

Town of Walnut – Zoning Ordinance

Medical facilities:

Convalescent, rest, or nursing home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Dental or medical clinics and doctors' offices: A facility for the examination and treatment of ill and afflicted human out-patients, provided patients are not kept overnight except under emergency conditions.

Hospital: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured, and including related facilities such as laboratories, out-patient departments, training facilities, service facilities, and staff offices which are an integral part of the hospital.

Public health center: A facility primarily utilized by a health unit to provide public health service, including related facilities such as laboratories, clinics, and administrative offices operated in connection therewith.

Sanitarium or sanitorium: An institution providing in-patient medical treatment or treatment and recuperation using natural therapeutic agents.

Mobile home: A moveable residential dwelling unit designed for year-round occupancy, with no foundation other than wheels, jacks, or skirtings, and capable of being moved, towed or transported by another vehicle. Removal of its wheels and placement upon a permanent foundation shall not warrant reclassification of the mobile home to a residential unit. Mobile homes shall not include modular or prefabricated homes.

Mobile home park: An area, tract, site, or plot of land of at least five (5) acres whereupon a minimum of fifteen (15) mobile homes as herein defined may be placed, located, or maintained, and including accessory buildings used or intended to be used as part of the equipment thereof.

Mobile home space: A plot of ground within a mobile home park which is designed for and designated as the location for one mobile home, and not used for any other purposes whatsoever other than the customary accessory use thereof.

Modular home: A building component capable of being manufactured as a separate unit and combined and recombined with other units.

Motel: A building or group of buildings used for the temporary residence of motorists or travelers.

Nonconforming use: A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is situated. (See illustration on the following page.) [The illustration to which reference is made is not included herein, but is on file in the office of the town clerk.]

Noxious matter: Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction, or of being detrimental to the social, economic, or psychological well being of individuals.

Official map: That part of the comprehensive plan now or hereafter adopted, which includes a major street, highway, park, and parkway plan, and which sets forth the identification, location, dimensions, and classification of existing and proposed public streets, highways, parkways, and park and recreation sites.

Open space: See "Usable open space."

Owner: Any person having a sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same according to the provisions specified in this ordinance.

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Parking lot: An off-street facility providing parking spaces with adequate drives and aisles for maneuvering, providing access for entrance and exit, and designed for the parking of more than six (6) automobiles.

Parking space: An off-street space available for the parking of one motor vehicle, and having an area of not less than two hundred (200) square feet, exclusive of the necessary maneuvering space for passageways and driveways giving access thereto, and having direct access to a street or alley.

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

Person: A corporation, firm, partnership, trust, association, or any other local entity, as well as a natural person.

Planning commission: Whenever used in this ordinance, the planning commission of the Town of Walnut, Mississippi.

Plat: A map, plan, or layout indicating the location and boundaries of individual properties.

Plat, final: A map of a land subdivision prepared in suitable form for filing, including all necessary affidavits, dedications, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas, and all other dimensions.

Plat, preliminary: A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the land proposed to be subdivided.

Prefabricated homes: A complete home or portions thereof partially assembled away from the actual construction site and transported to the site for final assembly.

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

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

School private: Any institution of learning, including colleges and universities, not primarily supported by public taxes.

School public: Any institution of learning, including colleges and universities, which is supported primarily by public taxes.

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

Sign, billboard, or other advertising device: Any structure or part thereof or device attached thereto or requested thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia or representation used in the nature of an announcement, direction, or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, town or other political unit. Types of signs are defined in the following categories:

Abandoned sign: See obsolete and abandon sign.

Animated sign: A sign with moving parts, mechanical or electrical or electronic.

Back-to-back sign: A structure with two (2) parallel and directly opposite signs facing opposite directions and spaced not more than ten (10) feet apart.

Banners: A display, informational sign or other advertising device constructed of cloth, canvas, fabric, or other temporary material, without a structural frame, and intended for a limited period of display and used to advertise an event, product, business or service.

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Business sign/on premises sign: A sign which directs the attention of the general public to a business, product, service or activity which is conducted upon the premises where such sign is located.

Directional sign: any sign of noncommercial nature which directs the reader to the location of public or educational institutions, or to the location of historical structures or areas, or to the location of public parks or buildings. Directional signs are permitted in all zoning districts.

Directional sign (on premises): Any sign that provides on premises directional assistance for the convenience of the public, such as a signs indicating the location of exits, entrances, and parking lots.

Erect: To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign. The term "erect" shall not mean a change in the advertising message or customary maintenance and repair.

Flashing sign: A sign, the illumination of which is not constant in intensity when in use, except that illuminated signs which indicate time, date, temperature or other public service information, shall not be considered to be flashing signs.

Illegal sign: Any sign erected or maintained in violation of a prior sign ordinance or erected, altered, removed, or replaced in violations of this Ordinance, or any amendments hereto.

Illuminated sign: A sign, the illumination of which is from a non-oscillating, concealed light source and constant in intensity.

Mobile sign: A sign designed to be temporary in nature and capable of being transported to various locations including signs attached to or painted on motor vehicles and trailers.

Nonconforming sign: Any sign that met all legal requirements when constructed but that does not comply with this ordinance or a subsequent amendment hereto. An illegal sign is not a nonconforming sign.

Obsolete and abandoned sign: 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 (3) months or which is no longer imminent, or any sign structure that no longer displays any advertising or public service message on all faces for a like period shall be deemed to be obsolete or abandoned. Sign company name and/or telephone number is not advertising or a public service message.

