

environmental pollutants beyond a tolerable level by reason of excessive noise, odor, glare, vibration, smoke, dust, fumes, vapors, gases, liquid and solid waste, radiation, electrical emissions, danger from fire or explosion, or any other debilitating influence as defined by the U.S. Environmental Protection Agency as regulated by the Mississippi Department of Environmental Quality, Bureau of Pollution Control and the Mississippi State Board of Health.

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

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

## **SECTION 37- OFF-STREET PARKING, LOADING SPACE AND ACCESS REQUIREMENTS**

**37.01 PURPOSE OF THIS SECTION:** The purpose of this section is to establish requirements regarding: (1) sufficient space for the off-street parking; (2) sufficient space for loading (or unloading) of all motor vehicles; and (3) design standards for accessways within the City of Ridgeland. The purpose of these requirements is to reduce or avoid congestion of streets and to provide a more suitable living and working environment. Such space for parking or loading of motor vehicles, provisions for ingress and egress, and required landscaping shall be provided at the time of the erection of any principal structure, or at the time any principal structure is enlarged or increased in capacity by the addition of dwelling

units, guest rooms, floor area, or seats. The responsibility for meeting the requirements established by this Ordinance shall be that of whoever establishes the use to which it is appurtenant.

**37.02 OFF-STREET PARKING:**

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

1. **Provision of Parking Space on the Same Lot with all Residential Uses:** Off-street parking space for all residential land uses shall be provided on the same parcel of land as the residential use to which the parking space is appurtenant.
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 600.11 of this Ordinance, the Mayor and Board of Aldermen may authorize in writing an alternative off-site location to the required parking space for such non-residential land uses if:
  - (a) There are practical difficulties preventing the location of parking space on the same parcel; and/or
  - (b) The public safety or the public convenience or both would be better served by the location of the required space on a parcel of land other than with the use to which it is appurtenant.
3. **Provision of Access and Maneuver Space:** In calculating any required parking area, other than for parking spaces required for single and two-family dwellings, sufficient access and maneuver space shall be provided to permit the parking and removal of any vehicle without moving other vehicles. Furthermore, all parking spaces shall be designed 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:** 2.0 spaces per dwelling unit.

1. **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 of area utilized for the display of vehicles, machinery or equipment for sale, whether or not said area is enclosed. (Note: If a motor vehicle sales establishment is combined with a motor vehicle repair shop, body shop or similar use, one space shall be provided for each employee of the establishment, whether mechanic, salesman, or other, plus one space for every 1,000 square feet of sales display area and one space for every 300 square feet of floor area used for repair).
- (a) **Grocery stores (excluding convenience type grocery stores)** - One parking space (for employees and customers) for each 100 square feet of non-storage floor area.
- (a) **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.

4. **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.

5. **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:

(a) **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.

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

(c) **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.

(d) **Libraries, art galleries, and museums, both public and**

**private** - One space for each 200 square feet of floor area (excluding storage rooms).

- (e) **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 600.11 of this Ordinance.

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

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

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

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

- B. **Number of Accessways Per Lot:** A minimum of one accessway per lot, or one accessway for every 100 feet of street frontage.
- C. **Width of Accessways:** The width of any accessway shall not be less than twenty (20) feet. The alignment of accessways shall be approved in accordance with Site Plan Review procedures specified under Section 600.12.
- D. **Distances between Accessways and Minimum Setbacks from Street Intersections: The spacing of accessways shall conform to the following:** (1) at its intersection with the lot line, no part of any accessway shall be nearer than twenty (20) feet to any other accessway on the same lot, nor shall any part of the accessway be nearer than ten (10) feet to any side or rear property line; (2) at intersections with other streets, no part of an accessway shall be permitted within fifty (50) feet of the intersecting streets right-of-way line; and (3) no part of an accessway shall be permitted within a corner radius.
- E. **Reduction of Traffic Hazards at Accessways:** Accessways shall be constructed so that vehicles will not have to back into the roadway. In addition, the location and number of accessways shall be so arranged that they will reduce the possibility of traffic hazards as much as possible.

## **SECTION 40 - NONCONFORMITIES**

**40.01 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 class B nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that class B 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