

Town of Walnut – Zoning Ordinance

(411.2) *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. 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.

- (1) Abattoirs.
- (2) Acid manufacturing (including hydrochloric, nitric, and sulfuric acids).
- (3) Cement, lime, gypsum, and/or plaster of paris manufacturing.
- (4) Distillation of bones.
- (5) Explosive manufacturing or storage.
- (6) Fat rendering.
- (7) Fertilizer manufacturing.
- (8) Garbage, offal, and dead animal dumping or reduction, except for municipal incinerators.
- (9) Gas manufacturing.
- (10) Glue manufacturing.
- (11) Petroleum storage (bulk plants).
- (12) Refining of petroleum products.
- (13) Stock yards and stock auction barns.
- (14) Storage or baling of rags, paper, iron, or junk.

(411.3) *Required lot area and lot width.* Minimum lot areas for heavy industrial uses shall be one acre, with no specific requirements regarding lot width.

(411.4) *Percentage of lot coverage.* Buildings, including all necessary buildings and structures, shall not cover more than fifty (50) per cent of the lot.

(411.5) *Yards required.*

- (1) *Front yard.* The front yard building setback shall be a minimum of one hundred (100) 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 fifty (50) feet measured from the side lot line to the nearest building or structure, except in instances where a heavy industrial use abuts a residential or commercial district, in which case a minimum side yard of one hundred fifty (150) feet shall be provided on the side adjacent to the residential or commercial district. Such space shall be landscaped and 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 heavy industrial use abuts a residential or commercial district, in which case a rear yard of not less than one hundred fifty (150) feet shall be provided, measured from the rear lot line to the nearest building or structure. Such space shall be landscaped and remain open and unoccupied by any structure or use.

Sec. 412. - "F-D" Floodway district.

The purpose of the "F-D" floodway district is to reserve space contiguous to the various drainage channels required to carry the abnormal flow in time of high water or flood; to prevent encroachment into

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the stream channel which will increase flood heights and flood damage; and to prevent insofar as possible the loss of life and damage to property in those areas most susceptible to floods.

(412.1) *Uses permitted.* The following uses are permitted, subject to the approval of the Walnut Planning Commission and the mayor and board of aldermen, including all the conditions they may specify to protect the public interest:

- (1) Open-type uses not requiring a building, such as loading and unloading areas, parking lots, used car lots, and gardens on the same lot with or accessory to a use permitted in any adjoining zone.
- (2) Open-type public and private recreational facilities such as public parks, golf-driving ranges, drive-in theaters, and playgrounds.
- (3) Circuses, carnivals, and transient amusement enterprises.
- (4) Agricultural uses, including farming, grazing, livestock raising, and other similar uses.
- (5) Outdoor advertising signs, when encompassed by permitted zone areas.

(412.2) *Approval of the planning commission.*

- (1) Prior to the construction, alteration, or moving of any building or structure, or any improvement in the floodway district, plans for such construction, alteration, or moving shall be submitted to the Walnut Planning Commission for their review and approval or disapproval.
- (2) In its review of plans submitted, the planning commission may utilize the services of a competent engineer when required in interpreting the floodway boundaries, but they shall in no case permit a reduction in the size of the floodway district, or make it inadequate for the purpose intended.
- (3) The planning commission shall be guided in its decision by the following standards, keeping in mind that the purpose of the floodway district is to prevent encroachment into the stream channel which will serve to unduly increase flood heights and endanger life and property.
 - (a) Any use permitted shall be a type not appreciably damaged by floodwater, provided no structures for human habitation shall be permitted.
 - (b) No filling of land shall be permitted.
 - (c) Any structure permitted shall be designed to have a minimum adverse effect upon the free flow of water.
 - (d) Any structure permitted shall be firmly anchored to prevent the structure from floating away and threatening to restrict bridge openings and other restricted sections of the river.
 - (e) Where topographic data, engineering studies, or other investigations are needed to determine the effects of flooding on a proposed structure, or the effect of the structure on the flow of water, the planning commission may require the applicant to submit a copy of all such data and/or studies prepared.
- (4) The granting of approval for any structure or use shall not constitute a representation, guarantee, or warranty of any kind or nature by the Town of Walnut or any agency, officer, or employee thereof of the practicality or safety of any structure or any plan proposed, and shall create no liability upon or cause action against such public body, officer, or employee for any damage that may result pursuant thereto.