Outdoor advertising sign/off premises sign: A sign which directs the attention of the general public to a business, product, service or activity not usually conducted upon the premises where such sign is located.

Political sign: A sign, thirty-two (32) square feet or less and of temporary construction, which supports any political candidate or issue to be voted upon. These signs are permitted in all zoning districts.

Portable sign: Any sign that is not permanently affixed to a building, structure, or the ground or that is not designed to be permanently affixed to a building, structure, or the ground.

Side-by-side sign: A structure of two (2) signs place one beside the other facing the same direction.

Sign: Any outdoor display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing which is designed, intended to be used to advertise or inform, any part of which is designed to be primarily viewed from any place on the traveled way of a street or highway.

Sign area: The entire area within a single-continuous perimeter enclosing the outer dimensions of the actual total area of the sign. For double face or V-type sign structures, only one display face shall be counted in computing the actual sign area.

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Stacked sign: A structure of two (2) signs placed one on top of the other facing the same direction.

Temporary sign: Any sign, banner, pennant, or valance, intended to be displayed for a short period of time only.

V-type sign: A structure of two (2) signs in the shape of the letter "V" when viewed from above facing opposite directions.

Wall sign: Any sign that shall be affixed parallel to the wall or printed/painted on the wall of any building in such a manner as to read parallel to the wall on which it is mounted.

Sorority house: See "Fraternity house."

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

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

Staff doctor. A doctor employed by a hospital, clinic, or other institution, or a doctor who is "on call" to such institution during certain specified periods of time in case of emergency or other need.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. (See illustration under "Basement.") [The illustration to which reference is made is not included herein, but is on file in the office of the town clerk.]

Story, half: A story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

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

Street, collector: A street designed to facilitate the collection of traffic from local streets, to provide circulation within neighborhood areas, and to provide a convenient way for traffic to reach the primary and secondary streets.

Street grade: The established grade of the street upon which a lot fronts. If there is no established grade, the grade of the street at the center of the right-of-way shall be considered the street grade.

Street, intersecting: Any street which joins another street at an angle, whether or not it crosses the other.

Street, minor: A street designed primarily to provide access to abutting properties, usually residential. Some minor streets may be marginal access streets.

Street primary: A street designed to move large volumes of traffic. Primary streets are usually classified as limited access streets, to which entrances and exits are provided only at controlled intersections; they also deny access to abutting properties.

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

Street, secondary: A street designed to facilitate the collection of traffic from feeder streets, and usually located on neighborhood boundaries. Secondary streets are usually classified as limited access streets, to which entrances and exits are provided only at controlled intersections; they also deny access to abutting properties.

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Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including advertising signs, billboards, and poster panels.

Subdivider: Any person, firm, partnership, corporation, or other entity acting as a unit, and subdividing or proposing to subdivide land as herein defined.

Subdivision: The division or re-division of land into two (2) or more lots, tracts, sites, or parcels for the purpose of transfer of ownership, or for development.

Substantial improvement: Any repair, reconstruction, alteration or improvement to a structure the cost of which equals or exceeds fifty (50) percent of the market value of the structure or the improvements value as recorded on the Tippah County Tax Records, whichever is less, before the improvement or repair is started. If the structure has been damaged and is being restored, these values should be determined by assessing the condition of the building before the damage occurred.

Surveyor: A land surveyor registered by the State of Mississippi.

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

Theater, outdoor drive-in: A lot or part thereof, its 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.

Tourist cabins: See "Motel."

Tourist court: See "Motel."

Tourist home: A dwelling in which sleeping accommodations in not more than four (4) rooms are provided for compensation for transient guests.

Toxic materials: Material, whether in a gaseous, liquid, solid, particulate, or other state, capable of causing injury to living organisms by chemical reaction even when present in minute amounts.

Trailer: See "Mobile home."

Trailer park: See "Mobile home park."

Trailer, travel or camping: A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants.

Usable open space: That portion of a lot which is free of buildings, is not devoted to driveways or parking areas, is available and accessible to all the occupants of dwelling units on the lot, and is of reasonable dimensions to allow use for active or passive recreation or other outdoor activities. Usable open space may include playlots, gardens, sundecks, courts, courtyards, and other required yard areas.

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" or its equivalent shall not be deemed to include any nonconforming use.

Variety store: A store which carries several lines of goods (primarily convenience goods) but not a complete line of one or more items.

Way: A street, thoroughfare, or easement permanently established for passage of persons or vehicles.

Yard: An open space between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided by this ordinance. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard, or the depth of a rear yard, the shortest horizontal distance between the lot line and the nearest exterior limits of the main building shall be used. (See illustration on this page.) [The illustration to which reference is made is not included herein, but is on file in the town clerk's office.]

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Yard, rear: An unoccupied space on the same lot with the main building situated between the rear property line and the nearest exterior limits of the main building, and extending the full width of the lot. (See illustration on this page.) [The illustration to which reference is made is not included herein, but is on file in the town clerk's office.] This space shall not be used for automobile or truck parking.

Yard, side: An unoccupied space on the same lot with the main building, situated between the side property line and the nearest exterior limits of the main building. (See illustration on this page.) [The illustration to which reference is made is not included herein, but is on file in the town clerk's office.]

Zoning district: See "District."

ARTICLE III. - ZONING DISTRICTS

Sec. 300. - Establishment of districts.

