

Multi-Family Projects: A project consisting of other than single-family dwellings, including, but not limited to, multi-family dwellings, apartments, and condominiums.

Multi-Story Office Building: An office building two (2) or more stories in height, regardless of the number of tenants or occupants.

Office Building: A building principally used by companies to conduct business, or the uses allowed in the C- I, and C-2 Zoning Districts of the City.

Office Park: A project of one or more buildings that has been planned as an integrated unit or cluster on property that is under unified control or ownership.

Off Premises Sign: A sign directing attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained, including, but not limited to, billboard signs.

On Premises Sign: See “Business Sign”.

Opening Sign: A temporary sign erected only for that limited period during which an enterprise not theretofore in operation begins its operation initially or at a new location.

Outdoor Advertising Sign: An off-premises sign commonly referred to as a billboard and supported by one or more poles.

Pole Sign: A sign erected on a free-standing frame, mast, or pole and not ‘attached to any building (Allowed in interstate zone only).

Political Sign: A temporary sign erected to publish the name of a candidate or to enlist votes in any official public election.

Portable Sign: Any sign constructed on a trailer with wheels which may or may not be detached or which is designed to be transported from place to place by any means for temporary use and is not designed to be nor is it permanently affixed to a building or lot.

Project Sign: A sign erected to display the identity of a single building, business, office, or shopping complex. The name of each tenant is to be displayed.

Real Estate Sign: A temporary sign employed to announce or display the sale or lease of real property, said sign being erected on the property for sale or lease.

Regional Retail Center: A commercial center developed as a unit, providing for the sale of goods or personal services, and comprising a minimum of forty (40) acres and 400,000 square feet of floor area.

Retail Business: A business principally engaged in the sale of commodities, services, or goods to the ultimate consumer.

Roof Line: The apex, or highest point of the roof. If there is a series of roofs, the apex of the lowest roof will be considered.

Roof Sign: A sign which is erected, constructed, or maintained on a roof. All bracing to the roof shall be concealed (not visible from road or ground) by the same material as the face of the sign.

Set Back: The minimum horizontal distance between the face of curb, the edge of pavement, or the right of way line and the sign structure as specified in a particular section of this Ordinance.

Shopping Center: A commercial area consisting of five or more retail businesses planned, constructed, and managed as a unit providing convenience goods, general merchandise, office, service, or recreational activities; providing for off-street parking adjacent to such activities.

Sign: Any device, structure, fixture or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, good or service, activity, place, person or any other item of information.

Sign Area: The surface area of a sign computed as including the entire area within a rectangle, triangle, circle, or other regular geometric form, or aggregates thereof, encompassing all of the display area of the sign and including all of the elements of the matter displayed. Base, apron, supports, and other structural members not bearing advertising matter shall not be included in computation of surface area. Border or trim shall be included in computation of surface area.

Sign Conversion: The permanent affixation to building, pole, or lot of a portable sign.

Sign Structure: Any structure which supports, has supported, or supporting a sign including decorative cover.

Single Office Building: An office building containing four (4) or less tenants or occupants and less than three stories in height.

Street: A public thoroughfare which affords the principal means of access to abutting property.

Street Banner: A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame.

Strip Plaza: A linear commercial development of two or more businesses or offices under one or many ownership or management providing off-street parking and consisting of a similar or compatible architectural or graphic character of theme.

Subdivision Entrance Sign: An on-site sign, masonry wall, landscaping, or similar materials or features, which separately or together form a display to identify the subdivision, provided that the legend of such sign shall consist only of the name of the subdivision.

Temporary Sign: A sign which is not permanent and is allowed for a specific time period.

Wall Sign: A sign which is fastened and parallel to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign, and which does not extend more than twelve (12) inches from such building or structure.

Window Sign: A business sign painted on or posted in a window and visible from a public right of way.

3.41.3 GENERAL SIGN REQUIREMENTS:

The following types of signs, along with Civic Signs subject to the limitations prescribed for them, shall be the only signs permitted for uses authorized in the commercial and industrial zoning districts of the City of Byram:

In instances where a sign setback requirement from the public right of way is not physically possible, the Building Official may allow for a smaller sign setback from the right of way if in his judgment the placement of the sign will in no manner constitute a traffic hazard, create a nuisance or infringe upon the rights of an adjacent property owner. In no instance shall a sign be allowed to be placed in the public right of way. County and local government signs shall comply with the appropriate building classification.

Window signs may be attached to or displayed in show or display windows provided the total sign area does not exceed 20% of the window area to which is allocated to or display in.

All building signs must have a building address on them.

A. Single Business Location (One building/one or more tenants).

1. **The occupant of a single business structure** with one tenant may have one wall sign, total area of wall signage shall not exceed one square foot of sign for every foot of front footage of the applicable building, subject to the following restrictions:
 - (a) The maximum square footage wall sign allotment shall not exceed 150 square feet except as provided herein.
 - (b) Where a single business fronts on more than one street, the allowable square footage for the wall sign shall be computed by using only one wall and the allowable area can be used on any street side. The wall chosen will be the owner/applicant decision.
2. **Single business location with 2 or more tenants** may each have tenant identification on the ground sign.
3. **Refer to Appendix A, in this section, for height, size, and set-back requirements of ground signs.** The base of all ground signs shall be fully landscaped with planters and/or shrubbery in all directions, not less than the dimensional width of the sign and maintained in accordance with any city landscaping regulations. If a single business fronts on more than one street, the allowance for a ground sign shall be determined pursuant to Appendix “A”, based upon the number of lanes for each street.
4. **If the occupant of a single business structure elects to use a wall, sign:** The wall signs shall not be higher than the roof line or fascia of the building.
5. **If the occupant elects to use changeable copy,** only one of the signs, wall or ground sign, may have changeable copy. If a changeable copy sign is used, the base of the changeable copy sign shall not be less than seven feet above the ground.

B. **Single Office Building:**

1. **Each single office building with four or less tenants** shall be allowed one ground mounted project sign per street frontage.
 - (a) Refer to Appendix A, in this section, for height, size, and set-back requirements of ground signs. The base of all ground signs shall be fully landscaped with planters and/or

shrubbery in all directions, not less than the dimensional width of the sign.

- (b) The sign shall contain the name of the project and Street address and may have up to four tenants, along with the owner=s name on the building and the building name.

- 2. **Each business within a single office building** which has an exterior entrance shall be allowed one wall mounted sign no larger than four square feet adjacent to the entrance

C. **Strip Plaza, Office Parks and Shopping Centers:**

- 1. **Strip plazas, office parks, and shopping centers shall be allowed to display one ground sign per street frontage** to identify the center and tenants. Refer to Appendix A, in this section, for height, size, and set-back requirements of ground signs. The base of all ground signs shall be fully landscaped with planters and/or shrubbery in all directions, not less than the dimensional width of the sign and maintained in accordance with the landscape ordinance. The Street address shall be included on the sign.
- 2. **Each individual business within the strip plaza, office park, or shopping center shall be allowed to display one wall sign.** The size of the wall sign shall be computed by taking the length of the wall of the tenant=s leased area and multiplying it by 1.0 (the length of wall times 1.0 equals total allotment for sign square footage,).
- 3. **Private Sign Standards Required:** In the case of an office park, strip plaza, shopping center or other grouping of five or more tenants or establishments, the developer shall prepare a set of sign standards for all exterior signs to be approved by the Zoning and Planning Commission. Such standards shall run with all leases or sales of portions of the development. Zoning and Planning Commission, when reviewing these standards, shall consider the size, colors, materials, styles of lettering, appearance of any logo, type of illumination, and location. Sign permits shall not be issued until the Zoning and Planning Commission has approved the sign standards after having been assured that such standards will be enforced by the developer or owner. The sale, subdivision, or other partition of the site after development does not exempt the project or portions from complying with these regulations relative to

number of signs, and the harmony and visual quality of signs to be installed. All new businesses which come under this section shall submit private sign standards within 90 days after the effective date of this Ordinance.

D. Regional Retail Center. Entrance Signs: Each regional retail center shall be allowed one ground mounted sign for each entrance. The entrance sign shall not exceed 15 feet in height from the grade; shall not exceed eight feet in width; and shall be at least ten feet from the pavement edge or curb of the public street or outside of the public right of way, whichever is further.

1. **Building Sign:** An individual business establishment may have one wall sign per street frontage, with the sign surface area not exceeding fifteen percent (15%) of the surface area of the wall to which it is attached. However, an individual business establishment whose building is located in excess of 200 feet from the property line of the street on which it fronts may have a wall sign whose surface area does not exceed 25 percent of the wall on which it is located.

E. Campus Environment Office Project:

1. **Each campus environment project shall be allowed no more than two project signs per entrance.** Refer to Appendix A for height, size, and set-back requirements of ground signs. The base of all ground signs shall be fully landscaped with planters and/or shrubbery in all directions, not less than the dimensional width of the sign.
2. **A campus environment project may have a ground mounted address sign for each building.** The address sign shall be out of the right of way, no higher than four feet and no wider than three feet.
3. **Exterior directories shall be allowed for each building within a campus environment project.** The purpose of the directory shall be for customer convenience, direction, and safety. There shall be one directory for each main entrance to the building. The directories shall not exceed 15 square feet per face. Directories shall be located no more than 75 feet from building entrance(s) and set back at least 5 feet from curb entrance or edge of pavement. No exterior directory shall exceed six feet in height as measured from surrounding grade. Building identification letters shall not exceed

six inches and tenant identification shall not exceed four inches. Each tenant listing shall be of identical size, shape, and color. Directories may be a changeable copy sign (manual).

F. **Temporary Signs and Banners :**

1. **Length of time for display.** Notwithstanding other provisions of this Ordinance, a newly established, expanded in floor area, or relocated commercial business, in addition to the hereinbefore specified sign allotment, may for a period of 15 days display one temporary wall, window, or ground sign per street frontage. Each allowed sign shall not exceed 32 square feet in face area. Ground signs shall not exceed five feet in height and shall be set back from the curb face or edge of pavement no less than ten feet. Temporary Banners shall be limited to one banner four times annually. A permit fee of \$25.00 shall be charged.

2. **Temporary Banners.** A business may request from the Building Official a temporary sign permit to allow a temporary banner related to a sale or a new product. The temporary banner, which may be made of fabric, but cannot be a portable sign, shall not exceed an area of 32 square feet and shall not exceed five feet in height. Balloons may be used as part of the decoration but should be attached to the banner and not extend greater than ten feet from the banner. The sign shall be set back from the curb face or edge of pavement no less than ten feet. A temporary banner permit issued under this paragraph shall not exceed a period of 15 days. Businesses shall not be allowed more than one banner, at any given time, displayed on the exterior of the business. A permit fee of \$25.00 shall be charged. There will be no charges for non-profit organizations

NO TEMPORARY BANNERS ARE PERMITTED IN RIGHT-OF-WAY, AND NO TEMPORARY BANNERS ARE GRANDFATHERED.

G. **Construction Signs:**

During the course of physical construction under a valid building permit issued by the City of Byram, two-sided ground sign not to exceed 32 square feet in face area per side shall be permitted. Construction signs shall be no greater than eight feet in height and located on the premises no less than 15 feet from the face of curb or edge of pavement or outside of the public right of way, whichever is further. The construction sign shall

be permitted to stand no longer than the period during which construction is physically in progress under a valid building permit.

H. Real Estate Signs :

One ground or wall sign advertising the sale or lease of real estate shall be permitted upon the premises of the property for sale or lease, provided said sign does not exceed 32 square feet of sign area. If not attached to a building, the sign shall not exceed five feet in height and shall be set back no less than ten feet from the face of the curb or edge of pavement or outside of the public right of way, whichever is further. Real estate signs shall be removed within seven days of the closing of the sale, rental, or lease of the premises. No more than one temporary sign shall be allowed per street frontage.

I. Special Provisions for Service Stations and Convenience Stores :

A service station/convenience store that is engaged in the retail distribution of petroleum and petroleum products may be allowed, in addition to the sign allotment herein provided for commercial and industrial districts, shall be entitled to the following additional signs:

1. **One non-illuminated price sign per street front**, said sign not to exceed two square feet in face area, and located upon the pump island nearest to said street or upon the face of the station building.
2. **Two non-illuminating self service or full service signs per pump island**, said signs not to exceed two square feet in sign area nor to be located at a height more than eight feet from the surrounding grade.
3. **Signs displaying the federal and state stamps, octane ratings, pump use directions**, no smoking signs, and other signs as required by federal, state, and local authorities provided that the aggregate total square footage of same shall not exceed four square feet per pump island.

J. Multi-Story Office Building: Each Multi-Story Office Building shall be permitted:

1. **One ground mounted project sign per street frontage.**
 - (a) Refer to Appendix A, in this section, for height, size and set-back requirements of ground signs. The base of all ground signs shall be fully landscaped with planters and

shrubbery in all direction, not less than the dimensional width of the sign.

- (b) The sign shall contain the name of the project and the street address and may contain the owner=s name.

2. **Size of allowed sign.** Each business within a Multi-Story Office Building which has an exterior entrance, shall be allowed one wall sign no larger than four square feet adjacent to the entrance, unless otherwise prohibited.

3. **Signage keyed to number of tenants.** The same signage as a single office building if said building contains four (4) or fewer tenants.

4. **An exterior directory permitted** in Campus Environment Office Projects if the building contains more than four (4) tenants.

5. **Private sign standards.** The owner of any multi-story office building may submit private sign standards which would allow additional signage in accordance with such standards. Before any additional signage may be permitted the Planning Commission must find:

- (a) That because of unusual characteristics of a particular parcel of land and building or buildings located thereon that additional or different signage is necessary to prevent an injustice or undue hardship to any occupant of such a building; and
- (b) That the private sign standards provide for type of signage that is permitted to another office classification, (i.e. office park, single office building, campus environment office project); and
- (c) That the application of regulations related to another office classification would eliminate the injustice or undue hardship to any occupant of such a building; and
- (d) That the private sign standards meet all the requirements for private sign standards otherwise provided for by this ordinance. Residential subdivision signs must be no larger than six square feet.

- K. **Political Signs:** The maximum area of political signs is 32 square feet. They should be at least ten feet from the curb. Only one sign per candidate per parcel is permitted. No political signs are permitted on public right-of-way. No political signs are permitted 90 days prior to the election, and they must be removed within seven days after the election. No more than one temporary sign shall be allowed per street frontage.

3.41.4 **CIVIC SIGNS:** The following types of signs, subject to the limitations prescribed for them, shall be the only signs permitted for use by churches, schools and civic organizations and political signs, whether located in commercial or residential zoning districts in the City of Byram. In instances where a sign setback requirement from the public right of way is not physically possible, the Building Official may allow for a smaller sign setback from the right of way if in his judgment, the placement of the sign will in no manner constitute a traffic hazard, create a nuisance or infringe upon the rights of an adjacent property owner. In no instance will a sign be allowed to be placed in the public right of way. No off-premise signs are allowed.

A. **Ground Signs:**

Each civic organization shall be allowed one ground sign per location. This sign shall have a height no greater than eight feet, an area of no more than 48 square feet and shall be set back at least ten feet from the edge of pavement or curb, or outside of the right of way, whichever is further. The area surrounding the sign shall be landscaped.

B. **Wall Signs:**

Each civic organization may have a wall sign of no greater than 48 square feet for each side of the building which has street frontage. The sign copy may contain the name and/or the denomination of the church or civic organization. Civic organizations may place a sign on the entrance signs of the city with approval of the Mayor and Board of Aldermen of the City of Byram, Mississippi.

C. **Changeable Copy Sign (Manual):**

In lieu of the ground sign set out in “A” above, the civic organization may have a ground mounted changeable copy sign (manual) which may contain the name of the institution or organization; the name or names of the persons connected with it; and greetings, announcement of events or activities occurring at the institution or similar messages.

D. **Directional Sign:**

Each civic organization may have two off-premises directional signs. The signs shall be no larger than six square feet, no higher than six feet. The copy of the sign can contain only the name of the organization, its logo, and the directional arrow. More than one civic organization on a street corner shall be placed on one six square foot sign.

E. **Temporary Sign:**

An organization may request from the Building Official a temporary conditional use permit to allow a temporary sign pertaining to campaigns, drives, or events of a civic, philanthropic, educational, or religious nature. The temporary sign, which may be made of fabric, but cannot be a portable sign, shall not exceed thirty-two square feet nor be higher than five feet. The sign shall be set back from the edge of the right of way at least ten feet. No more than one temporary sign shall be allowed per street frontage. The temporary permit shall be for no more than fifteen days and shall be allowed no more than four times per year.

3.41.5 RESIDENTIAL SIGNS:

The following types of signs, along with Civic Signs and political signs, subject to the limitations prescribed for them, shall be the only signs permitted for use within the residential zoning districts of the City of Byram.

A. **Development Sign :**

1. While a formerly recorded subdivision, approved on a plat of record, is under physical construction, there shall be permitted two temporary off-premises signs giving exclusively the name and directions to the subdivision. The sign face of each sign shall not exceed 32 square feet. The height of the sign shall not exceed five feet. The off-premises development sign shall require the approval of the Planning and Zoning Commission concerning location, setback, copy, lighting, and design and the request shall be made along with the site review request. The sign shall be permitted to stand no longer than the period during which construction is physically in progress under a valid building permit.

2. In addition to the off-premises development signs, one two-sided on premises construction sign shall be permitted per entrance.

B. Multi-Family Project Identification Signs:

All multi-family projects, apartment complexes and/or condominiums with four or more units shall be permitted two externally lighted ground or wall signs for identification. If the project fronts on more than one street, two additional multi-family project identification signs shall be permitted at a major entrance on the additional street frontage. Refer to Appendix “A” for height, size, and set-back requirements of ground signs. The base of all ground signs shall be fully landscaped with planters and/or shrubbery in all directions, not less than the dimensional width of the sign. Wall signs shall be subject to the same requirements as Single Business Locations.

C. Subdivisions Entrance Signs:

In single family detached residential developments which have an approved plat of record, there shall be permitted two subdivision entrance signs at the intersection of every minor and major arterial street with the subdivision. The entrance signs shall be permanent signs and shall contain only the name of the subdivision. Refer to Appendix “A” for height, size, and set-back requirements of signs, if used. The base of all signs shall be fully landscaped with planters and/or shrubbery in all directions, not less than the dimensional width of the sign.

D. Construction Signs:

A temporary construction sign shall be permitted during the course of physical construction under a valid building permit issued by the City of Byram. For a single family detached dwelling or a duplex, the sign face area shall not exceed nine square feet. For a multi-family project, the sign face area shall not exceed 32 square feet and shall conform to all other requirements set out in Section 3.41.05.B above. Construction signs for single family detached dwellings and duplexes shall be set back at least five feet behind the curb face or edge of pavement, or outside of the right of way, whichever is further, and shall not exceed five feet in height. Construction signs shall not be permitted to stand more than 90 days without the express approval of the Zoning and Planning Commission.

E. Real Estate Signs:

In all residential districts, one temporary sign advertising the sale or lease of real estate shall be permitted upon the premises of the property for sale or lease. Said signs shall not exceed the dimensions of two feet by three feet, with a total maximum sign face area of six square feet per face, with a maximum of two faces on a single plane of material. The maximum height of said signs shall be five feet, and said signs shall be set back no less than ten feet from the curb face or edge of pavement or outside of the right of way, whichever is further. Signs shall be removed within seven days of the sale or lease of the property. No more than one sign shall be allowed per street frontage.

F. **Off Premises Real Estate Sign**: Not permitted.

3.41.6 **EXEMPT SIGNS**: The following signs are exempt from the provisions of this Ordinance:

A. **Official public notices** and notices posted by public officers in the performance of their duties.

B. **Governmental signs for the control or direction of traffic** and other regulatory purposes.

C. **Flags or emblems** of the United States or its military services, the State of Mississippi, or their political subdivisions, these flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and stripes.

EXCEPTION: In residential areas the flag shall not exceed 24 square feet in area and shall not be flown from a pole, the top of which is more than 25 feet in height.

D. **Memorial plaques**, cornerstones, historical tablets, and the like.

E. **Signs not visible** from the front of the lot upon which they are situated, such as drive-up menu boards at Fast Food Facilities.