(412.3) *Floodway fringe area.* The construction, alteration, or moving of any structure in any area outside the floodway district on land subject to flooding shall be subject to the following regulations:

- (1) No building or structure shall be erected, and no existing building or structure shall be moved unless the main floor of said building or structure is higher than the elevation of land subject to flooding, or such building or structure is flood-proofed up to such elevation.
- (2) No basement or other floor shall be constructed at a lower elevation than the ground floor.

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- (3) Land may be filled, provided such fill does not encroach into the floodway district, and provided such fill extends twenty-five (25) feet beyond the limits of any structures erected thereon.
- (4) Any structure proposed to be located within fifty (50) feet of any mainstream drainage channel within the Town of Walnut must be approved by the Walnut Planning Commission.
- (5) The planning commission shall determine on the basis of the aerial extent of the watershed and the probable anticipated runoff the openings needed for the stream, and how close a structure may be built to the stream in order to assure adequate space for floodwater flow.
- (6) No building or structure shall be permitted within ten (10) feet of the top of the bank of any stream under any conditions.

Sec. 413. - Special use districts.

(413.1) *Purpose.* The purpose and intent of the special use district zoning classification is to permit the planning commission to recommend and the mayor and board of aldermen of the Town of Walnut to establish needed zoning districts for a number of specific types of developments.

(413.2) *Establishment of special use districts.* Each special use district shall be developed as stated below, and shall comply with all requirements specified for similar use districts in other sections of this ordinance.

(413.3) *Types of districts.* The types of special use districts which may be established in the Town of Walnut may include the following:

- (1) *Medical complex district.* To include such compatible and related activities as hospitals, public health centers, nurse training facilities, pathology laboratories, medical clinics and offices, extended care and nursing care facilities, mental health centers, dental clinics and offices, and other directly related medical uses.
- (2) *Recreational district.* To include such compatible and related active and passive recreational activities as neighborhood centers, parks and playgrounds, golf courses, swimming pools, picnic areas, tennis courts, riding academies, football stadiums, outdoor tracks, and other directly related recreational uses.
- (3) *Educational institutions district.* To include such compatible and related activities as kindergarten, elementary schools, secondary schools, colleges and universities, auditoriums, libraries, and other directly related educational uses.
- (4) *Civic center district.* To include such compatible and related municipal functions and services as a town hall, a county courthouse, a civic center, a public auditorium, a cultural center, parks, automobile parking garages, fire and police department facilities, a central post office, public utility buildings, and other directly related civic center uses.
- (5) *Planned unit development district.* To include a variety of residential uses, including single and two-family residences, garden apartments, townhouses, or highrise apartment buildings.
- (6) *Planned housing unit development.* In the following instances, the planning commission may recommend to the mayor and board of aldermen that the specific requirements of this ordinance be waived:
 - (a) Where a housing project consisting of a group of two (2) or more buildings is to be constructed on a plot of ground of at least three (3) acres not subdivided into the customary streets and lots; or
 - (b) Where the existing or contemplated street and lot layout make it impracticable to apply the requirements to the individual buildings.

Such a waiver can be granted only if the proposed development is of such manner as to be in harmony with the character of the neighborhood and will ensure a density of land use no higher and a standard of open space at least as high as required by this ordinance in the district in which the proposed project is to be located.

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(413.4) *General provisions.* Each use proposed to be located in each special use district shall be directly related to the specific intent of the respective special use district, and may be permitted, provided there are no existing facilities of this type adequate to serve the existing or projected need.

When submitting an application for a special use district, an overall development plan shall be submitted to the planning commission, along with a feasibility study showing the need for such a district, and the probable effect of this district on the adjacent land uses. The planning commission may attach reasonable special conditions to the approval of each special use district, to assure that the petitioner will not disregard the specific provisions and intent of this zoning ordinance.

All special use district zoning requests shall follow the procedure for submission of subdivision plats presented in the Walnut Subdivision Regulations, even though title to the affected land may not be in one individual's name. A preliminary and final plat, both reviewed by the planning commission, shall accompany each specific special use district zoning application. After approval of a specific request, the entire tract must be developed as shown on the final plat, and building permits and certificates of occupancy shall be required for each building as spelled out in this ordinance.