For the purpose of applying the provisions of this ordinance, the Town of Walnut, Mississippi, is hereby divided into the following zoning districts:

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| "R-E" | Single-family residential estate district |
| "R-1" | Single-family residential district |
| "R-2" | Medium-density residential district |
| "R-3" | High-density residential district |
| "C-1" | Neighborhood commercial district |
| "C-2" | General commercial district |
| "C-3" | Central business district |
| "I-1" | Light industrial district |
| "I-2" | Heavy industrial district |
| "F-D" | Floodway district |
| "S-U" | Special use district |
| "L" | Landfill district |

Sec. 301. - Official zoning map.

The zoning districts set forth herein are identified and delineated on a map entitled "Official Zoning Map-Town of Walnut, Mississippi-20__" on file in the office of the town clerk, and by reference incorporated herein.

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The official zoning map shall carry the signature of the mayor and town clerk, certifying that it is the true map adopted by the board of mayor and aldermen of the Town of Walnut, Mississippi, including the effective date, minute book and page or pages of the adopting ordinance.

After each amendment of said official zoning map, a recertification of the entire map shall be made by the mayor and clerk, including the effective date, minute book and page or pages of the amending ordinance.

Sec. 302. - Rules for the interpretation of the zoning map.

Where the boundaries of zoning districts are uncertain as shown on the official zoning map and not ascertainable by reference to ordinance or amendments, the following rules shall apply:

- (1) Boundary lines indicated as approximately following the center lines of streets, railroad lines, highways, or alleys shall be construed to follow such center lines.
- (2) Boundary lines indicated as approximately following platted lot lines or corporate limit lines shall be construed as following these lot lines or corporate limit lines.
- (3) Boundary lines indicated as approximately following the center lines of streams, rivers, ditches, gullies, or other natural features shall be construed to follow such center lines.
- (4) Boundary lines indicated as approximately parallel to or extensions of features mentioned above shall be so construed.
- (5) Where streets, property lines, or other physical boundaries are not applicable, boundaries shall be determined by using the scale of the official zoning map.

ARTICLE IV. - ZONING DISTRICT REGULATIONS

Sec. 400. - Application of regulations.

(400.1) *Use of property.* No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected or altered, unless in conformity with the regulations herein specified for the zoning district in which said building or land is located.

(400.2) Restrictions.

- (1) No building or structure shall hereafter be erected or altered so as to occupy a greater percentage of the lot area, or to have narrower or smaller rear yards, front yards, or side yards than are specified herein for the district in which such building or structure is located.
- (2) No part of a yard or other open space required adjacent to any building for the purpose of complying with the provisions of this ordinance shall be considered as part of a yard or other open space required for another building.

Sec. 401. - Reserved.

Sec. 401A. - Provisions applicable to all districts.

(401A.1) *Uses permitted.*

- (1) A temporary building or mobile home to be used only in the case where an individual's permanent home has been rendered uninhabitable, and he is in the process of rebuilding at that location. All such temporary residential dwellings shall be removed within six (6) months.
- (2) Temporary field office or work shed to be used while a commercial or industrial building is being repaired, remodeled, or initially constructed. All such temporary structures shall be removed within fifteen (15) days after the contract completion date.
- (3) Electrical transformer stations, gas regulator stations, sewage and water treatment plants and pumping stations, and standpipes for public water supply, provided that the location of the facility in any residential zone shall comply with the following requirements:

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- (a) The facility shall be essential to the immediate area or for the proper functioning of the total utility system of which the above element is a part;
- (b) All buildings or structures, except enclosing fences, shall be set back at least fifty (50) feet from all property lines;
- (c) The facility shall be enclosed by a protective fence of adequate height;
- (d) All open spaces on the premises shall be suitably landscaped and maintained;
- (e) Storage of vehicles and equipment on the premises shall be prohibited;
- (f) The surrounding area shall not be adversely affected, but shall be protected from noise, odor, glare, dust, fumes, gas, smoke, and vibration by such suitable means and conditions as the planning commission and the mayor and board of aldermen may specify.

(401A.2) *Installation of solar panels.*

Photovoltaic Solar Energy Systems. A photovoltaic solar energy system ("solar energy system") is permitted in all zoning districts as an accessory use to a principal use except in the case of non-residential use in a residential zoning district. A solar energy system as an accessory use to a non-residential use in a residential district requires special exception. A solar energy system is considered an accessory use when the power generated from the solar energy system is equal to or less than the expected power usage of the principal use and any other accessory use on the property based on Tippah County Power association (ACE) estimates. The installation and construction of a solar energy system shall be subject to the following design standards and installations:

- (1) The owner of a solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
- (2) In all Commercial zoning districts any solar energy system shall be required to meet front, side and rear, set-backs as set forth in the applicable zoning district.
- (3) In all residential districts, no portion of a solar energy system shall be located within or above any front yard, or side corner yard.
- (4) In Zoning Districts "C-3" Downtown business district the solar energy system shall be completely non-visible from the street.
- (5) In all residential zoning districts, lots that are two 2 acres or less, solar energy systems are limited to backyard roof installations only and are to lay flat on the roof and in no instance shall any part of the solar energy system extend beyond the edge of the roof.
- (6) In all residential districts that are over two 2 acres or more, solar energy systems are allowed, on front and back of roofs and are to lay flat on the roof and in no instance shall any part of the solar energy system extend beyond the edge of the roof and are also allowed to have ground mounted or pole mounted systems.
- (7) In all residential districts that allow solar energy systems to have roof installations and are to lay flat, they cannot exceed the principal building height in the applicable zoning district.
- (8) A ground mounted or pole mounted system, measured when oriented at maximum design tilt shall not exceed the maximum building height in the applicable zoning district.
- (9) Ground mounted and pole mounted solar energy systems shall be located so that any glare is directed away from any adjoining property and maybe subject to screening, capable of providing year round screening along the non-reflective sides of the solar collection device.
- (10) In all residential zoning districts that allow solar energy systems to be ground mounted or pole mounted the setback distance from the rear and side property lines, measured when the system is oriented at minimum design tilt, shall be equivalent to the building setback of the applicable zoning district.