F. **Signs posted in conjunction with door bells or mailboxes**, none exceeding 36 square inches in surface area.

G. **Small, illuminated or non-illuminated instructional signs**, none exceeding four square feet in surface area.

H. **Address signs**, not more than one for each street frontage of each principal use on a lot and none exceeding 72 square inches in surface area,

showing only the numerical address (and name of residence) designations of the premises upon which they are situated. All address signs shall be prominently displayed and written in contrasting colors to the color of the structure or background against which said signs are placed in order to facilitate emergency identification for public service employees.

- I. **Decals, numerals, names, addresses, hours, credit information, etc.**, attached to doors or windows and all of which occupy a total area of one square foot or less.

3.41.7 NON-CONFORMING SIGNS

- A. **Intent:**

Signs which were legally in existence prior to the adoption of this Ordinance which do not conform to the provisions of this Ordinance are declared non-conforming signs. It is the intent of this section to recognize that the eventual elimination, as expeditiously and fairly as possible, of non-conforming signs is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this Ordinance.

- B. **General Non-Conforming Sign Provisions:**

Subject to the exceptions hereinafter set forth, any non-conforming signs may be continued in operation and maintenance after the effective date of this Ordinance provided that non-conforming signs shall not be:

1. **Changed to or replaced with another non-conforming sign** including changing the sign face (except on changeable copy signs which comply with this regulation and Outdoor Advertising Signs.)
2. **Structurally altered** so as to extend their useful life.
3. **Expanded.**
4. **Relocated.**
5. **Re-established after damage** of more than fifty percent (50%) of the value at the time of such damage or destruction.
6. **Modified in any way** that would increase the degree of nonconformity of such sign.

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by the Building Official. Such signs may be improved only to the extent that such improvement does not exceed 50 percent of the current market value of the existing sign structure.

C. **Termination of Non-Conforming Signs/Amortization Schedule:**

1. **Any non-conforming sign or sign structure which is partially destroyed** by fire, accident, or natural cause beyond 50 percent of its current market value shall thereafter be removed or reconstructed in conformance to the provisions of this Ordinance.
2. **Any non-conforming sign or sign structure which is improved and altered** to comply with the provisions of this Ordinance shall thereafter be considered as conforming.

3.41.8 **PROHIBITED SIGNS:**

A. **General.**

1. **Trailer signs** having intermittent or animated illumination or moving parts. No signs shall have lights which imitate or resemble official emergency vehicle or traffic signs or signals changeable copy signs (Automatic).
2. **Strips or strings of lights, banners, flags, balloons or pennants,** along and within outlining property lines, sales areas, roof lines, doors, windows, wall edges, or other architectural features of a building, which are not a part of the original structure.
3. **Signs on public property,** other than those erected at the direction of and with the permission of a governmental authority having jurisdiction. No signs permitted in public right-of-way except those erected by a governmental entity.
4. **Signs which are not securely affixed to the ground,** or otherwise affixed in a permanent manner to an approved supporting structure, including but not limited to, portable signs (including sign conversions).
5. **No sign or other device regulated by this Ordinance shall be erected** continue to be displayed in such a manner as to obstruct

the free and clear vision of vehicle drivers; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic or government sign, signal, or device; or which makes use of the words “stop”, “look”, “danger”, or any other words, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.

6. **Signs which contain reflective materials**, which present a hazard or danger to traffic or the general public.
7. **Signs which exhibit more than two (2) faces.**
8. **Off-Premises Signs**, except outdoor advertising signs, which were erected as of the effective date of this Ordinance.
9. **Signs which contain words or pictures of an obscene, indecent, or immoral character** which could offend public morals or decency.
10. **Beacons or strobe lights.**
11. **Signs which are structurally unsound** or which are rendered structurally sound by guy wires or unapproved facing or bracing.
12. **No sign shall be placed on a vehicle or trailer** which is parked or located for the primary purpose of displaying said sign (this does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).
13. **Pole signs** (other than outdoor, advertising signs, and signs within the interstate zone) with poles greater than three feet in height.
14. **Signs installed, erected, enlarged, or structurally altered** in violation of the provisions of this Ordinance.
15. **Signs erected on or that project above a roof line** or above the face of flat roofed buildings (i.e., roof sign).

EXCEPTION:

Signs 50 years old or greater in which the original business is still in operation.

16. **Any manual changeable copy sign** that does not have locked, vandal-proof cover if required by the Building Official.

17. **Signs which obstruct any window, door, fire escape, stairway, or any other opening intended to provide air, ingress, or egress for any building or structure, are hereby prohibited.**

No sign or advertising device shall be erected on, be placed on, projected, or overhang any right of way, city walkway, street, alley or easement.

18. **The tacking, painting, posting, or affixing of signs, posters, or advertising devices of any kind** on trees, fences, rocks, utility poles, and other such structures is hereby prohibited.

19. **Structures not meeting construction standards**, out of date political billboards, advertising of defunct businesses, and signs or structures that have been erected without a permit having been issued (and thus are illegal) are prohibited.

20. **Signs which are illegal** under federal or state laws or regulations are prohibited.

21. **All signs which are not expressly permitted by this Ordinance** or any other ordinance of the City of Byram.

22. **Any wall mounted sign for any office use** located more than three stories above ground level regardless of whether the same is adjacent to an exterior entrance.

23. **Future Billboards.** After the effective date of this ordinance, no additional billboards shall be allowed in the City of Byram.

24. **Trailer signs.**

B. **Portable Signs :**

1. **Due to the manifest traffic safety hazards, the use of portable signs**, with or without changeable copy board attached are declared a public nuisance and therefore prohibited. This includes not only intact portable signs, but also sign conversions.
2. **Upon written notice by the City to the owner or lessee** of such portable sign, such sign shall be removed within 24 hours.

3. **Upon failure to comply with this notice**, the City Building Official shall initiate legal proceedings against the owner or lessee. If found in violation, owner shall be responsible for all costs incurred in removing the sign in addition to any court-assessed fees and penalties.

3.41.9 CONDITIONAL SIGNS:

The following signs may be approved with conditions set by the Zoning Administrator:

1. **Animated Signs,**
2. **Flashing Signs,**
3. **Automatic Changing Copy Signs.**

3.41.10 ILLUMINATION :

A. **General:**

Illuminated signs shall adhere to the following provisions and restrictions in addition to those stated in the sign requirements by zoning.

1. **The light for or from any illuminated sign** shall be so shaded, shielded, or directed that intensity will not be objectionable to surrounding areas, as determined by the Zoning and Planning Commission.
2. **No sign shall have blinking, flashing, or fluttering lights** or other illuminating device which has a changing light intensity, brightness or color.
3. **No colored lights shall be used** at any location in any manner so as to be confused with or construed as traffic control devices.
4. **Neither the direct nor reflected light from primary light sources shall create a traffic hazard** to operators of motor vehicles on public thoroughfares.
5. **Exposed bulbs shall not be used on the exterior surface of any sign**, except when approved by the Zoning and Planning Commission.

3.41.11 STRUCTURAL REQUIREMENTS:

All Signs shall comply with the pertinent requirements of the adopted International Building Code

3.41.12 INSPECTION: REMOVAL AND SAFETY:

A. Inspection:

All signs shall be inspected periodically by the Building Official for compliance with this Ordinance.

B. Maintenance:

All signs (temporary and permanent) and components thereof shall be kept in good repair and in a safe, and clean condition.

C. Removal of Signs :

The Building Official shall give written notice of the removal of any permanent sign erected or maintained in violation of this Ordinance. Upon failure to comply with this notice, the building official shall issue a summons to the owner into City Court. Temporary signs erected or maintained in violation of this Ordinance may be removed by the Building Official without notice. The Building Official shall remove any sign immediately and without notice if the sign presents an immediate threat to the safety of the public. Any sign removal shall be at the expense of the property owner.

D. Obsolete and Abandoned Signs :

1. **Any sign which advertises or pertains to a business**, product, service, event, activity, or purpose which is no longer conducted or that has not been in use for three months or which is no longer imminent, or any sign structure that no longer displays any sign copy for a period of at least three months shall be deemed to be obsolete or abandoned.

2. **Permanent signs applicable to a business temporarily suspended** because of a change of ownership or management shall not be deemed abandoned or obsolete unless the property remains vacant for a period of six months for non-conforming signs, or 12

months if the signs otherwise conform to all provisions of this Ordinance.

3. **Obsolete or abandoned signs are prohibited** and shall be removed by the owner of the property, his agent, or person having the beneficial use of the building or site upon which such sign or sign structure is erected within 30 days after written notification from the Building Official.
4. **In the event of non-compliance with the aforesaid terms and provisions**, then the Building Official shall have the authority to cite the sign owner and/or lessee into City Court for hearing.

3.41.13 PERMITS AND FEES :

A. Permits and Fee Requirements:

1. **All permanent signs permitted under this Ordinance**, including existing signs, shall require a permit. Existing signs permitted under this ordinance, the permit fee will be waived.
2. **No sign shall be erected, altered, or relocated without a permit**, except as otherwise provided herein. Electrical permits as required shall be obtained at the same time as the sign permit.

B. Non-conforming Existing Signs , Permits, and Terms:

A sign that would be permitted under this Ordinance only with a sign permit, but which was in existence on the effective date of this Ordinance or on a later date when the property is annexed to the City and which was constructed in accordance with the ordinances and other applicable laws in effect on the date of this construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this Ordinance, shall be issued a non-conforming sign permit if an application in accordance with this section is timely filed. Such permit shall allow the sign(s) subject to such permit, which were made non-conforming by the adoption of this Ordinance, to remain in place and be maintained for a period ending no later than the date set out in Section 3.41.07, provided that no action is taken which increases the degree or extent of the nonconformity. However, any non-conforming sign shall either be eliminated or made to conform with the requirements of this section when any proposed change, repair, or maintenance would constitute an expense of more than 50 percent of the current market value of the existing sign structure.

C. Applications:

The permit application shall contain the location of the sign structure, the name and address of the sign owner and of the sign erector, drawing showing the design, location, materials, finishes, and colors of the sign and such other pertinent information as may be required to ensure compliance with the ordinance and requirements of the City. Applications shall be on forms provided by the City.

D. Lapse of Sign Permit:

A sign permit shall lapse automatically if the business license for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of 90 days or more and is not renewed within 30 days of a notice from the city to the last permittee.

E. Fee Establishment:

Fees for sign permits are attached hereto as Appendix "B".

F. Nullification:

A sign permit shall become null and void if (1) the work for which the permit was issued has not been completed within a period of six months after the date of the permit; (2) the sign varies in any respect from the approved design or location.

G. Permit Exceptions:

The repainting, cleaning, and other normal maintenance to prolong the life of the sign as originally approved shall not be considered as creating a sign and does not require a sign permit .

3.41.14 ADMINISTRATION AND PENALTIES:

A. Enforcement (Building Official):

The building official or his/her duly authorized representative is hereby authorized and directed to enforce all the provisions of this Ordinance. Upon presentation of proper credentials, the building official or his/her duly authorized representative may enter at reasonable times any building,

structure, or premises in the City of Byram to perform any duty imposed upon him/her by this Ordinance.

B. Standards for Variances :

The Zoning and Planning Commission shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

1. **The particular physical surrounding shape, topographical, or location conditions of the specific property or structure** involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance was carried out;
2. **The conditions upon which the petition for a variance is based** would not be applicable, generally, to other property, or structure in the same general area;
3. **The request for variance** is based upon a clause in a lease executed and effective prior to the effective date of this Ordinance or upon the subsequent renewal of said lease; if the original lease contains an automatic renewal clause.
4. **The variance will not authorize signs, sign structures, or other sign-related activities** other than those permitted by this Ordinance;
5. **Financial returns** only shall not be considered as a basis for granting a variance;
6. **The alleged difficulty or hardship** has not been created by any person having an interest in the sign, sign structure, or property after the effective date of this Ordinance;
7. **That granting the variance requested will not confer on this application** any special privilege that is denied by this Ordinance to other land structures, signs, sign structure, or buildings similarly situated.
8. **The variance is the minimum variance** that will make possible the reasonable use of the land, building, or structure for sign purposes;
9. **The granting of the variance will not be detrimental to the**

public welfare or injurious to other property or improvements in the area which the sign is located;

10. **The proposed variance will not impair an adequate supply of light and air** to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

C. No Variance for Prohibited Signs :

Under no circumstances shall the Zoning and Planning Commission grant a variance for a sign or sign structure which is expressly prohibited under the terms of this Ordinance.

D. Conditions and Restrictions by the Board:

The Mayor and Board of Aldermen may impose such conditions and restrictions upon the property, sign, or sign structure as may be necessary to comply with the provisions set out in this ordinance, to reduce or minimize the injurious effects of such variation upon surrounding property and better carry out the general intent of this Ordinance. The Mayor and Board of Aldermen may establish expiration dates as a condition or as a part of the variances.

E. Board Has Powers of Administrative Official on Appeals Reversing Decisions of Administrative Official:

In exercising its powers, the Zoning and Planning Commission may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

F. Variance Appeals:

Any person including any agency of the City government aggrieved by a decision of the Zoning and Planning Commission on a variance may appeal to the Mayor and Board of Aldermen. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, bearing, or proceeding under this chapter shall be final and subject to review only for illegality or want of jurisdiction.

APPENDIX A

TO BYRAM SIGN ORDINANCE

ALLOWANCE FOR GROUND SIGNS

Roadway	setbacks	Maximum Height (feet)	Maximum Sign Area (sq. feet)	Maximum Sign Area For Shopping Centers, Strip Plaza, Office Park	
				(sq. feet)	(sq. feet)
				<u>2-4 tenants</u>	<u>5 or more tenants</u>
2 and 3 Lanes	5	16	80	80	120
<u>4 Lanes or More</u>	5	16	80	80	120
Interstate Zone	5	40 (Front Yard)	160		
		100 (Rear Yard)	160		

Setback distance is the minimum distance the leading edge of the sign must be from the roadway right of way. Height includes the measurement from grade to the top of the sign, including the sign structure. The interstate zone includes all property, any part of which lies between the right-of-way of the interstate to a line 2000 feet in depth and parallel to the interstate right of way. Total signage, including the ground sign, for all businesses within the interstate zone is 500 square feet. Each business is entitled to one Interstate viewable sign. Roadway criteria will be based on a list maintained by the Building Official and provided and determined by the Mayor and Board of Aldermen.)

APPENDIX B

**ORDER ESTABLISHING SCHEDULE OF FEES UNDER
BYRAM SIGN ORDINANCE**

IT IS HEREBY ORDERED that the following fees be imposed upon and collected from persons obtaining permits for signs in the City of Byram:

Filing Fee \$ 25.00

Signs; On Premise

1 sq. ft. through 50 sq. ft.	\$ 50.00
51 sq.ft. to 99 sq.ft.	\$ 75.00
100 sq. ft. and above	\$ 100.00

Signs: Off Premise

Temporary Sign Fee \$ 25.00/per sign per instance.

Repairing, or refacing an existing sign as set forth in this schedule, when at the same location, requires one-half usual permit fee.

ARTICLE IV

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

SECTION 4.100 - ZONING DISTRICTS

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

- A-1 Agricultural District
- R-E Residential Estate (½ acre minimum lots)
- R-1 Single-Family Residential District (low density - 12,000-21,779 sq. ft. lots)
- R-2 Single-Family Residential District (med. density - 8,000-11, 999 sq. ft. lots)
- R-3 Patio Home, Townhouse, Duplex, and Zero Lot Line Residential District
- R-4 Multi-Family Residential District
- RM Manufactured Home/Recreational Vehicle Park District
- MX Mixed Residential Use District
- PUD Planned Unit Development District
- C-1 Restricted Commercial District
- C-2 Central Business District
- C-3 General Commercial District
- C-4 Major Thoroughfares Commercial District
- C-5 Adult Entertainment Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- S-1 Special Use District
- S-2 Special Planned Highway Corridor District

SECTION 4.101 - OFFICIAL ZONING MAP

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

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

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

- 4.101.2** **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 4.101.01 and located in the Byram and Zoning and Planning Department shall be the final authority as to the zoning status of land and water areas, buildings, and other structures in the City of Byram.
- 4.101.3** **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 Byram.
- 4.101.4** **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 record of each change or amendment shall be kept by the Zoning Official and the City Clerk.
- A.** **Since the Official Zoning Map is part of this Ordinance,** any amendments to the Official Zoning Map shall be accomplished in accordance with state statutes relating to passage of ordinances. Therefore, before the Official Map may be amended, an "Ordinance of Rezoning" shall be drafted and passed by the Mayor and Board of Aldermen in accordance with state law.
- B.** **No changes of any nature shall be made on the Official Zoning Map** or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 5.600.26.A.

SECTION 4.102 - REPLACEMENT OF OFFICIAL ZONING MAP

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

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

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

SECTION 4.103 - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

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

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.**
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.**
- C. Boundaries indicated as approximately following City limits shall be construed as following such City limits.**
- D. Where the boundary of a district follows a railroad right-of-way, such boundary shall be deemed to be located on the right-of-way line to which it is closest.**
- E. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines. Boundaries indicated as following banks shall be construed to follow such shorelines, and in the event of change in the shoreline, shall be construed as moving with the actual shorelines.**
- F. Boundaries indicated as parallel to or extensions of features indicated in Section 4.103, Subsections (a) through (h) above shall be so construed.**
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Section 4.103, the Zoning Administrator shall interpret the district boundaries.**

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

SECTION 4.150 – A-1 AGRICULTURAL/DISTRICT

- 4.150.1** **PURPOSE OF THIS DISTRICT:** The purpose of this district is to conserve land for agricultural use, to prevent the premature development of land, and to prevent urban and agricultural land use conflicts. Development of subdivisions in this district is not permitted. Any proposed subdivision must be rezoned to a more appropriate zoning district. It is the further intent of this ordinance to prevent the establishment of urban uses that would require unreasonable expenditures for public improvements and services.
- 4.150.2** **LAND USES PERMITTED:**
- A. **Single-family detached dwellings.** Only one principal dwelling per lot may be erected in A-1 districts.
 - B. **Accessory buildings and structures** associated with the use of the land for residential and agricultural purposes. Two car garages are required in A-1 districts. See Section 3.31.05: Accessory Buildings or uses.
 - 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 three grazing acres of land or greater for each such animal. This use is for grazing or pasture land and does not include feedlots as defined by this ordinance. However, in accordance with the Animal Control Ordinance of the City of Byram, no hogs, pigs, or other swine shall be kept inside the City of Byram.
 - D. **Breeding, raising and feeding of chickens, ducks, turkeys, geese, or other fowl.** provided that if more than two such fowl are kept on any lot, they shall be kept at least 150 feet from any adjoining property line or existing or proposed street right-of-way line.
 - E. **Forestry and horticultural uses.** The sale of vegetables, fruits and other plants on the premises of a lot in an A-1 zone shall only be allowed if permitted as a special exception (see Section 5.600.15).
 - F. **Public or private recreational or open space facilities,** excluding country clubs, which shall be regulated as public/quasi-public facilities or utilities subject to the provisions of Sections 3.32 and 3.33 of this ordinance.

- G. **Home occupations** in compliance with Section 3.35 of this ordinance.
- H. **Surface mining operations.** (see Definitions section) Includes extraction of minerals, dirt sand, and gravel provided that when “open-pit” operations are conducted, the operator must obtain required State of Mississippi permits and approvals and provide the Byram Mayor and Board of Aldermen with written proof of same. The operation must be carried on at least 500 feet from any occupied dwelling, and state requirements for reclaiming the land must be followed.

4.150.3 CONDITIONAL USES AS PROVIDED IN SECTION 5.600.15:

- A. **Public or quasi-public facilities and utilities** in compliance with Section 3.33 and other regulations of this ordinance.
- B. **Child care facilities.**
- C. **Inns or “bed and breakfast inns.”**
- D. **Stables and riding academies.**
- E. **Plant nurseries and other horticultural uses** where vegetables, fruit and other plants are grown on the premises or brought to the premises and maintained there for the purpose of retail sales from said premises. Such other additional products shall be permitted to be sold from the premises as are customarily incidental to the operation of a plant nursery.
- F. **Commercial catfish production.**
- H. **Veterinary hospitals and kennels** in compliance with the adopted Animal Control Ordinance of the City of Byram.
- I. **Animal cemeteries** (small domestic animals such as cats and dogs).

4.150.4 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. See the International Building Code for other structures.