(413.5) *All special use districts shall:*

- (1) Contain a minimum of five (5) acres, except in cases of an expansion of an existing special use district.
- (2) Be compatible with the adjacent land uses; otherwise, adequate screening or buffer zones shall be required to preserve the integrity of the surrounding areas.
- (3) Be under construction within one year after approval of the final plat. If construction has not been initiated within one year, or renewal of the plan has not been obtained, all land areas rezoned to this classification shall revert to their original zoning. In cases where the area had no other original zoning, the land shall be zoned by the mayor and board of aldermen to a classification which conforms with the existing adjacent development.
- (4) Be binding upon the applicant or applicants, their successors and assigns, and limit the extent of the development to the conditions and limitations spelled out in the approved development plan for the specific area.

Sec. 414. - "L" Landfill district.

The "L" landfill district is created primarily for use in those areas of the community where it is desirable to locate a landfill and related activities that have a minimum of obnoxious effects on the surrounding area and the community as a whole.

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.

(414.1) *General uses permitted.*

- (1) Landfill Facilities.
- (2) Landfill Ancillary Facilities

(414.2) *Conditional uses permitted.* No building permit shall be issued for any use, 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.

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.

(414.3) *Uses prohibited.* All uses not specifically authorized in (414.2).

(414.4) *Building height.* No building or structure shall exceed fifty (50) feet in height.

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- (414.5) *Required lot area and lot width.* Requirement for minimum area is 200 acres and there are no requirements for minimum lot width.
- (414.6) *Percentage of lot coverage.* Buildings, including all accessory buildings and structures, shall not cover more than fifty (50) per cent of the lot.
- (414.7) *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 fifty (50) feet, measured from the side lot line to the nearest building or structure, except in instances where a landfill use abuts a residential district, in which case a minimum side yard of one hundred (100) 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 landfill 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..

Sec. 415. - Off-street parking and loading requirements.

- (415.1) *General requirements.* In all zoning districts, off-street parking facilities for the storage or parking of motor vehicles for the use of occupants, employees, and/or patrons of the buildings hereafter erected, altered, or extended shall be provided and maintained as herein prescribed.
- (1) In determining the number of parking spaces required, if such spaces result in fractional parts thereof, the number of spaces required shall be construed to be the next highest whole number.
 - (2) Whenever a use is increased in floor area or units of service, or whatever base used, additional parking spaces shall be provided as specified for the use if the existing parking space is inadequate to serve the increased activity.
 - (3) Off-street parking facilities for one- and two-family dwellings shall be located on the same lot or plot of ground as the building served.
 - (4) Off-street parking facilities for multi-family dwellings containing up to and including eight (8) dwelling units shall be provided on the same lot or plot of ground as the building served.
 - (5) Off-street parking facilities for multi-family dwellings containing more than eight (8) dwelling units may be located within one hundred fifty (150) feet of the building intended to be served, with the recommendation of the planning commission and approval of the board of mayor and aldermen.
 - (6) Off-street parking facilities for an industry or commercial establishment which employs two hundred fifty (250) or more employees may be located within three hundred (300) feet of the building or buildings to be served, and at a distance greater than three hundred (300) feet upon recommendation of the planning commission and approval of the board of mayor and aldermen.
 - (7) Collective off-street parking facilities may be provided, but such facilities shall be not less than then sum of such facilities as would otherwise be individually required.
 - (8) The off-street parking requirements of one or a number of establishments can also be met through provision of the total number of required spaces in an off-street parking lot or structure located not more than two hundred (200) feet from any of the establishments it is designed to serve, with the recommendation of the planning commission and approval of the board of mayor and aldermen. The distance shall be measured along sidewalks and pedestrian walks-not across country.

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- (9) Off-street parking requirements for uses not specifically mentioned herein shall be the same as those required for uses of similar or related nature.
- (10) Parking lots or areas adjacent to public streets shall have driveways or curb cuts not to exceed twenty-five (25) feet in width at the curb line. All such lots or areas shall have a protective wall or bumper block at least five (5) feet from any sidewalk line, and said lots shall be so designed that all vehicles leaving the facility will be traveling forward when entering any street, alley, or public thoroughfare.
- (11) Driveway entrances and exits of parking areas shall not be counted in determining the required parking area.
- (12) Detailed plans shall be submitted for approval of all curb cuts or driveways in commercial or industrial districts to the street superintendent and approved by him before any building permit may be obtained for such curb cut or driveway.
- (415.3) *Minimum off-street parking space requirements.* The amount of off-street parking area required for each land use shall be determined using the following standards, and the area so determined shall be stated in the application for a building permit, and shall be reserved exclusively for such use. The standards specified shall be applicable to the shift having the largest number of employees:

One- and two-family dwelling units. Two (2) parking spaces for each dwelling unit.