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- (11) A building permit and electrical permit shall be obtained before installation. Any electrical work shall be done by a licensed electrician. All electrical lines shall be buried underground at a minimum distance of twelve 12" inches. All lines that are attached to house shall be secured and fastened.
- (12) Any solar energy system that has not been in use for its original purpose for a period of one hundred and eighty (180) days shall be deemed to be abandoned. The solar energy system owner and/or property owner shall have additional ninety (90) days to remove the abandoned solar energy system or to reactivate the solar energy system.

Sec. 401B. - "R-E" Single-family residential estate district.

(401B.1) *Uses permitted.* Single-family residential dwellings and accessory structures, except mobile homes or house trailers.

(401B.2) *Uses prohibited.* All uses not specifically permitted.

(401B.3) *Required lot area and lot width.* Every dwelling unit shall be located on a lot of not less than 1 acre in area, and with a width determined at the front building setback line of not less than 50 feet.

(401B.4) *Percentage of lot coverage.* Buildings, including accessory buildings and structures, shall not cover more than 25% of the area of any lot.

(401B.5) *Location of accessory buildings.* All accessory building must comply with the same yard setback requirements as principal buildings, and have the same front setback as the principal building, except that utility/lawn buildings of 196 square feet or less shall have a minimum rear lot line setback of 5 feet and a minimum side lot line setback of 5 feet, except side lot setback lines along intersecting streets of a corner lot.

(401B.6) *Yards required.*

- (1) *Front yard.* The front yard building setback line shall be a minimum of 50 feet from any existing or proposed right-of-way line of any street or road, including those shown on the major thoroughfares plan. In blocks already partially developed, all new houses being erected shall be required to meet only the average setback of the existing homes on their side of the street.
- (2) *Side yard.* The side yard building setback line on each side of the lot shall be not less than 25 feet, measured from the side lot line to the nearest building or structure.
- (3) *Side yards on corner lots.* The minimum width of side yards along the intersecting streets shall be 30 feet, and all accessory buildings shall comply with this setback from the intersecting street.
- (4) *Rear yard.* The rear yard building setback line shall be not less than 50 feet, measured from the rear lot line to the nearest building or structure.
- (5) *Building height.* No building or structure shall exceed 35 feet or 2½ stories in height, measured at the front ground level.

Sec. 402. - "R-1" Single-family residential district.

(402.1) *Uses permitted.* Single-family residential dwellings and accessory structures, except mobile homes or house trailers.

(402.2) *Uses prohibited.* All uses not specifically permitted.

(402.3) *Required lot area and lot width.* Every dwelling unit shall be located on a lot of not less than fifteen thousand (15,000) square feet in area, and with a width determined at the front building setback line of not less than ninety (90) feet.

(402.4) *Percentage of lot coverage.* Buildings, including accessory buildings and structures, shall not cover more than twenty-five (25) per cent of the area of any lot.

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(402.5) *Location of accessory buildings.* All accessory buildings must comply with the same yard setback requirements as principal buildings and have the same front setback as the principal building, except that utility/lawn buildings of one hundred ninety-six (196) square feet or less shall have a minimum rear lot line setback of five (5) feet and a minimum side lot line setback of five (5) feet, except side lot setback lines along intersecting streets of a corner lot.

(402.6) *Yards required.*

- (1) *Front yard.* The front yard building setback line shall be a minimum of thirty-five (35) feet from any existing or proposed right-of-way line of any street or road, including those shown on the major thoroughfares plan. In blocks already partially developed, all new houses being erected shall be required to meet only the average setback of the existing homes on their side of the street.
- (2) *Side yard.* The side yard building setback line on each side of the lot shall be not less than fifteen (15) feet, measured from the side lot line to the nearest building or structure.
- (3) *Side yards on corner lots.* The minimum width of side yards along intersecting streets shall be twenty (20) feet, and all accessory buildings shall comply with this setback from the intersecting street.
- (4) *Rear yard.* The rear yard building setback line shall be not less than thirty-five (35) feet, measured from the rear lot line to the nearest building or structure.

(402.7) *Building height.* No building or structure shall exceed thirty-five (35) feet or two and one-half (2½) stories in height, measured at the front ground level.

Sec. 403. - "R-2" Medium-density residential district.

(403.1) *Uses permitted.*

- (1) Uses permitted in the "R-1" residential district.
- (2) Also, two-family residential units (duplex); churches and other places of worship; parish houses; public libraries; schools offering general educational courses; public parks and public recreational facilities; municipal, county, state or federal uses; public utilities; hospitals for human care, except those intended primarily for treating mental cases, philanthropic institutions and clubs, except a club where the chief activity of which is customarily carried on as a business.
- (3) Accessory buildings or uses customarily incidental to any aforementioned permitted use.
- (4) The taking of boarders or tourists, or the leasing of rooms by the family resident on the premises.
- (5) Professional offices, studios, or customary incidental home occupations conducted within the principal building, but only by a person resident in the dwelling, provided not more than one person not a resident of the premises is employed, and not more than twenty-five (25) percent of the total floor area in any dwelling unit is devoted to such use.