B. Minimum Lot Area:

- 1. For lots where City of Byram sanitary sewerage service is not available:** three acres, subject to State Board of Health and Hinds County Health Department approval of all on-site wastewater disposal systems.
- 2. For lots where City of Byram sanitary sewerage service is available:** one acre. However, if livestock and fowl are to be kept on the property, see Section 4.150.02 (c) and (d).

C. Minimum Lot Width: 150 feet; however, see Section 4.150.02 (c) and (d) when livestock or fowl are to be kept on the premises.

D. Minimum Yards:

- 1. Front yard:** 40 feet from the existing right-of-way line to the building setback line.
- 2. Side yard and rear yards:** 25 feet, except where Section 4.150.02 (c) or (d) requires a minimum yard of 150 feet from any adjoining property line.

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

4.150.5 SWIMMING POOLS: Swimming pools, if constructed, shall be located behind the rear building line of the house, and there shall be a minimum of ten feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fencing shall be at least four feet high (see Section 3.36.03 of this ordinance) and shall have a self-latching gate.

4.150.05 LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED

Proposed land uses not specifically prohibited under the provisions of this subsection shall be subjected to administrative interpretation by the Zoning Administrator pursuant to section 5.600.02 of the Zoning Ordinance. A public hearing is required because Section 5.600.08 involves amending the text of the Zoning Ordinance.

SECTION 4.200 - R-E RESIDENTIAL ESTATE DISTRICT

4.200.1 **PURPOSE OF THIS DISTRICT:** provide for large lot, low-density residential development for persons desiring the amenities afforded by more spacious surroundings. Other purposes of this district are to conserve land for agriculture use, to prevent the premature development of land, to prevent the premature development of land, and to prevent urban and agriculture land use conflicts. 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.

4.200.2 **LAND USES PERMITTED:**

- A. **Single-family detached dwellings.** Only one dwelling per lot.
- B. **Accessory uses and structures** associated with the use of land for residential purposes. Two-car garages are required in residential estate districts. Section 3.31.05: Accessory Buildings or Uses.
- C. **Horticultural Uses** not involving the sale of produce on the premises.
- D. **Home occupations** in compliance with Section 3.35 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 3.33 of this ordinance. All lakes associated with this or any other usage shall comply with the Development Ordinance.
- F. **Breeding, raising, and feeding of grazing livestock** (i.e., horses, cattle, sheep, goats, mules, etc.), provided that each such animal herein defined as “grazing livestock” shall be kept on a tract or lot of one (1) grazing acre of land or greater (one acre of land per animal is required). Barns, pens, corrals, and other buildings or enclosures for the keeping of grazing livestock are permitted accessory uses, provided that such buildings or enclosures (excluding open pastures) are located no closer than 150 feet from any adjoining property lines or street right-of-way line. In accordance with Section 1-2 (a-7) of the Animal Control Ordinance of the

City of Byram, it shall be unlawful to keep or harbor any domesticated and/or wild animals(s) in such manner as to become offensive by reason of odor or unclean condition or in such a manner as to annoy any person residing in the vicinity thereof. Animals must be owned by the parcel's owner, or otherwise apply for conditional use/special exception for leased property. Does not include feed lots.

4.200.3 CONDITIONAL USES AS PROVIDED IN SECTION 5.600.15:

- A. **Public or quasi-public facilities and utilities** in conformance with Sections 3.32 and 3.33 and other regulations of this ordinance.
- B. **Child care facilities.**
- C. **Inns or "bed and breakfast inns".**
- D. **Breeding, raising and feeding of chickens, ducks, turkeys, geese, or other fowl**, provided that if more than two such fowl are kept on any lot, they shall be kept at least 150 feet from any adjoining property line or existing/proposed street right-of-way line.
- E. **Surface Mining Operations.** Includes extractions of minerals, dirt, sand, and gravel provided that when "open-pit" operations are conducted, the operator must obtain required State of Mississippi permits and approvals and provide the Byram Mayor and Board of Aldermen with written proof of same. The operation must be carried on at least 500 feet from any occupied dwelling, and state requirements for reclaiming the land must be followed.

4.200.4 DIMENSIONAL REOUIREMENTS:

- A. **Maximum Building Height:** See International Building Code.
- B. **Minimum Lot Area:** One half acre or 21,780 square feet.
- C. **Minimum Lot Width:** 150 feet.
- D. **Minimum Yards:**
 - 1. **Front yard:** 35 feet from the existing or proposed street right-of-way line to the building setback line.

2. **Side yards:** 10 feet, except where Section 4.200.03-D requires a greater setback.
3. **Rear yard:** 25 feet, except where Section 4.200.03-D requires a greater setback.

4.200.5 **SWIMMING POOLS:** Swimming pools, if constructed, shall be located behind the rear building line of the house, and there shall be a minimum of ten feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fencing shall be at least four feet high (see Section 3.36.03 of this ordinance) and shall have a self-latching gate.

4.200.6 **OFF-STREET PARKING REQUIREMENTS:** See Section 3.37 for off-street parking and loading requirements for residential and other uses allowed in residential districts.

4.200.7 **REQUIREMENTS REGARDING EXISTING NARROW STREETS AND PROPOSED NEW STREETS:** See the Development Ordinance.

4.200.8 **SIGNS:** See the Sign Section in this Ordinance.

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

Proposed land uses not specifically prohibited or permitted under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 5.600.02 of the Zoning Ordinance. A public hearing is required because Section 5.600.08 involves amending the text of the Zoning Ordinance.

SECTION 4.210 - R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

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

4.210.2 **LAND USES PERMITTED:**

- A. **Single-family detached dwellings**(excluding modular homes and manufactured homes)with only one principal dwelling per lot.
- B. **Accessory uses and structures** associated with the use of the land for residential purposes. A two-car garage is required for each dwelling. unit. See Section 3.31.05: Accessory Buildings or Uses.
- C. **Horticultural uses** not involving the sale of produce on the premises.
- D. **The keeping of animals** in compliance with the City of Byram Animal Control Ordinance.
- E. **Home occupations** in compliance with Section 3.35 of this Ordinance.

4.210.3 **CONDITIONAL USES AS PROVIDED IN SECTION 5.600.15:**

- A. **Public or private recreational or open space facilities**, excluding country clubs and the like that shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 5.600.15 of this ordinance. All lakes associated with this or any other usage shall comply with the Byram Development Ordinance/Development Ordinance.
- B. **Home based child care provider.**
- C. **Surface Mining Operations.** See Section 4.200.03.E.

4.210.4 **DIMENSIONAL REQUIREMENTS:**

- A. **Maximum Building Height:** See International Building Code.
- B. **Minimum Lot Width:** 90 feet.
- C. **Minimum Lot Area:** 12,000 square feet.
- D. **Minimum Yards:**
 - 1. **Front yard:** 30 feet from the street right-of-way line to the building setback line.
 - 2. **Side yard:** 10 feet.
 - 3. **Rear yard:** 25 feet.

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

4.210.6 **OFF-STREET PARKING REQUIREMENTS:** See Section 3.37.

4.210.7 **SIGNS:** See Sign Section in this Ordinance.

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

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 5.600.02 of the Zoning Ordinance. A public hearing is required because Section 5.600.08 involves amending the text of the Zoning Ordinance.

SECTION 4.220 - R-2 SINGLE- FAMILY RESIDENTIAL DISTRICT

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

4.220.2 **LAND USES PERMITTED:**

- A. **Single-family detached dwellings** (excluding modular and manufactured housing) with only one principal dwelling per lot.
- B. **Accessory uses and structures** associated with the use of the land for residential purposes. Two-car garages are required in R-2 residential zones. See Section 3.31.05: Accessory Buildings or Uses.
- C. **Horticultural uses** not involving the sale of produce on the premises.
- D. **The keeping of animals** in compliance with the City of Byram’s Animal Control Ordinance.
- E. **Home occupations** in compliance with Section 3.35 of this ordinance.

4.220.3 **CONDITIONAL USES AS PROVIDED IN SECTION 5.600.18:**

- A. **Public or private recreational or open space facilities**, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 3.32 and 3.33 of this ordinance. All lakes associated with this or any other usage comply with the Byram Development Ordinance found in this Ordinance.
- B. **Child care facilities.**
- C. **In n s or “b ed an d b reak f ast in ns.”**
- D. **Personal Care Homes.**

E. **Surface mining operations.** See Section 4.200.03.E.

4.220.4 DIMENSIONAL REQUIREMENTS:

A. **Maximum Building Height:** See International Building Code.

B. **Minimum Lot Area:** 10,000 square feet. Maximum of 11,999

C. **Minimum Lot Width:** 75 feet.

D. **Minimum Yards:**

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

2. **Side yards:** 10 feet.

3. **Rear yard:** 25 feet.

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

4.220.6 OFF-STREET PARKING REQUIREMENTS: See Section 3.37 for off-street parking and loading requirements for residential and other uses allowed in R-2 districts.

4.220.7 SIGNS: See Sign Section in this Ordinance

4.220.8 LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subjected to administrative interpretation by the Zoning Administrator pursuant to section 5.600.02 of

the Zoning Ordinance. A public hearing is required because Section 5.600.08 involves amending the text of the Zoning Ordinance.

SECTION 4.230 - R-3 PATIO HOME, TOWNHOUSE, DUPLEX, AND ZERO LOT LINE DISTRICT

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

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

This district is intended also to permit community facility and public utility installations that are necessary to service and do service specifically the residents of the district, or which installations are benefitted by and compatible with a residential environment.

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

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

- A. **Patio home dwellings.**
- B. **Zero lot line dwellings.**

- C. **Townhouse dwellings.**
- D. **Duplex /two-family dwellings.**
- E. **Customary accessory buildings** including private garages and non-commercial workshops provided they are located in the rear yard and not closer than eight feet to any lot line. See Section 3.31.05: Accessory Buildings or Uses. Access and parking is to be from the rear of the dwelling only. Any alley shall be privately owned and maintained.
- F. **Home occupations** in compliance with Section 3.35 of this Ordinance.
- G. **Essential public transport, communication, government, and utility services.**
- H. **Horticultural uses** not involving the sale of produce on the premises.
- I. **The keeping of animals** in compliance with the City of Byram’s Animal Control Ordinance.

4.230.3

CONDITIONAL USES AND STRUCTURES AS PROVIDED IN

SECTION 5.600.15: In the R-3, Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 5.600.09.

- A. **Public or quasi-public facilities and utilities** in conformance with Section 3.32 and 3.33 and other regulations of this Ordinance.
- B. **Community Assembly.**
- C. **Religious Facilities.**
- D. **Educational Facilities.**
- E. **Cultural and Recreation Services.**
- F. **Planned unit developments** as regulated in Section 4.275.
- G. **Surface mining operations.** See Section 4.200.03.E.

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

4.230.5 **DIMENSIONAL REQUIREMENTS:**

A. **Minimum Lot Size:**

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

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

Lot Width at Building Setback Line

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

B. **Minimum Size of Development:** Five acres.

C. **Minimum Yard Requirements:**

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

D. **Maximum Lot Coverage:** On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed 60 percent of the total area of such lot or parcel.

E. **Maximum Height Requirements:** See International Building Code.

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

4.230.7 **OFF-STREET PARKING REQUIREMENTS:** See Section 3.37 for off-street parking and loading requirements for residential and other uses allowed in R-2 districts.

4.230.8 **SIGNS:** See Sign Section in this Ordinance.

4.230.9 **REQUIRED LANDSCAPING ALONG ARTERIAL STREETS:** The developer of any subdivision in an R-3 zone shall comply with the Landscaping Ordinance (if any) for the City of Byram regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with SECTION 3.33.

4.230.10 **REQUIRED RESERVATION OR DEDICATION OF OPEN SPACE FOR PATIO HOME SUBDIVISIONS:** Where a developer proposes a patio home subdivision, the developer shall provide common open space amounting to 20 percent of the total gross area of the subdivision. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the patio home subdivision. However, public streets, parking lots and utility easements shall not be considered in meeting the open space requirements of this Section. The area from the back of curb to the right-of-way/property line can be considered green space only if the developer is providing improvements such as sidewalks, street trees, fencing, etc. The development plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

- 4.230.11** **MAXIMUM AMOUNT OF COMMON OPEN SPACE COVERED BY WATER:** No more than 50 percent of the required amount of open space may be covered by lakes or ponds.
- 4.230.12** **STEEP SLOPES:** In reviewing the preliminary subdivision plat for a proposed patio home subdivision, the Zoning and Planning Commission shall determine if any land containing slopes of 12 percent or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Zoning and Planning Commission shall make a recommendation to the Mayor and Board as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.
- 4.230.13** **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.
- 4.230.14** **STAGED DEVELOPMENT OF A PATIO HOME SUBDIVISION:** If a patio home subdivision is to be developed in stages or parts, ten percent of EACH PART must be reserved for open space. However, in order to provide usable open space, the amount reserved shall not be less than three quarters (3/4) acre. Thus, if a developer proposes to ultimately develop 20 acres of land for patio homes and the first phase will only contain three acres, the developer must reserve at least (3/4) acre for open space for the first part--- even though 20 percent of three acres is less than 3/4 acre.
- 4.230.15** **PERFORMANCE BOND:** Prior to the sale of any lot in a patio home subdivision, the developer may be permitted, at the discretion of the Mayor and Board of Aldermen to post with the City a performance bond

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

4.230.16 **MAINTENANCE/LIABILITY IN THE OPERATION AND USE OF COMMON OPEN SPACE AND RECREATION AREAS NOT DEDICATED TO THE CITY OF BYRAM:** Authority granted by the City of Byram for the development of a patio home subdivision shall not be construed as nor constitute an obligation on the part of Byram either for maintenance or liability in the operation and use of common open space and recreational facilities located in the subdivision. At the time the final subdivision plat is submitted for the patio home subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes, and maintenance of open space and other common facilities shall rest with the owners of the several lots or parcels of land located within the patio home subdivision. In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years. See also the Homeowners Association language in the PUD section 4.275.13

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

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

If the correction of a maintenance problem incurred in the dwelling unit or structure on the zone lot on one parcel necessitates construction work or access on the dwelling unit or structure of the other parcel, either parcel owner shall have an easement on the property of the other for the purpose

of this construction. Each party shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the others under any rule or law requiring liability for negligent or willful acts or omissions.

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

- D. **Adequate language covering any and all cross access and utility easements** as are necessary to assure the proper use and maintenance of all entrance and exit areas, as well as all utility services.

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

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

4.230.18 DEVELOPMENT STANDARDS THAT APPLY TO ZERO LOT LINE TWO-FAMILY DWELLINGS:

A **Purpose:** The provisions set forth herein are intended to apply to all two-family detached dwellings (zero lot line two-family dwellings) as defined by this ordinance regardless of the district in which such use may be located. It is the express purpose of these provisions to establish design criteria and to provide for the implementing of these provisions by the planning staff in the review of the plot (site) plan required in Section 5.600.17 for all zero lot line two-family dwelling developments, or by way of appropriate notations, as well as by architectural and/or perspective illustrations if required by the Zoning Administrator or Zoning and Planning Commission, in reviewing the required building permits or subdivision plats pertaining to duplex dwellings. Provided, however, that in any instance where this use is located within a planned unit development, this requirement may be fulfilled by submission of the plans required by the requirements as cited in Section 5.600.17.

B. **Design Criteria:**

1. **All two-family detached units constructed on individual lots** shall be designed to closely resemble in appearance the other housing units in the neighborhood. Particular attention should be paid to locating only one entrance door per unit servicing the front of the structure.
2. **Exterior building materials** shall be of the same type and quality of other dwelling units in the neighborhood or on adjoining lots.
3. **Each dwelling unit** shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, as well as the screening of objectionable views or uses, and the reduction of noise when required by the Zoning and Planning Commission and/or Zoning Administrator.
4. **The appearance and character of the site** shall be preserved, as appropriate, and enhanced by retaining and protecting existing trees and other site features. Additional new plant material shall be added for privacy, to enhance the beauty of buildings and grounds, and to screen objectionable features.

C. **Lots:** The minimum lot size required for any such dwelling shall be as stipulated by the development area per dwelling unit as provided in each respective district.

D. **Parking:**

1. **These requirements shall supplement the parking provisions** contained in Section 1.37.
2. **No off-street parking areas shall be located** in the front of the structure. Every effort shall be made to locate some of the required off-street parking in the rear yard, as well as in the side yard.
3. **Garages are required** and must be located in the rear of the dwellings.

4.230.19 LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 5.600.02 of the Zoning Ordinance. A public hearing is required.

SECTION 4.240 - R-4 MULTI-FAMILY RESIDENTIAL DISTRICT

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

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

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

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

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

- A. **Multi-family dwellings** including apartments and condominiums as defined in the Definitions Section of this ordinance.
- B. **Accessory uses or structures in multi-family residential complexes**, including laundromats, vending machine centers, recreational buildings, swimming pools, tennis courts, and similar uses and structures incidental to multi-family buildings. Such uses and structures shall be reserved exclusively for use by residents and guests of residents of the multi-family complex. See also Section 3.31.05: Accessory Buildings or Uses.
- C. **The keeping of animals** in compliance with the City of Byram’s Animal Control Ordinance.
- D. **Home occupations** in compliance with Section 3.35 of this ordinance.

4.240.3 CONDITIONAL USES AS PROVIDED IN SECTION 5.600.15:

- A. **Public or quasi-public facilities and utilities** in compliance with Sections 3.32 and 3.33 and other regulations of this ordinance.
- B. **Child care facilities.**
- C. **Surface mining operations.** See Section 4.200.03.E.

4.240.4 DIMENSIONAL REQUIREMENTS FOR ALL MULTI-FAMILY USES:

- A. **Maximum Height:** See International Building Code.
- B. **Minimum Lot Area:** Five acres, but not more than 20 acres.
- C. **Maximum Density :** Six dwelling units per gross acre.
- D. **Minimum Lot Width:** 200 feet at the required building setback line.
- E. **Minimum Yards:**
 - 1. **Front yard:** 200 feet from the right-of-way line. This yard shall be a landscaped open area with no encroachments permitted

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

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

4.240.5 REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND

ACCESS: For reasons of fire safety all proposed apartment or condominium complexes shall provide at least two separate points of ingress/egress to/from the complex. Spacing requirements for these access points are provided under Section 3.37. Developers of any proposed apartment or condominium complex or permitted special exception shall comply with parking and loading requirements included under Section 3.37. All roads and parking areas shall be curbed and guttered.

4.240.6 SIGNS: See Sign Section in this Ordinance.

4.240.7 SITE PLAN REQUIRED: The developer of any apartment or condominium complex shall submit a site plan to the Zoning and Planning Commission in accordance with Section 5.600.17 through 5.600.20 in this ordinance.

4.240.8 REQUIRED OPEN SPACE RESERVATION FOR ALL MULTI-FAMILY RESIDENTIAL DEVELOPMENTS: A minimum of 30 percent of the gross site area to be developed for a condominium or apartment complex shall be devoted to open space. In calculating this open space requirement, the front, side, and rear yards may be included. Parking lots and driveways, however, may not be included in calculating this required open space. Such common open space shall consist of land

reserved exclusively for the recreational use of the residents of the apartments or condominiums. The site plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities. On-site maintenance, management and security is also required.

- 4.240.9** **MAXIMUM AMOUNT OF COMMON OPEN SPACE COVERED BY WATER:** No more than 50 percent of the required amount of open space may be covered by lakes or ponds.
- 4.240.10** **STEEP SLOPES:** In reviewing the preliminary subdivision plat for a proposed apartment or condominium complex, the Zoning and Planning Commission shall determine if any land containing slopes of 12 percent or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Zoning and Planning Commission shall make a recommendation to the Mayor and Board as to whether or not any steep sloped land should be approved for use in meeting the requirements of this Section.
- 4.240.11** **PHYSICAL IMPROVEMENTS:** Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Mayor and Board of Aldermen as part of the site plan review process. All open space improvements shall be shown on the site plan. Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.
- 4.240.12** **STAGED DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL DEVELOPMENT:** If a multi-family residential development is to be developed in stages or parts, 30 percent of the gross site area of each part shall be reserved for open space.
- 4.240.13** **PERFORMANCE BONDS:** Prior to the sale of any condominium or the rental/ lease of any apartment, the developer may be permitted, at the discretion of the Mayor and Board of Aldermen, to post with the City a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). The Director of Public Works, the Director of Planning and Zoning, and the City Engineer

shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

4.240.14 **REQUIRED LANDSCAPING ALONG ARTERIAL STREETS:**
Developers of multi-family residential uses in R-4 zones shall comply with any landscaping regulations the city has adopted regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities or child care facilities shall also comply with Section 5.600.15.

4.240.15 **WATER AND SEWER CONNECTIONS:** Byram Public Works Department will notify developer of water and sewer connections and type of meters.

4.240.16 **REFUSE COLLECTION FACILITIES:** See Section 3.36.06.

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

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 5.600.02 of the Zoning Ordinance. A public hearing is required because Section 5.600.08 involves amending the text of the Zoning Ordinance.

4.240.18 **SWIMMING POOLS**

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

SECTION 4.250 - R-M MANUFACTURED HOME PARK RESIDENTIAL DISTRICT

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

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

4.250.2 **LAND USES PERMITTED:**

- A. **Single-family manufactured homes**, either owner-occupied or on a rental or lease basis with only one principal dwelling per lot.
- B. **Home occupations** in compliance with Section 3.35 of this ordinance.
- C. **Accessory uses and structures** as defined under Section 3.31.05 of this ordinance.
- D. **The keeping of animals** in compliance with the City of Byram’s Animal Control 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 Sections 3.32 and 3.33 of this ordinance. Lakes deeded to a homeowner’s association shall comply with the Byram Development Ordinance.
- F. **Horticulture uses** not involving the sale of produce on the premises.

4.250.3 CONDITIONAL USES AS PROVIDED IN SECTION 5.600.15:

- A. **Public or quasi-public facilities and utilities** in compliance with Section 1.33 and other regulations of this Ordinance. An example of a quasi-public building in an R-M district might involve a manufactured home park owner who wishes to allow a civic club to use a building on the same property with the manufactured home park for meetings, etc.
- B. **Child care facilities.**
- C. **Surface mining operations.** See Section 4.200.03.E.

4.250.4 DIMENSIONAL REOUIREMENTS:

- A. **Minimum Size of Development:** 5 acres.
- B. **Maximum Density:** The maximum density shall not exceed 5.4 manufactured homes per gross acre.
- C. **Maximum Building Height:** See International Building Code.
- D. **Minimum Manufactured Home Space (Lot) Area** Within the District: 6,000 square feet.
- E. **Minimum Lot Width:** 75 feet measured at the front set-back line.
- F. **Required Set-Backs for Individual Manufactured Home Lots** Within the District:
 - 1. **Front yards:** There shall be a minimum distance of 35 feet between an individual manufactured home and the proposed or existing right-of-way of any street or road.
 - 2. **Side yards:** There shall be a minimum distance of 8 feet between all manufactured homes and the side yard lot lines of each manufactured home space (lot). On corner lots there shall be a minimum side yard of 25 feet on the corner side.

3. **Rear yards:** There shall be a minimum distance of 25 feet between all manufactured homes and the rear yard lot lines of manufactured space (lot).

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

4.250.5 **OFF-STREET PARKING REQUIREMENTS:** See Section 3.37 for the off-street parking requirements of this ordinance.

4.250.6 **SIGNS:** See Sign Section in this Ordinance.

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

Furthermore, any person responsible for placing a manufactured home in a manufactured home district shall comply with the tie down standards prescribed in the International Building Code.

4.250.8 **MANUFACTURED HOME STANDS OR "PADS":** Each manufactured home stand or "pad" shall be provided with permanent paved runners, patio, parking area (concrete or asphalt driveway) and a permanent skirting made of brick, vinyl, or stone. The skirting should be solid and not lattice work.

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

A. **Roof Pitch:** The roof shall have a pitch of not less than five inch vertical rise for each 12 inches of horizontal run.

- B. **Roof Materials:** Wood shakes, asphalt shingles, composition or wood shingles, or tile.
- C. **Roof Overhang:** Minimum 12 inch overhang.
- D. **Siding Materials:** Exterior siding shall be made of nonreflective or nonmetallic materials; acceptable siding materials include wood, stucco, brick, stone or other masonry materials or any combination of these materials.
- E. **Skirting and Foundation Wall Materials:** Materials for a foundation wall or solid skirting shall be made of brick, stone, or solid wood, metal or vinyl. But no lattice work. All manufactured homes shall be placed on a permanent foundation required by 42 U.S. Ordinance 5401 et. seq. See also State Fire Marshal's Office.
- F. **Driveway Materials:** All manufactured homes shall have a driveway made of concrete or asphalt.
- G. **Minimum Width:** Double Wide.

4.250.10 LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 5.600.02 of the Zoning Ordinance. A public hearing is required. See Section 5.600.08.

4.250.11 SWIMMING POOLS

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

SECTION 4.260 - M-X MIXED USE RESIDENTIAL DISTRICT

4.260.1 **PURPOSE OF THIS DISTRICT:** The purpose of this district is to provide for a residential zone in which a mixture of housing types are permitted.

4.260.2 **LAND USES PERMITTED:** The following uses are permitted outright in Mixed Use Residential districts subject to the regulations prescribed herein:

A. **Single-family dwellings and accessory structures;**

B. **Manufactured homes, subdivisions, and land-lease communities.**

4.260.3 **CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 5.600.15:**

A. **Personal care homes under the following conditions:**

1. **That the location of the proposed personal care home** fronts or has its primary access to at least at a collector street as identified on the city's comprehensive plan or such dedicated public street as the city engineer determines by definition of a collector street and recommends such to the Zoning and Planning Commission.
2. **That the Zoning and Planning Commission** finds and determines that the granting of the conditional use will not adversely affect the public interest and that the proposed use will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
3. **That any increase in the approved number of beds**, or in any increase in the square footage of the facility, would necessitate review and approval by the Zoning and Planning Commission;
4. **That as a condition to the issuance of a certificate of occupancy** by the building official with a license from the State of Mississippi, Department of Health, for the operation of a personal care home;

5. **The current license issued by the Mississippi Department of Health** shall be posted in a conspicuous place on the licensed premises and shall be available for review by any interested person.

B. **Boarding house;**

C. **Child care facility;**

D. **Group care facility;**

E. **Uses permitted by conditional use in this zone by other provisions of the zoning ordinance.**

F. **Surface mining operations.** See Section 4.200.03.E.

4.260.4 **DIMENSIONAL REOUIREMENTS:**

A. **Lot Area and Lot Width:**

1. **Every single-family dwelling or manufactured home** shall be located on a lot or lots of not less than 6,000 square feet in area and shall have a width determined at the building setback line of not less than 60 feet.

2. **For nonresidential uses**, such as a boarding house, a group care facility, or a personal care home, no restrictions except to satisfy the requirements of this section.

B. **Maximum Lot Coverage:** Buildings, including accessory structures, shall not cover more than 50 percent of the area of any lot.

C. **Required Minimum Building Setbacks:**

1. **Front Yard Setback:** The front yard building setback line shall be a minimum of 25 feet from any street or road including all those shown on the City of Byram Major Thoroughfares Plan.

2. **Side Yard Setback:** There shall be a minimum side yard of five

feet on each side of any single-family structure, measured from the side lot line to the nearest building, and there shall be a minimum side yard of six feet on each side of any two-family structure or use permitted by special exception, measured from the side lot line to the nearest building.

3. **Rear Yard Setback:** There shall be a minimum rear yard setback of not less than 25 feet.
4. **There shall be an additional minimum setback** of one foot for the front, each side, and rear yard for each foot in building height over 35 feet.

D. **Height Regulations:** See International Building Code.

SECTION 4.275 - PLANNED UNIT DEVELOPMENT ("PUD") DISTRICT

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

- B. **Accessory uses and structures** as defined under Section 3.31.05 of this Ordinance.
- C. **Horticultural uses** not involving the sale of produce on the premises.
- D. **The keeping of animals** in compliance with the City of Byram's Animal Control Ordinance.
- E. **Home occupations** in compliance with Section 3.35 of this Ordinance.

4.275.3 **CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 5.600.15:**

- A. **Public or quasi-public facilities or utilities** may be considered for location in a PUD district in compliance with Sections 3.32 and 3.33 of this ordinance.
- B. **Child care facilities.**
- C. **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 3.33 of this Ordinance. Lakes deeded to a homeowner's association or dedicated (public) to the City of Byram shall comply with Byram Development Ordinance.
- D. **Surface mining operations.** See Section 4.200.03.E.

4.275.4 **DIMENSIONAL REOUIREMENTS:**

- A. **Minimum Size of PUD:** The minimum size of any PUD shall be five acres.
- B. **Maximum Residential Development Density :** The basic control of residential development density shall be the density requirement of the particular conventional district (i.e., R-1 or R-2) over which the PUD is superimposed. The maximum density shall be calculated by dividing 43,560 square feet by the minimum lot size and then multiplying that quotient by the total gross acreage to be included in the PUD.
EXAMPLE: If a subdivider proposes to develop a 30 acre tract zoned "R-

1" as a PUD, the basic control of density is that of the R-1 district: 43,560 square feet divided by 12,000 square feet (minimum lot size in R-1 districts), resulting in a quotient of 3.6 lots or dwelling units; 30 acres multiplied by 3.6 = 108 lots or single-family detached dwelling units.

(Note: This method for calculating residential development density can not be used for conventional subdivisions, since conventional subdivisions require more land for street rights-of-way, utility easements, etc., than do PUDs in which development is concentrated.)

- C. **Minimum Lot Size:** No minimum.
- D. **Minimum Lot Width:** No minimum.
- E. **Minimum Distance Between Houses:** 10 feet.
- F. **Maximum Height:** See International Building Code.

4.275.5 **SWIMMING POOLS:** Swimming Pools shall meet the requirements of R-1 or R-2 zoning, whichever the property is zoned.

4.275.6 **REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL:** See Section 3.37 Regarding parking, loading and access control requirements.

4.275.7 **SIGNS:** See Sign Section in this Ordinance.

4.275.8 **PLANNED UNIT DEVELOPMENTS SHALL BE SUPERIMPOSED DISTRICTS:** A Planned Unit Development shall be a superimposed designation on an existing low density residential district (R-1 or R-2), thereby providing a broader latitude of design to achieve the purposes stated under Section 4.275.01. As a superimposed designation, Planned Unit Developments shall be subject to the overall density requirements of the low density residential district over which they are superimposed. The maximum residential density shall be calculated as prescribed under Section 4.275.04-B.

4.275.9 **PRELIMINARY SUBDIVISION PLAT APPROVAL REQUIRED PRIOR TO DESIGNATION OF PLANNED UNIT DEVELOPMENT ON OFFICIAL ZONING MAP:** Any person desiring to subdivide land for purposes of creating a PUD shall first prepare and submit a sketch plat (or “Development Plan ” if the PUD is proposed to contain uses other than single-family detached residences) to the Director of Planning and Zoning in accordance with the Development Ordinance. All sketch plats for proposed PUD shall be reviewed by the Zoning and Planning Commission as well as the Director of Public Works and the City Engineer.

4.275.10 **REZONING REQUIRED FOR DEVELOPMENT OF PORTION OF PUD FOR TOWNHOUSES, PATIO HOMES, MULTI-FAMILY RESIDENTIAL OR COMMERCIAL USES:** If a person desires to reserve a portion of a proposed Planned Unit Development for townhouses, patio homes, or multi-family residential uses (condominiums or apartments), and such areas are not zoned appropriately for such densities, he shall submit an application for rezoning in accordance with Section 5.600.16 of this ordinance indicating which areas he desires to be rezoned to R-3, R-4.

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

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

4.275.11 **DIMENSIONAL REQUIREMENTS FOR TOWNHOUSES, PATIO HOMES, MULTI-FAMILY RESIDENTIAL AND COMMERCIAL PORTIONS OF A PUD :** If an application for rezoning is approved to allow portions of a PUD to be used for townhouses, patio homes, condominiums or apartments, or some commercial classification, the dimensional requirements of the appropriate district shall apply.

4.275.12 **REQUIRED LANDSCAPING ALONG ARTERIAL STREETS:**

Landscaping along arterial streets upon which the Planned Unit Development abuts is required.

4.275.13 **COMMON OPEN SPACE REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS:**

Common open space shall be provided as a condition to the approval of a Planned Unit Development. Such common open space shall consist of land reserved exclusively for the recreational or environmental amenity for collective enjoyment by the PUD residents and owned and maintained by the residents through a Homeowner's Association. Common open space shall be integrated throughout the PUD, easily accessible to all the residents. The sketch plat or Development Plan shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

- A. **Minimum Percentage of Land Reserved as Common Open Space:** In any PUD the amount of land not used by residential buildings, accessory structures and yards, but required by the residential zoning of the site shall be reserved as common open space. Common open space shall comprise at least 25 percent of the gross area (total acreage) of the PUD as shown on the required development plan. Public or private streets, driveways, parking lots (for example, a parking lot for a PUD recreational building), or utility easements shall not be considered in meeting the open space requirements of this Section.

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

- C. **Steep Slopes:** In reviewing the preliminary subdivision plat for a proposed Planned Unit Development, the Zoning and Planning Commission shall determine if any land containing slopes of 12 percent or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Zoning and Planning Commission shall make a recommendation to the Mayor and Board of Aldermen as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

- D. **Physical Improvements:** Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the 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 (nature trails) trails, tennis courts, or bicycle trails, recreational buildings, and swimming pools or similar facilities.

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

- F. **Performance Bond Required:** Prior to the sale of any lot in a Planned Unit Development, the developer shall post with the City a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). The Director of Public Works and the City Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

- G. **Areas Not Dedicated to the City of Byram:** Authority granted by the City of Byram for the development of a PUD shall not be construed as nor constitute an obligation on the part of Byram either for maintenance or liability in the operation and use of common open space and recreational facilities located in the PUD.

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

H. Maintenance of Common Open Space: As a part of the plans proposed for the PUD, the developer shall submit a set of covenants running with the land providing for a Maintenance Organization to maintain the common open space. The provisions establishing the Maintenance Organization shall include, but not be limited to, the following:

1. **The Maintenance Organization** must be set up before the homes are sold.
2. **Membership must be mandatory** for each home buyer and any successive buyer.
3. **The open space restrictions must be permanent**, not just for a period of years.
4. **The organization must be responsible for liability insurance**, local taxes, and the maintenance of recreational and other facilities.
5. **Home owners must pay their pro rata share of the cost**; the assessment levied by the organization can become a lien on the property.

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

I. Coordination with Byram Development Ordinance:

1. **A detailed development plan of the proposed PUD** shall be submitted to the Mayor and Board of Aldermen for site plan review in accordance with Sections 5.600.17 - 5.600.20 of this ordinance.

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

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

4.275.14 LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 5.600.02 of the Zoning Ordinance. A public hearing is required because Section 5.600.08 involves amending the text of the Zoning Ordinance.

SECTION 4.310 - C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

- 4.310.1** **PURPOSE OF THIS DISTRICT:** The purpose of this district is to provide relatively quiet, attractive, and spacious areas for the development of restricted retail, personal service, and office commercial uses for the convenience of the people in adjacent residential areas. Since these districts are closely associated with residential districts, every effort should be made to make them as compatible as possible. No outdoor storage of materials, equipment, or machinery is allowed unless being offered for sale or rental and requiring outdoor storage. Nor should any use in this district generate substantial volumes of vehicular traffic. This district serves as a transition zone between residential uses and higher intensity commercial uses on arterial streets. These districts are also appropriate for the fringes of retail districts. Since the uses in this district are commercial uses, all C-1 uses must be located on collector or arterial streets (including highways). None must be located on local or minor streets
- 4.310.2** **LAND USES PERMITTED:** The following uses are permitted outright in C-1 districts subject to the regulations prescribed herein:
- A. **Business and professional offices** including medical facilities, of all types.
 - B. **Personal services** such as hair styling shops, dry cleaners, and photographic studios.
 - C. **Retail establishments** that serve neighborhoods such as grocery stores, drug stores, bakeries,
 - D. **Emergency health care clinics; child care facilities;** and totally enclosed health club facilities.
 - E. **Instructional services** such as studios for the teaching of fine arts, photography, music, drama and dance; business and stenographic schools; barber and beauty schools; and similar facilities.

- F. **Restaurants, cafeterias, delicatessens, coffee shops and carry-out food establishments** if located within an office building. Fast-food restaurants are prohibited from this district.
- G. **Privately-owned and operated museums, libraries, galleries, and similar facilities.** (NOTE: Public or quasi-public facilities of this nature are permitted in ANY district as special exceptions).
- H. **Residential facilities** (e. g., care-taker residences) and ancillary uses commonly associated with any permitted use.

4.310.3 CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 1.600.15:

- A. **Public or quasi-public facilities and utilities** in compliance with Section 3.32 and 3.33 and other regulations of this Ordinance.
- B. **Outside playgrounds or teaching facilities** for educational uses.
- C. **Surface mining operations.** See Section 4.200.03.E.

4.310.4 DIMENSIONAL REQUIREMENTS:

- A. **Maximum Building Height:** See International Building Code.
- B. **Minimum Lot Area:** No minimum.
- C. **Minimum Lot Width:** No minimum.
- D. **Minimum Yards:**
 1. **Front yard:** 35 feet. The first ten (10) feet inside this front yard setback (adjacent to the street right-of-way line) shall remain open except for entrance/exit driveways and shall be landscaped; no parking shall be permitted in driveways within the first ten (10) feet of the front yard setback.
 2. **Side yards where not abutting a residential district:** Fifteen (15) feet; the first five (5) feet inside this side yard setback (adjacent to

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

3. **Rear yards where not abutting a residential district:** Twenty (20) feet; the first five (5) feet inside this rear yard setback (adjacent to the property line) shall be landscaped. The remainder of the rear yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
4. **Side yards and rear yards where abutting any residential district:** Twenty-five (25) feet, which shall remain open and be landscaped and a fence approved by the Zoning Administrator along side or rear yards abutting such residential district. All side or rear yards shall be landscaped open area with no encroachments permitted including driveways, parking lots, or other paved areas.

- E. **Minimum Space Between Buildings on the Same Lot:** 30 feet. No more than two-thirds (66 2/3 percent or .6667) of the space between such buildings shall be paved; the remaining area shall be landscaped.
- F. **Minimum Green Space:** Each lot shall have a minimum of 15 percent green space maintained by the property owner.

4.310.5 **SITE PLAN REQUIRED:** A site plan shall be submitted to the Zoning and Planning Commission in accordance with Sections 5.600.17 through 5.600.20 of this Ordinance.

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

4.310.7 **REQUIRED OFF-STREET PARKING, LOADING AND ACCESS CONTROL:** See Section 3.37 for off-street parking, loading, and access control requirements.

4.310.8 **SIGNS:** See Sign Section of this ordinance.

4.310.9

LAND USES NOT SPECIFICALLY PROHIBITED OR

PERMITTED: Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 5.600.02 of the Zoning Ordinance. A public hearing is required because Section 5.600.08 involves amending the text of the Zoning Ordinance.

SECTION 4.320 - C-2 CENTRAL BUSINESS DISTRICT

4.320.1 **PURPOSE OF THIS DISTRICT:** This business district is intended to provide for indoor- type commercial uses.

Furthermore, the C-2 district is established to protect present business and commercial uses in the area from the blighting effects of incompatible land uses, to encourage the development of the area as a major focal point for community life in Byram, and may include a municipal complex.