(403.2) *Uses prohibited.* All uses not specifically permitted.

(403.3) *Required lot area and lot width.* Every dwelling unit shall be located on a lot not less than ten thousand (10,000) square feet in area, and with a lot width determined at the front building setback line of not less than 80 feet. For two-family residential units (duplex), there must be at least three thousand (3,000) additional square feet of lot area, for a total of at least thirteen thousand (13,000) square feet.

(403.4) *Percentage of lot coverage.* Buildings, including accessory buildings and structures, shall not cover more than 40% of the area of any lot.

(403.5) *Location and height of accessory buildings.*

- (1) All accessory buildings must comply with the same yard setback requirements as principal buildings, and have the same front setback as the principal building, except that utility/lawn

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buildings of 196 square feet or less shall have a minimum rear lot line setback of 5 feet and a minimum side lot line setback of 5 feet, except side lot setback lines along intersecting streets of a corner lot.

- (2) Accessory buildings whose first story is used as a private garage may have a second story used for residential purposes, provided such accessory buildings are located no closer to the principal building than thirty (30) feet.
- (3) No accessory building shall exceed one (1) story in height, except that an accessory building whose first story is used as a private garage may have a second story used for residential purposes.

(403.6) *Yards required.*

- (1) *Front yard.* The front yard building setback line shall be a minimum of 30 feet from any existing or proposed right-of-way line of any street or road, including those shown on the major thoroughfares plan. In blocks already partially developed, all new houses being erected shall be required to meet only the average setback of the existing homes on their side of the street.
- (2) *Side yard.* The side yard building setback on each side of the lot shall be not less than 10 feet, measured from the side lot line to the nearest building or structure.
- (3) *Side yards on corner lots.* The minimum width of side yards along the intersecting streets shall be 15 feet, and all accessory buildings shall comply with this setback from the intersecting street.
- (4) *Rear yard.* The rear yard building setback shall be not less than 30 feet, measured from the rear lot line to the nearest building or structure.
- (5) *Yards for public or semi-public buildings.* All public or semi-public buildings, including accessory buildings and structures, shall provide the same front yard as required for all other buildings in this district. There shall be provided a minimum side yard and rear yard building setback of thirty (30) feet, measured from the respective lot line to the nearest building or structure.

(403.7) *Building height.* No building or structure shall exceed thirty-five (35) feet or 3 stories in height, measured at the front ground level, unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet or fraction thereof of additional height over thirty-five (35) feet.

Sec. 404. - "R-3" High-density residential district.

(404.1) *Uses permitted.*

- (1) Uses permitted in the "R-1" and "R-2" residential districts.
- (2) Also, multiple-family dwellings and apartments.
- (3) Also, sectional manufactured homes 24 feet wide or wider, with a minimum roof pitch of 4/12, standard housing shingle or metal roofing material, on a permanent foundation, lodges and clubs not operated for profit, rooming and boarding houses, hotels and home occupations, subject to the requirements spelled out for home occupations in Article II.

(404.2) *Uses prohibited.* All uses not specifically permitted.

(404.3) *Required lot area and lot width.*

- (1) Every single-family dwelling shall be located on a lot of not less than eight thousand (8,000) square feet in area, and with a width determined at the front building setback line of not less than seventy (70) feet.
- (2) Every two-family residence shall be located on a lot of not less than ten thousand (10,000) square feet in area, with a width determined at the front building setback line of not less than seventy (70) feet.

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- (3) Every multi-family residence shall be located on a lot of not less than twelve thousand (12,000) square feet in area, but no more than three (3) dwelling units shall be permitted on such a lot. A minimum of two thousand (2,000) additional square feet of lot area shall be provided for every dwelling unit after three (3). The minimum lot width shall be seventy (70) feet, determined at the front building setback line.
- (404.4) *Percentage of lot coverage.* Buildings, including accessory building[s] and structures, shall not cover more than fifty (50) percent of the area of any lot.
- (404.5) *Location of accessory buildings.*
- (1) All accessory buildings must comply with the same yard setback requirements as principal buildings, except that utility/lawn buildings of one hundred ninety-six (196) square feet or less shall have a minimum rear lot line setback of five (5) feet and a minimum side lot line setback of five (5) feet, except side lot setback lines along intersecting streets of a corner lot.
 - (2) Accessory buildings whose first story is used as a private garage may have a second story used for residential purposes, provided such accessory building are located no closer to the principal building than thirty (30) feet.
 - (3) No accessory building shall exceed one (1) story in height, except than an accessory building whose first story is used as a private garage may have a second story used for residential purposes.
- (404.6) *Yards required.*
- (1) *Front yard.* The front yard building setback shall be a minimum of twenty-five (25) feet from any existing or proposed right-of-way line of any street or road, including those shown on the major thoroughfares plan. In blocks already partially developed, no new homes being erected shall be required to exceed the average setback of the existing homes on their side of the street.
 - (2) *Side yard.* For single-family and two-family uses the side yard building setback on each side of the lot shall be not less than ten (10) feet, measured from the side lot line to the nearest building or structure.
 - (3) *Rear yard.* The rear year building setback shall be not less than twenty-five (25) feet, measured from the rear lot line to the nearest building or structure.
 - (4) *Side yards on corner lots.* The minimum width of side yards along an intersecting street shall be twelve and one-half (12½) feet, and all accessory building shall also comply with this setback requirement from the intersecting streets.
 - (5) *Yards for public and semi-public buildings.* All public or semi-public buildings, including accessory buildings and structures, shall provide the same front yards required for all other buildings in this district. There shall be provided a minimum side yard building setback line of thirty (30) feet, measured from the respective lot line to the nearest building or structure.
- (404.7) *Building height.* No building or structure shall exceed forty-five (45) feet or four (4) stories in height, measured at the average front elevation, unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet or fraction thereof of additional height over forty-five (45) feet.