4.320.2 **LAND USES PERMITTED:** The following uses are permitted outright in C-2 districts subject to the regulations prescribed herein:

- A. **All uses allowed in C-1 Restricted Commercial District.**
- B. **Commercial uses** in which services performed and merchandise offered for sale are conducted or displayed within enclosed structures, except for the display of small articles (i.e., those that can generally be hand-carried by one or two persons) outside the commercial use. This includes specialty shops.
- C. **Shopping centers located on minimum sites of three (3) acres** on an existing or proposed arterial street as shown on the adopted Thoroughfares Plan; shopping centers may contain any of the uses permitted outright in C-2 zones.
- D. **Hotels.**
- E. **Full service restaurants.** Tables located on sidewalks shall not impede pedestrian traffic.
- F. **Banks.**
- G. **Accessory buildings and uses** customarily incidental to the aforementioned uses. See Section 3.31.05: Accessory Buildings or Uses.
- H. **Public/Quasi-public uses.**

4.320.3 PROHIBITED USES:

- A. **Check cashing businesses.**
- B. **Pawn shops.**
- C. **Cash for titles businesses.**
- D. **Tattoo parlors.**
- E. **Massage parlors.**
- F. **Nail parlors, stand alone nail salons.**

4.320.4 CONDITIONAL USES AS PROVIDED UNDER SECTION 5.600.15:

- A. **Mortuaries or funeral homes** provided such uses shall be located on an existing or proposed arterial street as shown on the adopted Thoroughfares Plan.
- B. **Public or quasi-public facilities and utilities** in compliance with Sections 1.32 and 1.33 and other regulations of this ordinance.
- C. **In ns or “b ed and b reakf ast in ns.”**
- D. **Big Box Retail Stores.**
- E. **Fast-food restaurants.**
- F. **Any business with drive-through windows.**
- G. **Health spa.**

4.320.5 DIMENSIONAL REOUIREMENTS:

- A. **Maximum Building Height:** See International Building Code.
- B. **Minimum Lot Area:** Lot area regulated through site plan review.

- C. **Minimum Lot Width:** Lot width regulated through site plan review.
- D. **Minimum Yards:** Minimum yards regulated through site plan review.
- 4.320.6 **REQUIRED LANDSCAPING ALONG ARTERIAL STREETS:** New development along arterial streets is required to provide landscaping.
- 4.320.7 **REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL:** See Section 3.37 for off-street parking, loading and access control requirements.
- 4.320.8 **SIGNS:** See Sign Section of this ordinance.
- 4.320.9 **LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED:** Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 5.600.02 of the Zoning Ordinance. A public hearing is required because Section 5.600.08 involves amending the text of the Zoning Ordinance.

SECTION 4.330 - C-3 GENERAL COMMERCIAL DISTRICT

4.330.1 PURPOSE OF THIS DISTRICT:

The purpose of this district is to promote the development of well-planned shopping centers and independent commercial uses within carefully selected areas of the City of Byram. The commercial activities permitted in this district include uses of a higher intensity than those first allowed in Restricted Commercial districts (C-1). Although shopping center uses permitted in this zone require access to an arterial street, such uses are not “highway oriented” like those first allowed in the Major Thoroughfares Commercial District (C-4). Uses first permitted in C-4 Major Thoroughfares Commercial districts shall not be permitted in the C-3 district.

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.

4.330.2 LAND USES PERMITTED

The following uses are permitted outright in C-3 districts subject to the regulations prescribed herein:

- A. **All uses allowed in C-2 Central Business District.**
- B. **Commercial uses** in which services performed and merchandise offered for sale are conducted or displayed within enclosed structures, except for the display of small articles (i.e., those that can generally be hand-carried by one or two persons outside the commercial use).
- C. **Shopping centers located on minimum sites of three (3) acres** on an existing or proposed arterial street as shown on the adopted Thoroughfares

Plan; shopping centers may contain any of the uses permitted outright in C-3 zones.

- D. **Hotels and motels.**
- E. **Restaurants.**
- F. **Veterinary clinics and pet shops,** excluding outside runs.
- G. **Bowling alleys, skating rinks** and similar recreational or entertainment enterprises conducted entirely within enclosed structures.
- I. **Prohibited uses.**
- J. **Check Cashing Businesses.**
- K. **Pawn Shops.**
- L. **Cash for Titles Bussinesses.**
- M. **Tattoo Parlors.**
- N. **Massage Parlors.**

4.330.3 CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 5.600.15

- A. **Service stations including vehicle repairs** (except body repairs), provided that all vehicle repairs except those of a minor nature (e.g. change of fan belt, minor carburetor adjustments, tire repairs) are conducted entirely within an enclosed building and provided that all such service stations are located on an arterial street designated as such by the adopted Thoroughfares Plan.
- B. **Conveni en ce or “d rive -i n” grocery stores.**

- C. **Mortuaries or funeral homes**, provided such uses shall be located on an existing or proposed arterial street as shown on the adopted Thoroughfares Plan.
- D. **Horticultural nurseries** shall be considered only as conditional uses in C-3 districts because much of the activity associated with these uses is conducted out-of doors.
- E. **Public or quasi-public facilities** in compliance with Sections 3.32 and 3.33 of this ordinance.
- F. **Surface mining operations**. See Section 4.200.03 (E).

4.330.4 DIMENSIONAL REQUIREMENTS

- A. **Maximum Building Height**: See International Building Code.
- B. **Minimum Lot Area**:
 - 1. **Shopping centers**: Three (3) acres.
 - 2. **Independent commercial uses**: No minimum lot area is required.
- C. **Minimum Lot Width**:
 - 1. **Shopping centers**: 200 feet.
 - 2. **Independent commercial uses**: No minimum lot width required.
- D. **Minimum Yards**: The minimum yard requirements for all uses permitted in a C-3 district shall be as follows:
 - 1. **Front yard**: 40 feet. The first ten (10) feet inside this front yard setback shall remain open except for entrance/exit driveways and shall be landscaped in accordance with Section 3.39 of this ordinance; no parking shall be permitted in these driveways.

2. **Side yards and rear yards** where NOT abutting a residential district: 15 feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance standards adopted by the City of Byram.
3. **Side yards and rear yards** where abutting ANY residential district: 35 feet, which shall remain open and be landscaped in accordance with standards adopted by the City of Byram, AND a fence along side or rear yards abutting such residential district; said fence shall be a minimum of six (6) feet in height and shall be constructed of brick or solid (plank-to-plank) wood. Where this fencing option is chosen, the property owner shall be responsible for the maintenance of the fence, and failure to maintain it shall constitute a violation of this ordinance.

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

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

4.330.6 **REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL:** See section 3.37 for off-street parking, loading and access control requirements.

4.330.7 **SIGNS:** See Sign Section of this ordinance.

4.330.8 **LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED:** Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 5.600.02 of the Zoning Ordinance. A public hearing is required because Section 5.600.08 involves amending the text of the Zoning Ordinance.

SECTION 4.340 - C-4 MAJOR THOROUGHFARES COMMERCIAL DISTRICT

4.340.1 **PURPOSE OF THIS DISTRICT:** The purpose of this district is to provide relatively large tracts of land for the development of vehicle-oriented commercial activities that typically require direct auto traffic access and visibility from major thoroughfares shown on the City of Byram’s Land Use and Thoroughfares Plan map. They are generally less compatible than Neighborhood Commercial uses when located adjacent to residential uses. This district is intended to encourage those commercial activities that function relatively independent of intensive pedestrian traffic and proximity to other commercial establishments. Outdoor commercial uses (i.e., those in which all or much of the business is conducted out-of-doors) are first permitted in these C-4 districts.

These districts are appropriate for the fringes of retail districts and only along major thoroughfares designated as arterial streets on the adopted Thoroughfares Plan. Uses first permitted in I-1 Limited Industrial and I-2 Heavy Industrial districts shall not be permitted in C-4 districts.

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

- A. **Any use permitted in the C-3 General Commercial District.**
- B. **Food product carry-out and delivery stores.**
- C. **Shopping centers located on minimum sites of three acres** on an existing or proposed arterial street; shopping centers may contain any of the uses permitted outright in C-3 General Commercial zones.
- D. **Drive-in restaurants (fast food).**
- E. **Hotels and Motels.**
- F. **Veterinary clinics, excluding outside runs.**
- G. **Indoor recreational uses,** including skating rinks, bowling alleys, and similar enterprises.

- H. **Banks, including branch banks and dry cleaners.**
- I. **Commercial printing establishments**, newspaper publishing and specialty printing providing that the business is conducted in an enclosed building and does not require outside storage of materials or products.
- J. **Vehicle sales (new), rental or lease** and related servicing, provided that automobile sales shall not be allowed on a lot of less than three acres.
- K. **Boat and marine sales, rental or lease**, and service.
- L. **Mortuaries.**
- M. **Horticultural nurseries.**
- N. **Automotive Repair Services.** All operations shall be conducted within an enclosed building. All damaged or wrecked vehicles awaiting repair shall be effectively screened so as not to be visible from surrounding property or from any adjoining public street or walkway. No damaged or wrecked vehicles shall be stored for purposes other than repair and shall not constitute a vehicle wrecking, dismantling, or impounding yard, or junk or salvage.
- O. **Dry cleaning businesses.**
- P. **Accessory Buildings.** See Section 3.31.05: Accessory Buildings or Uses.
- Q. **Conditional Uses.**
- R. **Check Cashing Businesses.**
- S. **Pawn Shops.**
- T. **Cash for Titles Businesses.**
- U. **Tattoo Parlors.**
- V. **Massage Parlors.**

4.340.3 **CONDITIONAL USES AS PROVIDED UNDER SECTION 5.600.15:**

- A. **Public or quasi-public facilities and utilities** in compliance with Sections 3.32 and 3.33 and other regulations of this Ordinance.

- B. **Outdoor recreational and entertainment uses** in which all or part of the activities are conducted out-of-doors, such as golf driving or putting courses, amusement parks, drive-in theaters, etc.

- C. **Building materials sales, automotive sales (used), manufactured home sales** and similar types of outdoor sales, where some or all such materials are displayed outdoors or visible from streets or highways. Minimum acreage per site shall be two acres.

- D. **Heavy construction equipment sales and service.**

- E. **Truck stops.**

- F. **Veterinary clinics with outside dog runs.**

- G. **Yard and garden centers, nurseries, and greenhouse operations.**

- H. **Service stations including vehicle repairs** (except body repairs), provided that all vehicle repairs except those of a minor nature (e.g., change of fan belt, minor carburetor adjustments, tire repairs) are conducted entirely within an enclosed building and provided that all such service stations are located on an arterial street designated as such by the adopted Thoroughfares Plan.

- I. **Convenience stores and gas stations.**

- J. **Car washes/vacuum cleaner stations and quick car-care clinics** (lubrication, tune-up, etc.).

- K. **Photomats, laundromats.**

- L. **Free-standing “game rooms,”** for electronic video games, pool tables, etc.

M. **Other similar enterprises or businesses of the same nature** that are not more obnoxious or detrimental to the welfare of the particular area than the enterprises permitted above, not to include those uses that are first permitted in the I-1 District. Uses not specifically listed above shall be reviewed by the Zoning and Planning Commission and approved by the Mayor and Board of Aldermen.

N. **Mini storage buildings with a two acre minimum site.**

O. **Surface mining operations.** See Section 4.200.03. E.

4.340.4 **DIMENSIONAL REQUIREMENTS:**

A. **Maximum Building Height:** See International Building Code.

B. **Minimum Lot Area:** 11,000 square feet.

1. **Shopping centers, automotive sales, manufactured home sales, farm equipment and similar types of outdoor sales:** three acres.

2. **Shopping centers: three (3) acres.**

C. **Minimum Lot Width:**

1. **Shopping centers, automotive sales, manufactured home sales, farm equipment and similar types of outdoor sales:** 200 feet.

2. **Independent commercial uses:** 100 feet.

D. **Minimum Yards:** The minimum yard requirements for all uses permitted in a C-4 district shall be as follows:

1. **Front yard:** 35 feet. The first ten (10) feet inside this front yard setback shall remain open except for entrance/exit driveways and shall be landscaped; no parking shall be permitted in driveways within the first ten (10) feet of the front yard setback.

2. **Side yards** where not abutting a residential district or Agricultural (A-1) district: fifteen (15) feet; the first five (5) feet inside this side yard setback (adjacent to the property line). The remainder of the side yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
3. **Rear yards** where not abutting residential district or Agricultural (A-1) district: thirty (30) feet; the first five (5) feet inside this rear yard setback (adjacent to the property line) shall be landscaped. The remainder of the rear yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
4. **Side yards and rear yards** where abutting any residential district or Agricultural (A-1) district: 50 feet, which shall remain open and be landscaped and a fence approved by the Zoning Administrator along side or rear yards abutting such residential district. The ten (10) foot strip adjoining the side lot line and/or rear lot line shall be maintained as a landscaped buffer area. All side or rear yards shall be landscaped open areas with no encroachments permitted including driveways, parking lots, or other paved areas.

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

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

4.340.5 SITE PLAN REQUIRED: The developer of any use in a C-4 Major Thoroughfares Commercial district shall submit a site plan to the Zoning and Planning Commission in accordance with Sections 5.600.17 through 5.600.20 of this ordinance.

4.340.6 REQUIRED LANDSCAPING ALONG ARTERIAL STREETS: Developers of new commercial uses in this district shall provide landscaping along arterial streets upon which the use abuts.

4.340.7 **REQUIRED FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL**: See Section 3.37 for off-street parking, loading and access control requirements.

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

4.340.9 **LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED**: Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 5.600.02 of the Zoning Ordinance. A public hearing is required because Section 5.600.08 involves amending the text of the Zoning Ordinance.

SECTION 4.350 - C-5 ADULT ENTERTAINMENT DISTRICT

4.350.1 **PURPOSE OF THIS DISTRICT:** The purpose of this district is to regulate the operation and location of adult entertainment establishments, as defined by this ordinance, for the purposes of: (1) stemming a potential increase in criminal activities and disturbances of the peace and good order of the City of Byram; (2) maintaining property values; (3) preventing injuries to residential neighborhoods and other commercial districts; (4) protecting and preserving the quality of life through effective land use planning.

The Byram Mayor and Board of Aldermen have found that there is substantial evidence, including numerous studies, reports and findings on the potentially harmful effect of adult entertainment uses made by cities, experts, urban planners, etc. These studies, reports, and findings document that such uses adversely affect property values cause an increase in crime, encourage businesses to move elsewhere, and contribute to neighborhood blight.

Therefore, this district is intended to regulate adult entertainment uses to insure that these adverse effects will not contribute to blighting or downgrading of surrounding neighborhoods.

This district shall be established as a floating zone. As such it will not be fixed on the Official Zoning Map until such time as an application for development and rezoning is made, which meets the requirements of this zoning district and is approved.

- 4.350.2** **LAND USES PERMITTED:** The following uses are permitted outright in the C-5 districts subject to the regulations prescribed herein:
- A. **Any uses permitted outright** in C-1, C-2, C-3, and C-4 commercial districts.

 - B. **Adult arcades, adult bookstores, adult cabarets, adult motels, adult motion picture theaters, and other adult entertainment activities** as defined by this ordinance. However, no such establishment shall be located within 250 feet of the property line of any other such use. Furthermore, no such establishment shall be located within 1,000 feet of the property lines of any existing residential use or any residentially-zoned property, church, school, hospital, convalescent or nursing home, cemetery, civic organization building or facility, charitable organization building or facility, or public or private park or playground.

 - C. **Accessory Uses.** See Section 3.31.05: Accessory Buildings or Uses.

4.350.3 **CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 5.600.15**

- A. **Public or quasi-public facilities and utilities** in compliance with other regulations of this ordinance. However, see Section 4.350.03 above for minimum distances between adult entertainment uses and certain public/quasi-public facilities.

- B. **Other uses that may be considered as special exceptions** for location in C-1, C-2, C-3 and C-4 districts.

- C. **Surface mining operations.** See Section 4.200.03.E.

4.350.4 **DIMENSIONAL REQUIREMENTS:**

- A. **Maximum Building Height:** See International Building Code.

- B. **Minimum Lot Area:** 11,000 square feet.

- C. **Minimum Lot Width:** 100 feet.

D. **Minimum Yards:** The minimum yard requirements for all uses permitted in a C-5 district shall be as follows:

1. **Front yard:** 40 feet. The first ten feet inside this front yard setback shall remain open except for entrance/exit driveways and shall be landscaped in accordance with the city's landscaping requirements; no parking shall be permitted in these driveways.
2. **Side yards and rear yards:** 20 feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance with standards adopted by the City of Byram. This 20 foot side or rear yard setback shall be in addition to the minimum distance (1,000 feet) required between all existing residential uses, residential zones, any public/quasi-public uses.

E. **Minimum Space Between Separate (Detached) Buildings on the Same Lot:** 30 feet. No more than two-thirds (66 2/3 percent) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with standards adopted by the City of Byram.

4.350.5 **SITE PLAN REQUIRED:** The developer of any use in a C-5 Adult Entertainment Commercial District shall submit a site plan to the Zoning and Planning Commission. As part of this requirement, 15 percent of the site must be set aside as green space. See 5.600.17 through 5.600.20.

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

4.350.7 **REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL:** See Section 3.37 for off-street parking, loading and access control requirements.

4.350.8 **SIGNS:** See Sign Section of this ordinance.

4.350.9 **LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED:** Proposed land uses not specifically permitted or prohibited under this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 5.600.02 of

the Zoning Ordinance. A public hearing is required because Section 5.600.08 involves amending the text of the Zoning Ordinance.

SECTION 4.400 - I-1 LIMITED INDUSTRIAL DISTRICT

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

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

- A. **Distribution centers.**
- B. **Light or limited manufacturing** conducted wholly within completely enclosed buildings, except that the temporary storage of articles, materials, or other matter to be processed, assembled, or otherwise changed may be permitted if 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:

- C. **Processing, canning, packaging and other treatment of food products**, including: bakery products, confectionery and related products, fruit and vegetable products, fish, poultry and other meat products, excluding the rendering or refining of fats and oils and slaughtering of animals.
- D. **Manufacturing, assembly or other treatment of products** from the following secondary materials (previously prepared or refined materials): plastics, glass, paper, precious or semi-precious metals or stones, tobacco, and wood (excluding sawmills).
- E. **Fabrication of metal products** including the manufacture of: machinery (engines and turbines, farm machinery and equipment, etc.) electrical equipment and supplies; transportation equipment (including motor vehicles and parts, aircraft and parts, motorcycles, bicycles and parts, etc.); and other secondary metal manufacturing such as metal cans, cutlery, hand tools, and general hardware, heating apparatus and plumbing fixtures, metal stamping, fabricated wire products, and coating, engraving and allied services.
- F. **Manufacturing of pottery or similar ceramic products** (using only previously prepared or pulverized clay, and kilns fired only by electricity or natural gas).
- G. **Manufacturing of professional, scientific, and controlling instruments**; photographic or optical goods; watches and clocks.
- H. **Manufacturing of textile mill products**, including broad and narrow woven fabrics and their small wares (cotton, man-made

fibers, silk and wool), floor coverings (rugs and carpets), yarns and similar products.

- I. **Manufacturing of apparel and other finished products** made from fabrics, leather, fur and similar materials.
- J. **Assembly, painting, upholstering and similar activities** in connection with automobiles, trucks, farm machinery, mobile homes and related products.
- K. **Surface mining operations.** See Section 4.150.02.H.

4.400.3 CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 5.600.15 :

- A. **Public and quasi-public facilities and utilities** may be allowed in this district in compliance with Sections 3.32 and 3.33 of this ordinance and subject to any limitations and restrictions deemed necessary by the Mayor and Board of Aldermen.
- B. **Conditional uses listed under the C-4 Major Thoroughfares Commercial District.**
- C. **Television, cellular phone, and radio transmitters.**
- D. **Warehousing and storage**, provided that all storage is within enclosed structures; such warehousing may include the storage of goods manufactured on the premises as well as goods manufactured off the site; includes “mini-warehouses” or “self-storage warehouses.”
- E. **Dwellings for resident watchmen and caretakers** employed on the premises of the primary permitted use.
- F. **Railroads and railroad spur tracks.**

- G. **Other similar enterprises** that are of the same character and nature as those specifically permitted above, but not to include those uses first permitted in the I-2 Heavy Industrial District.

4.400.4 DIMENSIONAL REQUIREMENTS:

- A. **Maximum Building Height:** See International Building Code.
- B. **Minimum Lot Area:** not regulated.
- C. **Minimum Lot Width:** not regulated.
- D. **Minimum Yards:**
 - 1. **Front yard:** 100 feet. The first fifteen (15) feet inside this front yard setback (adjacent to the street right-of-way line) shall remain open except for entrance/exit driveways and shall be landscaped; no parking shall be permitted in driveways within the first fifteen (15) feet of the front yard setback.
 - 2. **Side yards** where not abutting a residential district or Agricultural (A-1) district: twenty-five (25) feet; the first ten (10) feet inside this side yard setback (adjacent to the property line) shall be landscaped. The remainder of the side yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
 - 3. **Rear yards** where not abutting a residential district or Agricultural (A-1) district: twenty-five (25) feet; the first ten (10) feet inside this rear yard setback (adjacent to the property line) shall be landscaped. The remainder of the rear yard (between the landscaped ten (10) feet and the structure) may be used for driveways, parking, or other paved areas.

4. **Side yards and rear yards** where abutting any residential district or Agricultural (A-1) district: 50 feet, which shall remain open and be landscaped; shall be maintained as a [landscaped buffer with a fence approved by the Zoning Administrator along side or rear property lines abutting such residential district. All side or rear yards shall be landscaped open areas with no encroachments permitted including driveways, parking lots, and paved areas.

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

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

4.400.5 **SITE PLAN REQUIRED**: A site plan shall be submitted to the Zoning and Planning Commission in accordance with Section 5.600.17 through 5.600.20 of this ordinance.

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

4.400.7 **REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL**: See Section 3.37 for off-street parking, loading and access control requirements.

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

4.400.9 **LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED**: Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 5.600.02 of the Zoning Ordinance. A public hearing is

required because Section 5.600.08 involves amending the text of the Zoning Ordinance.

SECTION 4.410 - HEAVY INDUSTRIAL DISTRICT (I-2)

4.410.1 **PURPOSE OF THIS DISTRICT:** The purpose of this district is to provide areas for the exclusive development of industrial uses, such as those that involve manufacturing, processing, and related operations that generally have extensive space requirements and/or generate substantial amounts of noise, vibration, odors, or possess other objectionable characteristics. It is the intent of this ordinance that such “heavy” industrial districts be located insofar as possible adjacent only to C-4 Major Thoroughfare Commercial 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 3.36.05 of this ordinance with regard to prohibited uses.)

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

- A. **Any outright uses permitted in an I-1 District.**
- B. **Heavy manufacturing uses** which are not potentially hazardous or offensive to neighboring land uses due to the emission of dust, gas smoke, noise, fumes, odors, vibrations, or other objectionable influences shall be permitted by right in 1-2 districts, except that manufacturing uses of the “wet” type (i.e., those industries that require large amounts of water in processing or discharge large amounts of by-products through the sewer system) shall be permitted only as conditional uses (see Section 5.600.15).
- C. **Television, cellular phone, and radio transmitters.**
- D. **Surface mining operations.** See Section 4.150.02.H.

4.410.3 **CONDITIONAL USES AS PROVIDED UNDER SECTION 5.600.15:**

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

- F. **Public and quasi-public facilities and utilities** may be allowed in this district in compliance with Sections 3.32 and 3.33 of this ordinance and subject to any limitations and restrictions deemed necessary by the Mayor and Board of Aldermen.
- G. **Railroads and railroad spur tracks.**
- H. **Any other use of a heavy industrial nature that is not prohibited** under Section 3.36.05 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.
- I. **Dwellings for resident watchmen and caretakers.**

4.410.4 DIMENSIONAL REQUIREMENTS:

- A. **Maximum Building Height:** See International Building Code.
- B. **Minimum Lot Area:** One acre or 43,560 square feet.
- C. **Minimum Lot Width:** 150 feet.
- D. **Minimum Yards:**
 - 1. **Front yard:** 100 feet. The first fifteen feet inside this front yard setback (adjacent to the street right-of-way line) shall remain open except for entrance/exit driveways and shall be landscaped; no parking shall be permitted in driveways within the first fifteen feet of the front yard setback.
 - 2. **Side yards** where not abutting a residential district or Agricultural (A-1) district: 25 feet; the first ten feet inside this side yard setback (adjacent to the property line) shall be landscaped. The remainder of the side yard (between the landscaped ten feet and the structure) may be used for driveways, parking, or other paved areas.

3. **Rear yards** where not abutting a residential district or Agricultural (A-1) district: 20 feet; the first ten feet inside this rear yard setback (adjacent to the property line) shall be landscaped. The remainder of the rear yard (between the landscaped ten feet and the structure) may be used for driveways, parking, or other paved areas.
4. **Side yards and rear yards** where abutting any residential district or Agricultural (A-1) district: 50 feet, which shall remain open and be landscaped; shall be maintained as a landscaped buffer with a fence approved by the Zoning Administrator along side or rear property lines abutting such residential district. All side or rear yards shall landscaped open area with encroachments permitted driveways, parking lots, and paved areas.

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

F. **Minimum Green Space**: Each lot shall have a minimum of 15 percent green space maintain by the property owner.

4.410.5 **SITE PLAN REQUIRED**: A site plan shall be submitted to the Zoning and Planning Commission in accordance with Sections 5.600.17 through 5.600.20 of this ordinance.

4.410.6 **REQUIRED LANDSCAPING ALONG ARTERIAL STREETS**: When new industrial uses are located along arterial streets upon which the use abuts, landscaping is required.

4.410.7 **REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL**: See Section 3.37 for off-street parking, loading and access control requirements.

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

4.410.9

LAND USES NOT SPECIFICALLY PROHIBITED OR

PERMITTED: Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 5.600.02 of the Zoning Ordinance. A public hearing is required. See Section 5.600.08 of this Zoning Ordinance.

SECTION 4.500 - S-1 INSTITUTIONAL SPECIAL USE DISTRICT

4.500.1

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

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

from any intrusion of uses included in S-1 districts that would be detrimental to the character of such adjacent private property.

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

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

- A. **Duplexes.**
- B. **Townhouses.**
- C. **Multiple-family dwellings.**
- D. **Family group care homes**
- E. **Housing for the elderly**
- F. **Retirement Homes/Retirement Villages**
- G. **Congregate living facilities.**
- H. **Nursing homes.**
- I. **Hospitals.**
- J. **Offices of physicians and dentists.**
- K. **Hospices.**

- L. **Outpatient aging services.**
- M. **Day care facilities.**
- N. **Facilities for the storage and maintenance of vans or buses** used in conjunction with services offered by the retirement district.
- O. **Outpatient emergency facilities.**
- P. **Outpatient surgery facilities.**
- Q. **Retail and office commercial activities** primarily for the benefit of residents and staff of the institution.
- R. **Cultural and recreational facilities.**

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

4.500.4 **DIMENSIONAL REQUIREMENTS:**

- A. **Maximum Building Height:** See International Building Code.
- B. **Minimum District Area:** 40 acres.
- C. **Minimum Lot Area:** Not regulated in this district.
- D. **Minimum Lot Width:** Not regulated in this district.
- E. **Maximum Buildable Area:** Except for required minimum yards, off-street parking and loading requirements, and required distances between buildings, permitted uses may occupy as much of a site as in an S-1 district as is necessary to conduct the permitted activity.

F. **Minimum Distance Between Buildings:** 30 feet. No more than two-thirds (66 2/3 percent) of the space provided between such buildings shall be paved; the remaining area shall be landscaped.

G. **Minimum Yards:**

1. **Front yard:** 50 feet from the front of any proposed structure to the right-of-way of any public road (i.e., dedicated street or highway); or 20 feet from the front of any proposed structure to the curb or pavement line of any existing or proposed private street (i.e., circulation drive on the property of the retirement village).

2. **Side and rear yards:** where abutting any residential district or Agricultural (A-1) district: 25 feet, which shall remain open and be landscaped and a fence approved by the Zoning Administrator along side or rear yards abutting such residential district. The ten (10) foot strip adjoining the side lot line and/or rear lot line shall be maintained as a landscaped buffer area. All side or rear yards shall be landscaped open areas with no encroachments permitted including driveways, parking lots, or other paved areas.

4.500.5 **LAKES AND DAMS:** Developers of institutional uses shall adhere to the guidelines established by the Mayor and Board of Aldermen concerning construction of lakes and dams stipulated in the Development Ordinance.

4.500.6 **SITE PLAN REQUIRED:** A detailed site plan shall be required for the established of a new institutional use as defined by this ordinance or for the construction or expansion of buildings in an existing institutional use. Furthermore, no building permit shall be issued until such site plan has been reviewed by the Zoning and Planning Commission and approved by the Mayor and Board of Aldermen. See Section 5.600.17 through 5.600.20.

4.500.7 **REQUIRED LANDSCAPING ALONG ARTERIAL STREETS:** New development along arterial streets is required to

provide landscaping. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section 5.600.15.

4.500.8 **REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL:** See parking, loading and access requirements for S-1 districts under Section 3.37.

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

4.500.10 **LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED:** Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 5.600.02 of the Zoning Ordinance. A public hearing is required because Section 5.600.08 involves amending the text of the Zoning Ordinance.

**SECTION 4.510 – S-2 SPECIAL PLANNED HIGHWAY
CORRIDOR DISTRICT**

4.510.1 **PURPOSE OF DISTRICT:** The general purposes of this section are to protect the integrity of and to provide for a superior environment along the highway corridors of Byram as stated in the Comprehensive Plan. As a matter of public policy the city aims to redevelop, enhance, and perpetuate those aspects of overlay districts that have aesthetic, architectural, cultural, and/or historical significance. Such development activities will promote and protect the health, safety, prosperity, and general welfare of persons living in Byram. Special Planned Highway Corridor Districts functions as an overlay district, which imposes a set of requirements in addition to those of the underlying residential, commercial, industrial or other district. All non-conforming buildings within the S-2 District shall have five years to comply with the requirements of subsection 4.510. All non-conforming buildings in which there is a change of ownership shall comply with the requirements of the S-2 District upon change of ownership.

Specifically, the corridor district guidelines are designed to encourage the following:

- A. **To establish and enhance the “gateway” character of the district.** Thereby increasing aesthetic and visual qualities, as well as, property values.

- B. **To prevent the placement of inappropriate land uses** along the entranceway corridors;

- C. **To promote uniformity, with regard to dimensional regulations** (i.e., maximum height, lot area and lot width, density, setbacks, and open space);

- D. **To standardize landscaping requirements for private property** within the corridor district;

- E. **To establish sign regulations** to prevent the erection of outdoor advertising that would detract from the aesthetic quality of the entranceway districts, thereby diminishing property values;
- F. **To establish uniform off-street parking**, service area, and access control regulations;
- G. **To enact exterior lighting regulations** that will minimize glare, promote security, and provide vehicular traffic and pedestrian safety; and
- H. **To promote site plan review standards and procedures** that encourages the highest quality of development while preventing unnecessary delays.

4.510.02. PLANNED CORRIDOR DISTRICTS ARE OVERLAY DISTRICTS:

- A. **The Byram Planned Corridor Districts shall be established as “overlay districts.”** superimposed on the existing zoning district, and intended to supplement the regulations of the underlying base district and to provide harmony and compatibility of development over the length of the corridors
- B. **The minimum width of the Planned Corridor Districts** along Interstate highway corridors is 600 feet on either side of the right-of-way between major intersections. The width of the Planned Corridors along other highways is 300 feet on either side of the right-of-way. Around major intersections, the Planned Corridor District may be somewhat larger.
- C. **The highway corridors included in the corridor district overlays** follow the major thoroughfares shown on the Land Use and Thoroughfares Plan map in the city’s comprehensive plan. Specifically, the highways to be included as corridors are I-55, the Clinton-Byram Parkway and the proposed I-55 to I-20 Freeway.

D. **A corridor district overlay** will in many cases not cover an entire underlying zoning district or an entire lot or parcel. In those instances, the requirements of the overlay district affect only that part of a lot or parcel or district covered by the overlay. In the event the proposed development is not completely covered by the overlay district, then the applicant may petition the city to extend the overlay district so that the proposed is completely covered by the overlay district.

4.510.3 PERMITTED LAND USES:

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

4.510.4 CONDITIONAL USES AS PROVIDED UNDER SECTION

5.600.15: Only those conditional uses that are specifically permitted in each of the affected underlying districts.

4.510.5 PROHIBITED CORRIDOR DISTRICT LAND USES: To

maintain the integrity of this district the following uses are prohibited regardless of the type of district in which they are found. These uses apply only in the portions of each district covered by the overlay.

- A. **Group homes for the handicapped and personal care facilities.**
- B. **Child Care Centers.**
- C. **Mobile homes and mobile home sales lots.**
- D. **Apartments.**
- E. **Coin laundry.**
- F. **Automotive service and repair establishments.**
- G. **Re-cycling collection point.**

- H. Car Wash.
- I. Bingo parlors.
- J. Palm readers, psychics, fortune tellers, soothsayers, tarot card readers, and similar businesses that foretell the future.
- K. Pawn shops.
- L. Title pledge office.
- M. Secondhand store.
- N. Bars not associated with restaurants.
- O. Mini-warehouses.
- P. Commercial communication towers.
- Q. Adult arcades, adult bookstores, adult cabarets, adult entertainment establishments, adult motel, and adult motion picture theaters.
- R. Truck terminals, warehouses and storage buildings.
- S. Wholesale and supply houses.
- T. Bulk storage and wholesale dispersing of products and materials.
- U. Wrecker services and junk yards.
- V. Check Cashing Businesses.
- W. Cash for Titles Business.
- X. Tattoo Parlors.
- Y. Massage Parlors.

4.510.6 **SITE PLAN REQUIRED:** The Developer of any use in a S-2 Planned Highway Corridor District shall submit a site plan to the Zoning and Planning Commission in accordance with Sections 5.600.17 - 5.600.20 of this ordinance.

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

A. **Dimensional requirements for single-family detached dwellings, patio homes, and townhouses** shall be the same as the underlying district. No such dwellings shall front directly upon the corridor.

1. **Maximum Building Height:** See International Building Code.
2. **Minimum Lot Area and Lot Width:** Subject to the regulations of the underlying district.
3. **Maximum Density:** The maximum density for residential development shall be 6.0 units per gross acre.
4. **Minimum Yards (building setbacks):**
 1. The minimum building setback from the edge of the right-of-way from the street shall be 40 feet.
 2. For any nonresidential permitted use, a minimum of 35 percent of the lot and, for any residential permitted use, a minimum of 50 percent of the lot shall be open space, which shall not include heated spaces, driveways, parking spaces, garages, portals, carports, accessory buildings, or any improvement surfaces. The average dimensions of the opposite sides of open space shall equal no less than 10 feet. Residential development shall, in addition, meet all applicable private and open space standards.

4.510.8 GENERAL STANDARDS:

- A. **Loading Areas Screened:** Loading areas shall be screened and located on side or rear yards

- B. **Outdoor Storage:** Outdoor storage shall not be allowed in the district

- C. **Access to Property:** Access to the property shall be approved by the City Engineer, Planning Commission, and Mayor and Board of Aldermen.

- D. **Off-site Traffic Impact:** The off-site impact of the site-generated traffic shall be based on a study performed by the developer using the latest edition of the Highway Capacity Manual. The results of the corresponding impacts shall be evaluated relative to the computed levels of service at various time frames and durations as defined in the manual. A plan for mitigating any adverse effects shall be proposed by the developer and approved by the City Engineer, Zoning and Planning Commission, and Mayor and Board of Aldermen prior to the issuance of any building permits. The Traffic Mitigation Plan shall be based on the results of the traffic study and shall include proposed improvements, a cost estimate, a construction schedule, and the extent of participation by the proposed development.

- E. **Half or Partial Streets:** New half or partial streets shall be prohibited in new developments. When a tract to be developed borders an existing street having a right-of-way width insufficient to conform to the minimum width standards required by these regulations, such additional right-of-way shall be platted and dedicated in such a way as to make the resulting street conform.

- F. **Buffer Standards:** When nonresidential uses abut residential uses, the following standards apply:
 - 1. All of the structures for the nonresidential uses shall be set back a minimum of 50 feet from the residential property line

and a 25-foot landscaped buffer shall be located between the residential and nonresidential uses: or

2. All of the structures for the nonresidential uses shall have a minimum 25-foot landscaped buffer and masonry wall or a fence, as approved by the Mayor and Board of Aldermen, located between the residential and nonresidential use.

G. Landscaping Standards: Persons wishing to development property within the entranceway corridor

1. Developers of commercial or industrial uses in this district shall comply with Section 3.39 of this ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Sections 3.32 and 3.33.
2. Existing natural landscaping material shall not be disturbed within 25 feet of the property line that adjoins the street right-of-way. This area shall be labeled as open space setback. No structure, fences, walls, or parking are allowed in this setback;
3. Landscaping shall be provided in the open space setback where landscaping has been disturbed and shall be provided surrounding buildings and parking areas at a minimum width of five feet. The intensity of landscaping shall be two plants per 30 square feet of landscaped area. One-half of vegetation shall be at least four-feet high, and one-half shall be one-foot high at the time of planning. Trees shall be a minimum of 10 percent of the planting. If parking is provided in the front setback, it shall be effectively screened by earth berms or landscaping, which shall be at least four feet above parking lot grade; and
4. In order to preserve natural landscaping on stream banks, an undisturbed setback of 10 feet shall be retained next to the major streams where 100-year floodplains have been

recorded. This 10-foot buffer cannot be included in the minimum square footage of the lot.

- H. Lighting Standards:** Any lighting in the Planned Corridor District used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjacent residential property. Specifically, lights with no cutoff type luminaire shall be no higher 10 feet and shall have a minimum illumination according to the Illuminating Engineering Society standards.

Lights with a cutoff type luminaire shall be no higher than 20 feet with a maximum illumination, measured according to the Illuminating Engineering Society standards. The burden of proof of the candlepower provided shall be upon the developer.

- I. Sign Standards:** Signs in the Planned Corridor District shall meet the standards in the sign chapter in this ordinance.

- J. Architectural Standards:** All commercial, industrial, and multi-family structures in the Planned Corridor District shall meet the city's architectural design review guidelines. In addition, all commercial and multi-family structure shall meet the following standards:

1. Roofs shall be concealed by horizontal parapets;
2. A minimum of 80 percent of the surface material, excluding doors and windows, shall be brick or split block, etc

- K. Required Information for Site Plans:** When applying for a development permit in the Planned Corridor district, applicants shall submit, in addition to any other requirements, the following information.

1. **A site plan drawn to scale showing drainage;** storm water detention, significant natural features; all access points, including access to major arterials; arrangement, uses and dimensions and elevations of buildings; parking and loading; landscaping, walls and fences; open space;

setbacks; and existing adjacent land uses of abutting property;

2. **Developers requesting approval** for residential projects with 50 units or more, or commercial projects with over 10,000 square feet, within the Planned Corridor Districts shall submit, as part of the application for the development plan, an approved traffic impact statement for the proposed development. The statement shall provide data on the traffic generated by the proposed development, using existing traffic counts generated by the county and other sources, and the methods set forth in the most recent edition of the Highway Capacity Manual. The statement shall also show the traffic network includes all the subcollectors and collectors from the point of the origin at the proposed development up to and including intersections with secondary or major arterials. The statement must show the impact of the proposed development on the level of service of the relevant streets in the traffic network. “Level of Service” refers to the categories A through F set forth by the Highway Capacity Manual.

L. Driveway Standards:

1. **General Performance Standard:**
 - a. Any driveway design must allow an entering vehicle turning speed of 15 mph to help reduce interference with through street traffic.
 - b. Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic as determined by a competent traffic survey.
 - c. There must be sufficient on-site storage to accommodate at least queued vehicles waiting to park or exit without using any portion of the street

right-of-way in any other way interfering with street traffic.

- d. Provisions for circulation between adjacent parcels should be provided through coordinated or joint parking systems, or other methods as specified in the city's Comprehensive Plan.
- e. Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.
- f. Direct-access driveway placement must be such that an exiting vehicle has an unobstructed sight distance accordance to the following schedule.

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

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

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

- a. Expected right-turn ingress movements meet or exceed 50 movements per hour during a typical weekday peak traffic period.

- b. Driveway volumes are expected to meet or exceed 1,000 vehicles per day.
 - c. The developer shall document, through traffic analysis, that such treatment is necessary to avoid congestion and/or unsafe conditions on the public thoroughfare.
3. **Driveway Profile:** Driveway profiles shall be determined using the following criteria:
- a. The grade of a two-way, one-way, or divided commercial driveway shall not exceed 1.5 percent for a minimum distance of 25 feet from the edge of the pavement. Beyond this distance, the grade shall not exceed eight percent.
 - b. If the highway is curbed and if the sidewalk is 10 feet or less from the edge of the pavement, the grade of a driveway shall be the grade required to meet the sidewalk elevation, but if that grade would exceed the maximums specified in paragraph 1, the sidewalk shall be either tilted or inclined.
 - c. If the highway is uncurbed, the grade of the driveway between the highway of pavement and the edge of the shoulder shall conform to the slope of the shoulder to the edge of the driveway approach.
 - d. For a driveway on an upgrade towards the highway, a grade of 1.5 percent for a distance of 100 feet the edge of the pavement is required. Beyond this distance, the grade shall not exceed 40 percent and the difference in grades where there is a change of grade shall not exceed three percent.
 - e. Vertical curves with a minimum length of 15 shall be provided at a change of grade of four percent or more.

f. If the sidewalk elevation has to be adjusted to meet the driveway, the sidewalk shall be inclined at a rate not to exceed one-foot vertical for every 24 feet horizontal.