Sec. 407. - "C-1" Neighborhood commercial district.

This district is established to provide locations for establishments offering products for sale at retail and supplying principally everyday household needs. No use permitted in this district shall be dangerous, offensive, or detrimental to human health because of dust, gas, smoke, noise, fumes, glare, odor, or vibration, nor may it constitute a fire hazard.

- (407.1) *Uses permitted.*
- (1) Drugstores.
 - (2) Hardware stores.

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- (3) Apparel stores.
 - (4) Bakery stores.
 - (5) Gasoline stations.
 - (6) Barbershops.
 - (7) Beauty shops.
 - (8) Grocery stores.
 - (9) Coin-operated laundromats.
 - (10) Dry cleaner pick-up stations.
 - (11) Shoe repair shops.
 - (12) Branch banks.
 - (13) Outdoor advertising signs.
 - (14) Restaurants.
 - (15) Office buildings and offices.
 - (16) Other similar uses, as determined by the planning commission and mayor and board of aldermen.
- (407.2) *Uses prohibited.* All uses not listed in paragraph (407.1).
- (407.3) *Building height.* No building or structure shall exceed thirty-five (35) feet in height, measured at the front ground elevation.
- (407.4) *Required lot area and lot width.* Non-required.
- (407.5) *Percentage of lot coverage.* Buildings, including all accessory buildings and structures, shall not cover more than twenty-five (25) percent of the area of the lot.
- (407.6) *Yards required.*
- (1) *Front yard.* The front yard building setback shall be a minimum of thirty-five (35) feet from any existing or proposed right-of-way line of any street or road, including those shown on the Walnut Major Thoroughfares Plan.
 - (2) *Side yard.* The side yard building setbacks on each side of the lot shall be not less than fifteen (15) feet, measured from the side lot line to the nearest building or structure, except in instances where a neighborhood commercial use abuts a residential district, in which case a minimum side yard of thirty (30) feet shall be provided, measured from the side lot line of the nearest building or structure on the side adjacent to the residential district. A ten-foot strip of said yard shall be maintained as a landscape buffer area.
 - (3) *Rear yard.* The rear yard building setback shall be not less than thirty (30) feet. such space shall remain open and unoccupied by any structure. Where the rear yard abuts any residential district, a rear yard of at least forty (40) feet shall be provided, and a ten-foot strip adjoining the rear lot line shall be maintained as a landscaped buffer area.

Sec. 408. - "C-2" General commercial district.

The "C-2" general commercial district is established to provide areas for those heavier types of commercial uses which generate significant amounts of truck traffic, require outdoor storage, or which, because of other characteristics, are not compatible with other types of commercial activities.

No use permitted in this district shall be dangerous, offensive, or detrimental to neighboring residences or commercial uses because of dust, gas, smoke, excessive noise, fumes, glare, odor, vibration, or fire hazard.

- (408.1) *Uses permitted.*

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- (1) Any use permitted in the "C-1" and "C-3" districts.
 - (2) Animal hospitals.
 - (3) Bottling works.
 - (4) Building materials and supplies (retail and wholesale with indoor storage only).
 - (5) Construction equipment sales, repair and/or storage.
 - (6) Cold storage plants.
 - (7) Farm equipment sales, service, and/or storage.
 - (8) Plumbing sales, retail and/or wholesale.
 - (9) Truck terminals.
 - (10) Warehouses for indoor storage.
 - (11) Wholesale establishments.
 - (12) Communication towers and broadcasting towers.
 - (13) Car washes.
 - (14) Auto sales and repairs.
 - (15) Motels.
 - (16) Service stations.
 - (17) Hospitals.
 - (18) Coin-operated laundromats.
 - (19) Other similar uses, as determined by the planning commission, board of mayor and aldermen.
- (408.2) *Uses prohibited.* All uses not listed in paragraph (408.1).
- (408.3) *Building height.* No building or structure shall exceed fifty (50) feet in height, measured at the front ground level.
- (408.4) *Required lot area and lot width.* None required.
- (408.5) *Percentage of lot coverage.* Buildings, including accessory buildings and structures, shall not cover more than sixty (60) per cent of the area of any lot. Provisions for adequate off-street parking facilities specified in Article IV, section 414, must also be complied with.
- (408.6) *Yards required.*
- (1) *Front yard.* The front yard building setback shall be a minimum of fifty (50) feet from any existing or proposed right-of-way line of any street or road, including those shown on the major thoroughfares plan.
 - (2) *Side yard.* The side yard building setbacks on each side of the lot shall be not less than twenty-five (25) feet, measured from the side lot line to the nearest building or structure, except in instances where a general commercial use abuts a residential district, in which case a minimum side yard of fifty (50) feet shall be provided on the side adjacent to the residential district. Such space shall remain open and unoccupied by any structure, but may be used for off-street parking, provided a buffer strip consisting of a fence or planting strip with a minimum height of six (6) feet is provided.
 - (3) *Rear yard.* The rear yard building setback shall be not less than twenty-five (25) feet, except in instances where a general commercial district abuts a residential district, in which case a rear yard of not less than fifty (50) feet shall be provided (measured from the rear lot line to the nearest building or structure thereon) along the boundary of the residential district. Such space shall remain open and unoccupied by any structure, but may be used for off-street parking

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provided a buffer strip consisting of a fence or planting strip with a minimum height of six (6) feet is provided.