4. **Driveway Spacing:** Minimum driveway is needed to help mitigate traffic congestion on arterial roads. Driveway spacing will be determined as a function of arterial highway operating speeds spacing will be determined according to the following schedule:

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

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

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

driveway volume will be the sum of the trip-generation rate of both land uses

5. **Bonus for Combining Access Points:** When two adjacent property owners agree to combine access points, the city will grant an incentive bonus. The total lot size and road frontage normally required will each be reduced by 15 percent for both landowners. In Addition, the required number of parking spaces will be reduced by 15 percent for each development. Site circulation and safety standards will still be enforced.

6. **Number of driveways per parcel:**
 - a. A maximum of one driveway opening shall be permitted to a particular site from each of any one or two abutting streets.

 - b. When in the opinion of the city or of the City Engineer, and in the view of the permittee, it is in the interest of good traffic operation, the Zoning and Planning Commission may permit one additional driveway entrance along a continuous site with frontage in excess of 300 or two additional driveway entrances along a continuous site with frontage in excess of 600 feet.

 - c. Where a dual-service driveway is used, it will be considered, for purposes of this section, to be only one direct-access driveway.

 - d. In the case of dual one-way driveways, one pair of one-way drives may be used per street frontage.

7. **Corner Clearance:** All direct-access driveways shall be constructed such that the point of tangency of the curb return radius closest to a signalized or stop-sign-controlled intersection shall be at least 40 feet from the perpendicular curb face of the intersecting street. Using a 15-foot

driveway radius, the edge of the driveway radius, the edge of the driveway throat shall be 55 feet from the curb face of the perpendicular intersecting street. The driveway radius shall not compound with the intersection corner radius.

5.510.09 **LAND USES NOT SPECIFICALLY PROHIBITED OR**

PERMITTED: Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to administrative interpretation by the Zoning Administrator pursuant to section 5.600.08 of the Zoning Ordinance.

ARTICLE V

SECTION 5.600 - ADMINISTRATION AND ENFORCEMENT

5.600.1 **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.

5.600.2 **ALL BUILDING AND ZONING-RELATED ACTIONS TO BE INITIATED THROUGH THE PLANNING AND ZONING OFFICE:**

All actions with regard to the IBC, this Ordinance, the Sign Ordinance, the Development Ordinance shall be initiated through the Planning and Zoning Office. This office shall be responsible for coordinating all building and zoning-related activities with other city of Byram officials, including (as appropriate) the Public Works Director, the Building Official, the City Engineer, the Zoning Administrator, the City Attorney, the Fire Chief, Police Chief, Mayor and Board of Aldermen, chairman of the Zoning and Planning Commission, and other city boards or commissions having responsibility with regard to building or development matters.

5.600.3 **DUTIES, POWERS, AND LIMITATIONS OF POWERS OF THE ZONING ADMINISTRATOR AND BUILDING OFFICIAL IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE:**

The Building Official (if a different person from the Zoning Administrator) referred to under Section 5.600.02 of this Ordinance

shall be responsible for providing copies of all applications for building permits, plot diagrams, detailed drawings and specifications, and site plans to the Zoning Administrator as soon as possible after his receipt of such applications, etc. The Zoning Administrator designated by the Mayor and Board of Aldermen shall administer and enforce this Zoning Ordinance in accordance with the provisions therein.

A. Duties of the Zoning Administrator:

1. Coordinate all matters relating to this Ordinance with, as appropriate, the Director of Community Development, Building Official, and other City Officials;
2. Provide information to the public on matters relating to zoning;
3. Provide application forms to the public on matters relating to zoning and determines the adequacy of each application before forwarding it to the Zoning and Planning Commission;
4. 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 (re-zonings);
5. Review all building permit applications and plot diagrams as they relate to this Ordinance.
6. Receive and take appropriate action on all applications for dimensional variances, conditional use permits (special exceptions), and zoning amendments (re-zonings);
7. Receive and take appropriate action on all site plans submitted in accordance with Sections 5.600.17 - 5.600.20 of this Ordinance and the forwarding copies of site plans and associated materials to the proper individuals or bodies;

8. 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;
9. Oversee the preparation and maintenance of a map or other recording process indicating nonconforming uses, structures and undeveloped (or vacant) lots.
10. Clear with other local, county, state, or Federal agencies where such clearance is necessary in connection with zoning matters;
11. Appear before the Zoning and Planning Commission and the Mayor and Board of Aldermen to furnish information helpful to those bodies in carrying out their assigned functions;
12. Make periodic checks for violations of this Ordinance and notifying **IN WRITING** the person(s) responsible for the violations of the Ordinance, indicating the nature of the violation and ordering the action necessary to correct it. Such notification shall be in compliance with state law.
13. Report uncorrected violations to the Mayor and Board of Aldermen and recommend action to prevent or halt violations of this Ordinance;
14. Advertise public hearings as required by this Ordinance. (Note: the Zoning Administrator may simply notify the City Clerk that an advertisement of a public hearing is needed, and the City Clerk may actually transmit the required notice to the appropriate newspaper or newspapers);
15. Keep records pertaining to zoning matters;

16. Attend Zoning and Planning Commission meetings as needed;
17. Provide administrative interpretations and determinations of new and unlisted uses .

5.600.4

ADMINISTRATIVE PERMITS: ADMINISTRATIVE INTERPRETATIONS AND DETERMINATIONS OF NEW AND UNLISTED USES:

- A. **Administrative Interpretation by the Zoning Administrator:** In the event there is a question as to the general intent or specific meaning of any provision of the **Zoning Ordinance** text, or of the boundaries or district designations or other matters relating to the **Official Zoning Map**, the Zoning Administrator shall have the power to make such administrative decisions and interpretation.
 1. **Limitation of Powers:** Said administrative interpretation shall in no manner be construed to permit, the granting of a conditional use permit (special exception), dimensional variance (excluding Zoning Administrator variances), 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 (Section 5.600.14).
 2. **Appeals from the Administrative Interpretation by the Zoning Administrator:** Appeals from said administrative interpretation shall be made as provided in Subsection 5.600.11 of this Ordinance.
- B. **Administrative Permits for Determination of New or 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 Byram. 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. The question concerning any new or unlisted use shall be referred to the Zoning Administrator requesting an interpretation as to the zoning classification into which the use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves such characteristics as dwelling activity, sales, processing, type of product, storage, and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated, the general requirements for public utilities such as water and sanitary sewer, and the degree of compatibility of the use.
2. The Zoning Administrator must first determine if the proposed use is in harmony with the purpose and intent of this Ordinance.
3. The Zoning Administrator must then determine if the proposed use is in harmony with the purpose and intent of the district.
4. The Zoning Administrator may require conditions to be met to make the use compatible with the district.
5. The Zoning Administrator shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within such use should be permitted.
6. The Zoning Administrator shall keep a permanent record of the findings and determination for future reference.
7. The Zoning Administrator may, upon his own initiative, make such a determination.

8. Negative findings by the Zoning Administrator may be appealed to the Zoning and Planning Commission on grounds of error in his determination.
9. Upon making his determination, and if there is no appeal, the Zoning Administrator shall notify any other officer or agency of the city likely to be affected by such ruling. In particular, the Zoning and Planning Commission shall be notified to obtain their comments.
10. Such determinations are binding on all officers and agencies of the city as an administrative ruling when approved by the Mayor and Board of Aldermen, 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.
11. Uses deemed to be incompatible as permitted uses may be considered as uses allowed by special exception in that zone.
12. A formal application may be filed with the Zoning Administrator addressing all the characteristics listed in item "A" above, or an applicant may simply send the Zoning Administrator a letter describing his proposed use, buildings, structures, and site activities and requesting a tentative administrative determination.
13. New or unlisted uses may be allowed by right, by right with qualification, by special exception, as an ancillary or accessory use, or as a home occupation.
14. Decisions of the Zoning Administrator shall be deemed final unless, within not more than ten working days of the date such decision was rendered; a written notice of appeal is filed. Such notice of appeal, specifying the grounds thereof, shall be filed with the Zoning Administrator for

transmission to the Zoning and Planning Commission and docketed on their next available board meeting.

5.600.5 BUILDING PERMITS:

- A. No building or other structure shall be erected, moved, added to, or structurally altered without a building permit issued by the Building Official.
- B. No building permit shall be issued by the Building Official except in conformity with the provisions of this ordinance, unless he receives a written order from the Zoning and Planning Commission in the form of an administrative review, special exception, or variance, as provided by this ordinance.

5.600.6 APPLICATION FOR BUILDING PERMIT:

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

5.600.7 **EXPIRATION OF BUILDING PERMIT:** If the work described in any building permit has not begun within one hundred eighty (180) days to meet the provisions of the building code, or work was stopped for a period of 180 days, then said permit shall expire. It shall be cancelled by the building official and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

5.600.8 **REQUIRED CONFORMANCE:** Building permits issued on the basis of plans and applications approved by the building official authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction. The use, arrangement, or construction that is at variance with that which is authorized shall be deemed a violation of this ordinance and punishable as provided by this ordinance.

5.600.9 **POWERS AND DUTIES OF THE BYRAM ZONING AND PLANNING COMMISSION:** The Byram Zoning and Planning Commission is hereby authorized to assist in administration of this ordinance. Among its duties and powers listed in the Ordinance Establishing a Zoning and Planning Commission for the City of Byram, the Zoning and Planning Commission shall have authority to:

- X review applications for conditional uses and variances,
- X review any question concerning interpretation of the zoning text or map,
- X review applications for rezoning (map amendments), and amendments to the text of this ordinance.
- X review site plans.
- X review preliminary subdivision plats.
- X hold public hearings

All matters submitted to the Zoning and Planning Commission for review and recommendations shall be duly entered upon the minutes of the Zoning and Planning Commission and shall show the vote of each member present at such meeting. All

recommendations made to the Mayor and Board of Aldermen shall be made in writing and may be in the form of minutes.

5.600.10 **PROCEEDINGS OF THE ZONING AND PLANNING COMMISSION:**

- A. **Commission Rules and Meetings:** The Zoning and Planning Commission shall adopt rules necessary to conduct its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at least once a month, unless there is no business to be conducted, at a place and time set by the commission. Notice will be provided to all commissioners by the Zoning Administrator. Additional provisions regarding meetings are found in the Ordinance Establishing a Zoning and Planning Commission. Unless otherwise noted, all meetings are open to the public.

- B. **Commission Minutes and Records:** The Zoning and Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The commission shall keep records of its case files, reports, and other official actions, all of which shall be a public record and be immediately filed afterwards in the office of the Planning and Zoning Department.

5.600.11 **HEARINGS, APPEALS, NOTICES :**

- A. **Who May Make Appeals:** Appeals to the Zoning and Planning Commission concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the city affected by the decision of the building official.

- B. **Timing of Appeals:** Aggrieved parties shall file appeals within ten (10) working days by filing with the building official and with the Zoning and Planning Commission a notice of appeal specifying the grounds thereof. The building official shall transmit to the board all papers constituting the record upon which the action appealed was taken. The Zoning and Planning Commission shall hear the appeal at their next available regularly scheduled meeting.

- C. **Public Notice of Appeals:** The Zoning and Planning Commission shall fix a time at a regular monthly meeting for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

5.600.12 **STAY OF PROCEEDINGS:** An appeal stays all proceedings in furtherance of the action appealed from, unless the building official certifies to the Zoning and Planning Commission after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order, issued by a court of record.

5.600.13 **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 Byram 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 Zoning Administrator .
- B. Acting upon all applications for dimensional variances and special exceptions.
- C. Acting upon all applications for re-zonings (i.e., amendments to the Official Zoning Map). In accordance with Section 17-1-17 of the Mississippi Code of 1972, As Amended, “any party aggrieved with the recommendation of the (Zoning and Planning Commission) 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 and Planning Commission in accordance with the ordinance establishing the Zoning and Planning Commission.

5.600.14 **DIMENSIONAL VARIANCES:** Where the strict application of this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property, the 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 Zoning Administrator) demonstrating compliance with all of the following:
 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district.
 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 3. That the special conditions and circumstances do not result from the actions of the applicant.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
6. That the granting of the variance will be in harmony with the general intent and purpose of the Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest.
7. Traffic visibility on adjoining streets will not be adversely affected
8. Drainage from proposed buildings and structures will not adversely affect adjoining properties and public rights-of-way.

B. Corollary Guidelines for Determining Hardships:

1. A variance is not the appropriate remedy for a general condition; when:
 - (a) Such hardship is not shared generally by other properties in the same district and the same vicinity.
 - (b) The condition or situation of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.
2. Self-inflicted hardship is not grounds for a variance.
3. Personal hardship is not grounds for a variance. The hardship must relate to the physical character of the property:

- (a) The hardship is created by the physical character of the property, including dimensions, topography, or soil conditions, or by other extraordinary situation or condition of such property.
 - (b) Personal hardship shall not be considered as grounds for a variance, since the variance will continue to affect the character of the neighborhood after title to the property has passed to another owner.
- 4. Economic hardship in itself is not grounds for a variance. It may be considered as an element, but there must be other compelling considerations.
 - 5. The hardship must be severe and unnecessary in achieving public purposes.
 - 6. The variance must not adversely affect adjacent property or the character of the district. This limitation is clear in item 5.600.14-A above of the standards governing variances unless the Zoning and Planning Commission finds that the authorization of such variance will not be of substantial detriment to adjacent property, and that the character of the district will not be changed by the granting of the variance.

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

- 1. The nature of the zone in which the property lies.
- 2. The character of the immediate vicinity and the permitted uses.

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

D. Variances Granted by Zoning Administrator: Many times applications for variances involve less than 10 percent of the required dimensions and usually have no problems connected with them. Therefore, the Zoning Administrator shall have the authority to grant variances of up to 10 percent of the dimensional requirement. Requests for variances over 10 percent must be heard by the Zoning and Planning Commission. Adjacent property owners are notified of the application. If there is no objection, the Zoning Administrator may grant the modification without a public hearing.

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

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

F. Site Plan Required: Every applicant for a dimensional variance shall submit a site plan in accordance with Section 5.600.17 through 5.600.20 of this Ordinance.

G. Public Hearing Required: A public hearing shall be held in accordance with Section 5.600.21 of this Ordinance for all proposed

dimensional variances in excess of ten percent of the dimensional requirement.

- H. Required Findings:** No variance in excess of 10 percent of the dimensional requirement 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 in conformity with this ordinance. When made a part of the terms under which the variance is granted, a violation of the conditions and safeguards shall be deemed a violation of this ordinance and punishable under Section 5.600.26 of this ordinance. The applicant for the dimensional variance shall be required to sign a statement that he/she accepts the conditions and safeguards prescribed by the 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 Zoning Administrator .
- J. Granting of a “Use Variance ” Prohibited:** Under no circumstances shall the Mayor and Board of Aldermen issue a variance to allow a use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

5.600.15 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 and Planning Commission. Additionally, the Zoning Administrator must 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 rezonings and/or variances from the zoning Ordinance or other city Ordinances. When this happens, the administrative officer will schedule a simultaneous hearing between the bodies/agencies involved to hear and decide the applications with the special exception. These individual procedures must be followed:

1. All applications for Conditional Uses must first be submitted to the Zoning Administrator , who reviews them in light of all standards in Sections 5.600.15-D and 5.600.15-E. Afterwards, the Zoning Administrator forwards the application and his recommendations to the Zoning and Planning Commission for their review, comments, and recommendations.
2. If two or more applications are submitted by the same applicant and one is denied, the other application(s) is/are automatically withdrawn from consideration.
3. If one of the applications is approved but with major changes that change the basic premise of the applicant=s other applications, then the other applications (for variances, the site plan, air approach_height exceptions, flood hazard encroachments) must be amended and re-filed.
4. After completing their review, the Commission then forwards the application and their recommendations 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 30 days.
2. After receiving a recommendation from the Zoning and Planning Commission and before granting any conditional use permit, 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 Comprehensive Plan generally or the Land Use Plan specifically; 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. Uses that are not specifically listed as conditional uses are prohibited.
3. The proposed conditional use will comply with all applicable regulations in the zoning district in which the property in question is located.
4. The proposed use will comply with all special regulations established by this Ordinance for such 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 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. The conditional use shall preserve and incorporate the site's important natural and scenic features into the development design.
13. The conditional use shall cause minimal 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 Zoning Administrator or Building Official.

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 must 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

all yards, setbacks, walls or fences, landscaping, and other features required by this zoning ordinance. This is necessary to adjust the use with those on abutting lands as well as 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 is allowed beyond that which would occur if any permitted uses were to locate on the site in the zone. 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. There is ingress and egress to the property and proposed structures or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe. This includes sidewalks, driveways, internal streets and drives, traffic signals, and turning lanes on abutting streets and arterials;
 - (b) Off-street parking and loading areas are required with particular attention to the items in (1) above;
 - (c) Refuse and service areas, with particular reference to the items in (1) and (2) above;

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

- (l) Impact on the capacity of public facilities, so that the proposed conditional use does not take an excessive share of the available capacity of the water and sewer systems, storm drainage channels, schools, and recreational facilities. The project may be required to scale back its proposals, provide the additional public facilities or contribute to the cost of meeting the excess overload;
- (m) Minimal negative environmental and economic impact. The administrator shall impose conditions to mitigate negative impacts based on the known and significant probability that damage will occur in the future rather than the possibility it might occur;
- (n) No encroachment upon flood hazard zones or airport approach zones;
- (o) Where the 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 they may deem necessary in the particular case to protect the public interest, in relation to the items listed in Section 5.600.15-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. Special 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 department has convened the hearing at which it was to be considered or if denied by the department, substantially the same application shall not be considered within 12 months from date of withdrawal or denial.

I. Multiple Applications and Simultaneous Project Review:

For projects which require more than one application and public hearing by more than one board or commission, the Zoning Administrator shall arrange a joint public hearing where the applications shall be heard by members of each body.

J. Issuance of Conditional Use Approval:

Conditional use approval must be issued upon certain conditions, such that if an applicant meets the requisite standards specified in the Ordinance, the permit must be allowed. Conditions other than those delineated in the Ordinance must not be arbitrarily imposed but must be related to the purposes of zoning. Applications may be denied only on proof that the use is detrimental to the public health, safety, and welfare. Reasons for denial must be specific. The permit will be signed and issued by the Building Official, with the Mayor's signature of approval. The Mayor and Board of Aldermen are empowered to hear and decide whether or not proposed special exceptions (conditional uses) authorized under this Ordinance should be granted.

K. Requirements for Granting a Conditional Use Permit:

Any person desiring a conditional use shall submit a written application (on a form furnished by the Zoning Administrator) indicating the Section in the Ordinance under which the conditional use is sought and stating the grounds on which it is requested. The 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.

L. Site Plan Required: Every applicant for a conditional use permit shall submit a site plan in accordance with Sections 5.600.17 through 5.600.20 of this Ordinance.

M. Public Hearing Required: A public hearing shall be held in accordance with Section 5.600.21 of this ordinance for all proposed special exceptions.

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

- A. **Type of Amendments/Application Required:** Amendments to this Ordinance include: (1) amendments to the text; and (2) amendments to the Official Zoning Map, which is legally a part of this Ordinance. Any person may initiate an amendment to this Ordinance by filing an application with the Zoning Administrator (on a form furnished by him/her).
- B. **Amendment (Rezoning) Application Review Standards :** In reviewing applications for amendments to the Official Zoning Map, the Zoning and Planning Commission in their separate reviews shall consider the proposed change in relation to the following standards:
1. **Rezonings must pass threshold standards:** no proposed zoning amendment will receive favorable recommendation unless it passes the following threshold standards for a valid spot zoning:
 - (a) The proposal must not be a small parcel of land singled out for special and privileged treatment.
 - (b) The proposed change must be in the public interest and not only for the benefit of a land owner(s).
 - (c) The proposed change is consistent with all elements of the comprehensive plan and sound planning principles as follows:
 - (1) If a development proposal falls within one of the use and/or residential density categories indicated on the Land Use Map, the Zoning Administrator and the Zoning and Planning Commission shall find the proposal consistent with the plan.
 - (2) If a development proposal is not consistent with the plan map, the Zoning Administrator and the Zoning and Planning Commission shall review the plan=s written policies to determine whether the proposal would

undermine or conflict with them. If the Zoning Administrator and the Zoning and Planning Commission determine that the proposal would not conflict with or undermine the plan=s policies, they shall find the proposal consistent with the plan.