Where a general commercial use backs upon a railroad spur, no rear yard shall be required.

Sec. 409. - "C-3" Downtown business district.

This downtown business district is established to provide areas for the retail and service, commercial activities of the town and region. No use shall be permitted in this district which in the opinion of the planning commission and the determination of the mayor and board of aldermen is dangerous, offensive, or detrimental to nearby businesses and/or residences because of dust, gas, smoke, noise, fumes, glare, odor, vibration or fire hazard.

(409.1) *Uses permitted.*

- (1) Any use permitted in the "C-1" district with the exception of gasoline stations and coin-operated laundromats.
- (2) Antique shops.
- (3) Appliance sales.
- (4) Automobile detailing, with adequate and orderly on-site parking.
- (5) Clothing alteration shops.
- (6) Art studios.
- (7) Bakeries.
- (8) Banks.
- (9) Dry-cleaning and dyeing establishments.
- (10) Florist shops.
- (11) Medical and dental clinics.
- (12) Hotels.
- (13) Office buildings and offices.
- (14) Restaurants and banquet facilities.
- (15) Dance studios.
- (16) Printing and publishing establishments.
- (17) Theaters (indoor only).
- (18) Other similar uses as determined by the planning commission and mayor and board of aldermen.

(409.1.1) *Conditional uses permitted.* No building permit shall be issued for any of the following uses, unless or until the location of such use shall have been recommended by the Walnut Planning Commission and approved by the board of mayor and aldermen:

- (a) Second-story residential occupancy, subject to the approval of the fire chief and/or compliance with the fire code. In addition, off-street parking will be required during business hours so as not to interfere with customer parking. The board of mayor and aldermen may require that additional conditions be met to insure the intended use will not create a nuisance, depreciate surrounding property values or create traffic or pedestrian problems.

[(b) *Reserved.*]

(409.2) *Uses prohibited.* All uses not listed in paragraph (409.1).

- (a) *Outside storage.* Outside storage and sales shall be prohibited on the front yard and side yards and associated sidewalks and drives. Outside storage is permitted on the rear yard so long as

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the screening requirements of section 409.7 have been met prior to storage materials being placed on the yard.

- (1) *Exceptions.* Nothing in the section shall prohibit the use of front and side yard sidewalks for short-term sales events sanctioned by the Main Street Walnut Association as long as the public rights-of-way are not blocked, and all items being placed on the yards, are removed by the close of business every evening.
- (409.3) *Building height.* No building or structure shall exceed fifty (50) feet in height, measured at the front ground level.
- (409.4) *Required lot area and lot width.* None required.
- (409.5) *Percentage of lot coverage.* Building, excluding accessory buildings and structures, may cover up to one hundred (100) percent of the area of lot except as provided in section 409.6.
- (409.6) *Yards required.*
- (1) *Front yard.* No front yard required.
 - (2) *Side yard.* No side yard required.
 - (3) *Rear yard adjoining an alley.* No rear yards are required.
 - (4) *Rear yard adjoining a public right-of-way.* The rear yard building setback line shall be not less than twenty-five (25) feet. Such spaces shall remain open and unoccupied by any structure.
 - (5) *Rear yard adjoining another building.* The rear yard building setback line shall be not less than ten (10) feet. Such spaces shall remain open and unoccupied by any structure.
- (409.7) *Visible exterior building components.* Any improvements involving a new building, an existing building undergoing significant changes to the exterior components covered in this section, an existing building having any new exterior equipment installed, or any building undergoing substantial improvement shall comply with this section. Owners of these buildings must submit drawings, photos, or other materials, which prove compliance with this section, along with an application for a building permit to the building official prior to work beginning.
- (a) *Building materials.* All visible exterior walls shall be constructed of durable, permanent architectural materials that are compatible with the zoning district and the immediate surroundings, as determined by the building official. The front facade and street side facades shall be composed of only natural materials such as brick, stone, or architectural wood, or of synthetic materials made to resemble natural materials such as architectural block, man-made stone, or composite wood materials. Un-faced concrete block, plywood, structural concrete, light metals, vinyl siding and the like shall not be permitted.
 - (1) *Exceptions.* Aluminum, glass and other lightweight materials are allowable for use in window, door, and store front assemblies, so long as they blend with the architecture of building and its surroundings.
 - (b) *Fencing.* Fencing and screening must be composed of materials that comply with subsection (a) above. Chain link fencing is prohibited.
 - (c) *Exterior equipment.* HVAC units and miscellaneous equipment such as cooling towers, rooftop and ground-mounted mechanical and electrical units and other miscellaneous equipment shall either be integrated into the design of the building or screened from view with the approved materials.

Sec. 410. - "I-1" Light industrial district.

The "I-1" light industrial district is created primarily for use in those areas of the community where it is desirable to locate manufacturing establishments that have a minimum of obnoxious effects on the surrounding area and the community as a whole.

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The following uses shall be permitted, provided that in the opinion of the planning commission and the mayor and board of aldermen they are not excessively obnoxious or offensive to neighboring uses by reason of dust, gas, smoke, noise, fumes, glare, odor, vibration, or fire hazard.

(410.1) *General uses permitted.*

- (1) Assembly plants.
- (2) Bookbinderies.
- (3) Cellophane products manufacturing.
- (4) Confectionery manufacturing.
- (5) Cosmetic manufacturing.
- (6) Creameries.
- (7) Dairy product processing and/or manufacturing.
- (8) Electrical parts assembly and/or manufacturing.
- (9) Engraving.
- (10) Fiber products manufacturing.
- (11) Food products manufacturing.
- (12) Glass products manufacturing.
- (13) Grain elevators.
- (14) Ice plants.
- (15) Jewelry manufacturing.
- (16) Kennels.
- (17) Laboratories.
- (18) Laundries.
- (19) Leather products manufacturing.
- (20) Lumber yards.
- (21) Millwork and cabinet making.
- (22) Outdoor storage of building materials such as lumber, coal, machinery and pipe, which enclosed by a solid fence at least six (6) feet in height. Junkyards are specifically prohibited.
- (23) Paint mixing and treatment.
- (24) Parcel delivery services.
- (25) Pharmaceuticals manufacturing.
- (26) Railroad depot, passenger and/or freight.
- (27) Refrigerating plants.
- (28) Sheet metal products (light) manufacturing.
- (29) Television and radio broadcasting transmitters.
- (30) Communication towers and broadcasting towers.
- (31) Textile products manufacturing.
- (32) Tire retreading, recapping, and/or rebuilding.
- (33) Tool and machinery manufacturing.

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- (34) Toy manufacturing.
 - (35) Truck terminals, truck and trailer service.
 - (36) Warehouse and/or storage buildings.
 - (37) Well drilling services.
 - (38) Wholesale businesses, including gasoline and oil.
 - (39) Outdoor advertising signs.
 - (40) Other similar uses recommending by the planning commission and approved by the mayor and board of aldermen.
- (410.2) *Conditional uses permitted.* No building permit shall be issued for any of the following uses, unless or until the location of such use shall have been recommended by the Walnut Planning Commission and approved by the mayor and board of aldermen.
- (1) Canneries.
 - (2) Ceramic products manufacturing.
 - (3) Feed processing.
 - (4) Foundry casting of lightweight nonferrous metals.
 - (5) Furniture manufacturing.
 - (6) Iron works (light).
 - (7) Plastic products manufacturing.
 - (8) Wood products manufacturing.

In addition, the mayor and board of aldermen may require that additional conditions be met to ensure that the intended use will not create a nuisance, depreciate surrounding property values, create traffic or pedestrian problems, or be excessively obnoxious or offensive to neighboring uses by reason of dust, gas, smoke, noise, fumes, glare, odor, vibration, or fire hazard.

- (410.3) *Uses prohibited.* All uses not specifically authorized in (410.2).
- (410.4) *Building height.* No building or structure shall exceed fifty (50) feet in height.
- (410.5) *Required lot area and lot width.* No requirements.
- (410.6) *Percentage of lot coverage.* Buildings, including all accessory buildings and structures, shall not cover more than fifty (50) per cent of the lot.
- (410.7) *Yards required.*
- (1) *Front yard.* The front yard building setback shall be a minimum of fifty (50) feet from any existing or proposed right-of-way line of any street or road, including those shown on the major thoroughfares plan.
 - (2) *Side yard.* The side yard building setback on each side of the lot shall be not less than twenty-five (25) feet, measured from the side lot line to the nearest building or structure, except in instances where a light industrial use abuts a residential district, in which case a minimum side yard of seventy-five (75) feet shall be provided on the side adjacent to the residential district. Such space shall remain open and unoccupied by any structure or use.
 - (3) *Rear yard.* The rear yard building setback shall be not less than fifty (50) feet, except in instances where a light industrial use abuts a residential district, in which case a rear yard of not less than one hundred (100) feet shall be provided, measured from the rear lot line to the nearest building or structure. Such space shall remain open and unoccupied by any structure or use. Where a light industrial use backs upon a railroad spur, no rear yard shall be required.

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Sec. 411. - "I-2" Heavy industrial district.

The "I-2" heavy industrial district is created for use in those areas of the community where it is deemed desirable to locate the types of industry which normally require larger land areas, create greater traffic volumes, and have other characteristics which may be incompatible with other uses.

(411.1) General uses permitted.

- (1) Any use permitted in the "I-1" district.
- (2) Adult arcades.
- (3) Adult bookstores.
- (4) Adult cabarets.
- (5) Adult entertainment establishments.
- (6) Adult motels.
- (7) Adult motion picture theaters.
- (8) Aggregate plants and batching operations.
- (9) Carting, express, hauling, or storage yards.
- (10) Concrete batch plants.
- (11) Chemical plants.
- (12) Coal, coke, and lumber yards.
- (13) Cotton gins.
- (14) Dairy products processing plants.
- (15) Egg drying plants.
- (16) Food processing plants.
- (17) Grain elevators.
- (18) Metal fabricating plants.
- (19) Sawmills.
- (20) Wholesale storage or sales of any material (open or closed storage).
- (21) The manufacture of the following products:
 - (a) Automobile, farm, or construction machinery.
 - (b) Brooms.
 - (c) Electrical equipment, machinery, and/or supplies.
 - (d) Leather products.
 - (e) Metal fabricating.
 - (f) Mining equipment.
 - (g) Missiles and/or their components.
 - (h) Paper.
 - (i) Plywood, furniture, or similar wood products.
 - (j) Rubber products.
 - (k) Rockwool.