(3) If an applicant=s property for rezoning falls adjacent to a district having the desired zoning classification, the rezoning proposal may be determined to be consistent as an extension of the adjacent property=s zoning classification.

(d) The proposed change must not create an isolated district unrelated and incompatible to adjacent districts.

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

(a) Whether the existing land use pattern will change and/or possibly increase or overtax the load on public facilities such as schools, utilities, or streets;

(b) Whether existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;

- (c) Whether changed or changing conditions made the passage of the proposed rezoning necessary. That is, has the character of the neighborhood changed to such an extent as to justify reclassification, and is evidence of a public need for the rezoning in that location?
- (d) Whether the proposed change will adversely influence living conditions and/or property values in the neighborhood;
- (e) Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety;
- (f) Whether there are substantial reasons why the property cannot be used in accordance with existing zoning;
- (g) Whether there is evidence of a mistake in the original zoning due to a clerical error;
- (h) Whether the proposed change is speculative. A proposed change must have a definite zoning district in mind as well as a proposed intent or purpose for the proposed zoning district.
- (i) There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely the uses that applicants state they intend to make of the property involved.)
- (j) There is convincing demonstration that the character of the neighborhood will not be materially and

adversely affected by any use permitted in the proposed change.

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

1. **That there was a mistake in the original zoning.**
“Mistake” in this context shall refer to a clerical or administrative error, such as a mistake of draftsmanship on the Official Zoning Map or incorrectly reflecting the Mayor and Board of Aldermen=s decision in the minutes.
“Mistake” DOES NOT mean that the Mayor and Board of Aldermen made a mistake in judgment in their prior zoning, such as not realizing the full meaning of the zoning classification or mistakenly placing the property in one classification when the evidence indicated that another would have been more appropriate.

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

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

D. **Public Hearing Required**: In accordance with Section 17-1-17 of the Mississippi Code of 1972, As Amended, a public hearing before the Zoning and Planning Commission 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 5.600.21 of this Ordinance.

- E. **Notification of Adjacent Property Owners:** The applicant shall notify all property owners within 300 feet in all directions (excluding the rights-of-way of streets or highways) from the lot lines of any parcel or parcels of land proposed for re-zoning.

Notification shall be by CERTIFIED MAIL stating the date, time, location and purpose of the public hearing, in the City of Byram, and shall be mailed to such property owners fifteen days prior to the public hearing with notification of receipt of the letter returned to the Building Official. The Director of Planning and Zoning 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 BYRAM.

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

- G. **Two-Thirds (66.66 percent) Vote of Board of Aldermen Necessary to Approve Rezoning Under Certain Circumstances:**

In case of a protest against a proposed rezoning signed by twenty percent (20%) or more of the property owners, either within the area of the proposed rezoning or of those within 300 feet of the property proposed for rezoning, such amendment shall not become effective except by the favorable vote of two-thirds of all members of the Mayor and Board of Aldermen. (See Section 17-1-17 of the Mississippi Code of 1972, Annotated, as amended.)

H. Res Judicata: Upon the submission of an application for a rezoning, and a determination by the 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 rezoning.

I. When an Ordinance Amending Text or Official Zoning Map Is Required and Publication of That Ordinance: No amendment to the Official Zoning Map or the text of this Ordinance shall become effective until an Ordinance amending same has been passed by the 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 5.600.16-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--.”

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

prior to the issuance of the permit. All applicants shall follow the procedures specified below:

- A. **Sketch Plan** : The applicant is encouraged to meet and consult informally with the Zoning Administrator . This meeting will give the applicant an opportunity to secure guidance as to what will probably be required before incurring great expense in making a detailed site plan.

- B. **Submission of Site Plan** : Six copies of each site plan shall be prepared and submitted to the Zoning Administrator on or before the submittal deadline date. The Zoning Administrator shall notify the applicant of any deficiencies or omissions in the site plan. The site plan shall not be processed until all required data is provided.

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

- D. **Zoning and Planning Commission Review of Site Plan** : Following receipt of the site plan and supporting data, the Zoning Administrator shall forward one copy and those of other city staff to the Zoning and Planning Commission for review.

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

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

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

- E. **Approval of Site Plan by Mayor and Board of Aldermen:** The Zoning Administrator shall forward the recommendation of the Zoning and Planning Commission to the Mayor and Board of Aldermen. The Mayor and Board of Aldermen shall approve or deny, in whole or in part, the recommendation of the Zoning and Planning Commission, and this shall be done by the Mayor and Board of Aldermen without the necessity of holding further hearings (unless appealed in accordance with the Zoning Ordinance). Such action by the Mayor and Board of Aldermen shall constitute final approval of site plan and authority for the developer to proceed with the proposed development and the issuance of a building permit. Following such approval by the Mayor and Board of Aldermen, the Zoning Administrator shall stamp copies of the site plan “APPROVED,” and sign them. The applicant may request a copy of the stamped approved plan. One copy shall be retained by the Zoning Administrator in his files.

- F. **Site Plan Becomes Zoning Requirements for Proposed Use:** The approved site plan shall become the zoning requirements for the property involved. All construction, except for minor adjustments provided under the Section 5.600.17-G below, shall be consistent with the approved site plan.

- G. **Minor Adjustments to the Approved Site Plan :** After the final site plan has been approved, minor adjustments to the plan that comply with the spirit of the Zoning Ordinance and the intent of the Mayor and Board of Aldermen in approving the site plan may be authorized by the Zoning Administrator as provided under Sub-section 5.600.17-B.

- H. **As-built Plans:** In the case where exact lot lines cannot be drawn until after construction, (e.g., townhouse subdivisions) the builder

shall submit “as-built plans” of the development following construction.

5.600.18 SPECIFICATIONS FOR ALL REQUIRED SITE PLANS :

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

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

National Flood Insurance Program (NFIP) or latest data available, and any proposed floodway modifications.

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

Y. **Magnetic north arrow.**

Z. **Any additional data necessary to allow for a thorough evaluation of the proposed use.**

AA. **Dumpster locations.**

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

A. **Other Exhibits:** Photographs, renderings, color slides, models and similar items may be required of the applicant if Mayor and Board of Aldermen deem it is necessary to have a full understanding of the proposal.

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

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

- A. **Consistency with Adopted Land Use Plan and Zoning Ordinance** : The proposed site plan shall be consistent with adopted Land Use Plan and Zoning Ordinance (including the Official Zoning Map).
- B. **Vehicular Traffic Circulation and Parking** : The following aspects of vehicular traffic circulation and parking shall be reviewed:
1. **Is the site plan consistent with the adopted Thoroughfares Plan?** Are the developer's plans for any new streets that will traverse the site consistent with proposed alignment and right-of-way/surface width requirements indicated on the adopted Thoroughfares Plan? Do the developer's planned setbacks for buildings and structures consider the proposed widening of existing streets and highways reflected on the adopted Thoroughfares Plan? If the proposed development will abut an unpaved street, are the developer's plans for paving that street consistent with the right-of-way/surface width specifications shown in the adopted Thoroughfares Plan?
 2. **Street network capacity:** Is the street system in the vicinity capable of carrying traffic generated by the proposed development, according to traffic projections developed by the City Engineer or the Central Mississippi Planning and Development District?
 3. **Traffic engineering operation of adjacent streets:** What traffic control devices are needed on adjacent streets?
 4. **Compliance with Zoning Ordinance** (Off-street Parking, Loading, and Access Requirements).
 5. **Are proposed freight delivery areas separated from customer access in commercial and industrial?**
- C. **Utilities** : The following shall be evaluated with regard to utilities:

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

D. Open Space, Landscaping , and Tree Requirements: [Reviewed by the Byram Zoning and Planning Commission.]

1. **Submit six (6) sets of the landscape plan** to the Zoning Administrator on or before the submittal deadline date. The Zoning Administrator shall notify the applicant of any deficiencies or omissions in the landscape plan. The landscape plan shall not be processed until all the required data is provided.
2. **An architectural rendering** (perspective and/or elevation) and plans of all building and structures showing style of architecture prepared in accord with the requirements of the International Building Code as adopted by the City of Byram. All colors, materials and finishes shall be shown by notation or by use of accepted architectural symbols.
3. **A vicinity map and renderings or photographs of all development** on immediately adjacent properties.
4. **If the proposed development is residential and will abut the Railroad tracks**, is the 100-foot railroad setback required?
5. **Perimeter Landscaping** : Does the site plan indicate the required 10-foot landscape strip along any abutting arterial streets?

6. **Interior Lot Landscaping** : Does the site plan indicate landscaping of interior lots and areas not used for buildings and other structures, parking, required lots and driveways?
7. **Parking Lot Landscaping** : Does the proposed parking lot show any landscaping on the site plan?
8. **Preservation of Vegetation**: Does the site plan propose the preservation of trees and other vegetation as much as possible?
9. **Is proper use made of floodplains on the site?** For open space or passive recreational areas, for example.

E. Fire Safety:

1. **Are fire hydrants shown on the site plan** and properly located to ensure fire protection for all structures?
2. **Are there at least two points of ingress/egress for subdivisions, apartment or condominium complexes, office parks, shopping centers, industrial parks, etc.** to provide access for fire equipment and to provide for evacuation when necessary?
3. Are buildings spaced in accordance with this ordinance and the adopted Building Code?

F. Special Conditional Use Site Plan Standards: The following conditional uses have specific site plan standards that apply to them to moderate any adverse impacts on surrounding or nearby uses in any zone:

1. **Funeral homes, mortuaries, crematoriums, and embalming facilities must be:**
 - (a) Located on arterial streets with rights-of-way of at least 80 feet and with adequate ingress and egress to said arterial;

- (b) Be located at least 200 feet from any residence (single-family, two-family or multi-family);
- (c) Have sufficient off-street automobile parking and assembly area provided for vehicles to be used in a funeral procession. The assembly area shall be provided in addition to required off-street parking;
- (d) Provide screening from all residential view for the loading and unloading area used by ambulances, hearses, or other such service vehicles.

2. **Cemeteries and mausoleums must :**

- (a) Have a minimum parcel size of five acres;
- (b) Have a screen of shrubs around the perimeter of the cemetery;
- (c) Require that no grave site be within 150 feet of potable water wells or in flood hazard areas;
- (d) Require that the planning of cemetery burial lots follows subdivision planning procedures.

3. **Junkyards/salvage yards must :**

- (a) Not be located within 500 feet of any interstate highway, or street designated as a gateway, if not completely obscured from view of the street by land forms or buildings;
- (b) Be located near a major collector or arterial or a local street in a heavy industrial zone by special use permit. They may be located near a railroad;
- (c) Comply with all state and federal environmental requirements;

- (d) Be reasonably compatible with surrounding land uses such as vehicle repair shops or businesses that have outdoor storage, especially metal parts;
 - (e) Have a minimum of three acres of land;
 - (f) Store all items within the fenced area and ensure that no items be piled higher than the fence;
 - (g) Provide for the storage and off-site disposal of oil and used tires;
 - (h) It shall be unlawful for any person or property owner to store or to allow storage of any junked motor vehicle in the open area on any private property except motor vehicles awaiting repair at legally licensed auto repair garages or legally licensed junkyards.
4. **Tavern, bar, lounge, nightclub, cabaret, saloons, wine restaurants, mini-breweries must** : Not be located closer than 500 feet from any residence/dwelling, church, school, park/playground, day care center, or funeral home. Such distances shall be measured along a straight line between the nearest property lines of the establishment and the residence/dwelling, church, school, park/playground, day care center, senior citizens center, or funeral home.
5. **Hospitals must** :
- (a) Provide the hospital=s long-range development plan showing 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 one parking space for every two patient beds, plus one space for each employee determined by the number of employees on the largest shift
- (d) Provide trash and dumpster areas to be screened from residential view with opaque screens and designed to reduce access by foraging animals;
- (e) Provide no more than one unlighted sign at a size maximum of six square feet;
- (f) Provide side yards of an extra 15 feet (over the base district setback) for the placement of principal buildings on the nursing home site;
- (g) Conform to height limitation and maximum ground coverage of zoning district;

- (h) Be located on a lot size of a least one acre. One acre will serve a facility of approximately 20 beds.
- (i) Personal Care Home parking.

7. **Veterinary Services and Animal Clinics** and pet grooming parlors must :

- (a) Confine the animals within the exterior walls of the building at all times;
- (b) Not be located closer than 200 feet to any existing residence, restaurant, apartment, hotel, library, museum, clinic or hospital for humans, church, or theater;
- (c) Be sound-proofed from all adjacent property and uses.

8. **Gasoline Service Stations/Convenience Grocery Store** **must:**

- (a) Not be located within 200 feet of the location of a church, school, hospital, rest home, nursing home, playground, or residential dwelling(s). Distance to be measured in a straight line from property line to property line;
- (b) Not allow pump islands closer than 15 feet of any property line and canopies no closer than 10 feet from any property line;
- (c) Erect masonry or wooden fences at least six feet high around the station site and also plant shrubs and trees around the site if the station wishes to locate closer than 200 feet to the uses listed in item “a” above. Hours of operation may also be designated as part of the special use permit in situations of close proximity to these same uses;

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

9. **Adult Entertainment Uses or Activities or Establishments:**

- (a) Each adult entertainment establishment shall be located a minimum of 1000 feet from any residentially-zoned area, child care center, funeral home, church, school or park/playground. Such measurement shall be the horizontal distance between the property line of the proposed adult entertainment establishment and the nearest residential zoning line or property line of any church, school, park/playground, child care center, or funeral home.
- (b) Any display, device or sign that depicts or describes specified sexual activities or specified anatomical areas shall be out of view of the public way and surrounding property.

5.600.21 PUBLIC HEARING NOTICES AND PROCEDURES : In accordance with the provisions previously established in this Ordinance, public hearings shall be conducted by the Zoning and Planning Commission for all dimensional variances, all conditional uses, and all amendments to the text of the Zoning Ordinance or amendments to the Official Zoning Map (i.e., re-zoning requests).

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 Byram, published in accordance with the following format or a format determined by the Mayor and Board of Aldermen:

1. **For Dimensional Variances:**

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING AT A REGULAR MEETING OF THE ZONING AND PLANNING COMMISSION ON (Date), AT (Time), AT THE CITY HALL, BYRAM, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A DIMENSIONAL VARIANCE SHALL BE GRANTED TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE CITY OF BYRAM, 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 AT A REGULAR MEETING OF THE ZONING AND PLANNING COMMISSION ON (Date), at (Time), AT THE CITY HALL, BYRAM, 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 BYRAM, MISSISSIPPI:

(Insert Property Description Here)

APPROVED:

ATTEST:

Mayor=s Signature

City Clerk=s Signature

DATE:

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 AT A REGULAR MEETING OF
THE ZONING AND PLANNING COMMISSION ON (Date), AT (Time),
AT THE CITY HALL, BYRAM, MISSISSIPPI, FOR THE PURPOSE OF
DETERMINING WHETHER OR NOT THE ZONING OF THE
FOLLOWING DESCRIBED PROPERTY LOCATED IN THE CITY OF
BYRAM, MISSISSIPPI, SHALL BE CHANGED FROM (Insert existing
zoning classification) TO (Insert proposed zoning classification):

(Insert Property Description Here)

APPROVED:

ATTEST:

Mayor=s Signature:

City Clerk=s Signature:

DATE:

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 AT A REGULAR MEETING OF THE ZONING AND PLANNING COMMISSIONER ON (Date), AT (Time), AT THE CITY HALL, BYRAM, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT THE FOLLOWING AMENDMENTS SHALL BE MADE TO THE ZONING ORDINANCE OF THE CITY OF BYRAM, MISSISSIPPI:

(Insert Proposed Amendments to the Zoning Ordinance Here)

APPROVED:

Mayor=s Signature

ATTEST:

City Clerk=s Signature

DATE

- 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 Commission, signs bearing notices of a public hearing shall be erected on the property involved. These signs shall be erected not less than fifteen days prior to the date of the public hearing. When more than one parcel of land is involved in the proposed zoning action or the proposed use, enough signs shall be posted to adequately identify the area affected. The notice to be posted on the property involved shall consist of a sign with letters legible from the nearest street. The information on the sign shall read as follows:

PUBLIC HEARING

CITY OF BYRAM:

PHONE NUMBER:

5.600.22 **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 5.600.17, and the processing of applications for variances, conditional uses and zoning amendments. Said schedule of fees shall be posted in the office of the Building Inspector/Zoning Administrator, whose office shall be responsible for their collection.

- B. **Amendment of Alternation 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.

5.600.23 **APPEALS**

- A. **Appeals from Administrative Interpretation of the Zoning Administrator** : In accordance with Section 5.600.04 of this Ordinance, any party aggrieved with the administrative interpretation of the Zoning Administrator shall have the right to appeal such interpretation. Such appeals may be made directly to the Zoning and Planning Commission. Appeals to the Zoning and Planning Commission shall be made within 10 working days preceding any regularly-scheduled meeting of the Zoning and Planning Commission.

If the aggrieved party is dissatisfied with the results of its appeal to the Zoning and Planning Commission, then the party may make its appeal to the Mayor and Board of Aldermen. The party aggrieved shall submit a written request to the City Clerk by 12:00 Noon on Mondays, ten working days preceding the regularly-scheduled

meeting of the Mayor and Board of Aldermen at which the aggrieved party desires to be heard.

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

- B. Appeals from Recommendation of the Zoning and Planning Commission** : Any Party aggrieved with the recommendation of the Planning Commission as adopted at any meeting of said Commission shall be entitled to a public hearing before the Mayor and Board of Aldermen with due notice thereof and after publication for the time and as provided by law. Such a hearing shall be provided ONLY IF THE AGGRIEVED PARTY FILES A WRITTEN REQUEST WITH THE CITY CLERK WITHIN TEN (10) WORKING DAYS OF THE VOTE OF THE ZONING COMMISSION ON THE RECOMMENDATION.

The written request 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 Hinds County Circuit Court, First Judicial District, according to state law.

- 5.600.24 RECONSIDERATION OF REZONED PROPERTIES** : Any party believing themselves aggrieved by the change of zoning status of his property as reflected by the Official Zoning Map adopted herein shall have 90 days from the effective date of this ordinance within which to petition the Zoning and Planning Commission for reconsideration of the zoning status of such property. After the expiration of the aforesaid 90 days, any person petitioning for a change in the zoning status of his property must base said petition upon changes taking place after the adoption of the aforesaid Official Zoning Map.

5.600.25 **VESTED RIGHTS DETERMINATION** : The provisions of this ordinance shall not affect any lawfully issued building permit, any preliminary plat or site plan approval, or any rezoning or special use permit, when obtained in conjunction with a site plan or planned development approval, for a period of three years from the date of issuance of the permit or the date of approval. The provisions of this ordinance also shall not affect applications for building permits, preliminary plat or site plan approval, or rezoning or special use permit when accompanied by a site plan or planned development, if said application is pending on the effective date of this ordinance and said permits or approvals are actually obtained within six months of the effective date of this ordinance.

5.600.26 **ADMINISTRATIVE CORRECTION OF TEXT ERRORS** : For a period not to exceed one year from the date of passage of this ordinance, the Zoning Administrator shall have the authority to correct typographical errors ambiguities in text language, and other unintentional errors that affect the clear understanding of this ordinance, without going through the ordinance text amendment procedures. The Zoning Administrator shall document the changes made.

5.600.27 **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.”

A. **Violations**: The Building Official shall enforce this ordinance except as otherwise provided therein. It shall also be the duty of all officers and employees of the City, and especially of all members of the Police Department, to assist the Building Official by reporting

to him any seeming violation in construction, reconstruction or land use.

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

other section of this ordinance, the building official or other enforcement officer under this ordinance, when probable cause exists of a violation, may have the offender arrested and tried in municipal court for such violation.

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