Multi-family dwelling units. One and one-half (1½) parking spaces for each dwelling unit.

[Exemption: C-3 zoned property.] All property zoned C-3 shall be exempt from the requirement that one- and two-family dwelling units have two (2) parking spaces for each dwelling unit and multi-family dwelling units have one and one-half (1½) parking spaces for each dwelling unit.

Mobile homes. One (1) parking space for each mobile home.

Tourist homes, cabins, or motels. One (1) parking space for each sleeping room or suite, and one (1) parking space for each employee.

Hospitals, sanatoriums, convalescent homes, homes for the aged, of [or] other similar uses. One (1) parking space for each three (3) beds, plus one (1) space for each two (2) employees.

Hotels. One (1) parking space for each three (3) guest sleeping rooms, plus one (1) space for each two (2) employees.

Private clubs, fraternity and sorority houses, and boarding and lodging houses. One (1) parking space for each two (2) guest sleeping rooms, or in the cases where no sleeping rooms are provided, one (1) parking space for each one hundred (100) square feet of floor space.

Community centers, libraries, museums, post offices, civic clubs and other similar uses. Two (2) parking spaces for each one hundred (100) square feet of floor space, plus one (1) space for each employee.

Theaters and auditoriums (other than facilities incidental to schools). One (1) parking space for each four (4) seats, plus one (1) space for each two (2) employees.

Churches and schools. One (1) parking space for each four (4) seats in the principal auditorium, or one (1) space for each seventeen (17) classroom seats (whichever is greater), plus one (1) space for each employee or teacher. Also, one (1) space eight hundred (800) square feet in area for each school bus.

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Dance halls, recreation halls, and exhibition halls without fixed seats. Two (2) parking spaces for each one hundred (100) square feet of floor space used for dancing or assembly, plus one (1) space for each employee.

Stadiums and sports arenas. One (1) parking space for each three (3) seats, plus one (1) space for each two (2) employees.

Bowling establishments. Five (5) parking spaces for each lane, plus one (1) space for each three (3) spectator seats, plus one (1) space for each two (2) employees.

Mortuaries or funeral homes. One (1) parking space for each fifty (50) square feet of floor area in slumber rooms, parlors, and individual funeral service rooms, plus one (1) space for each two (2) employees.

Establishments for the sale and consumption on the premises of food, beverages, or refreshments. One (1) parking space for each fifty (50) square feet of customer service floor area, and one (1) space for each two (2) employees. At the discretion of the building official during the site plan review, establishments that are customarily termed "fast food" establishments with a significant portion of their business being conducted via drive-through sales may count the number of vehicle spaces in the queue toward their total parking requirement.

Professional offices and office buildings. One (1) parking space for each one hundred fifty (150) square feet of gross floor space.

Beauty parlors and barbershops. Two (2) parking spaces for each barber or beautician, plus one (1) space for each two (2) employees.

All retail store[s], except as otherwise specified herein. Neighborhood commercial, central business district, and general commercial district uses shall provide one (1) parking space for each two hundred (200) square feet of gross retail floor space, and one (1) parking space for each two (2) employees.

Manufacturing establishments, including research and testing laboratories. One (1) parking space for each two (2) employees on the maximum shift.

Warehouses and storage buildings. One (1) parking space for each six hundred (600) square feet of gross floor area, plus one (1) space for each employee, plus one (1) eight hundred (800) square foot leading space for every four thousand (4,000) square feet of gross floor area.

(415.4) *Special regulations for commercial, industrial, landfill, and multi-family zoning districts.*

- (1) All parking spaces shall be used for parking purposes only. Any other use of such space, including repair work or servicing of any kind (other than in an emergency), or the requirement of any payment for the use of such space shall be deemed to constitute a separate commercial use, and to be in violation of this ordinance.
- (2) No building or accessory structure shall be erected in any off-street parking area, except a parking garage containing parking spaces equal to the requirements set forth by this ordinance.
- (3) The parking area designated in this ordinance shall be considered as required open space on the lot, and shall not be reduced or encroached upon in any manner.
- (4) All new construction and all renovations to existing buildings which exceed fifty (50) percent of the value of the property shall be required to have all parking areas, drives and other vehicular

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maneuvering areas surfaced with bituminous or concrete. All parking areas, drives and other vehicular maneuvering areas must be maintained by the property owner.

- (5) A minimum area of four hundred (400) square feet shall be used in computing the area required for each vehicle parking spaces.
- (415.5) *Loading space requirements.* On the same premises with every building, structure, or part thereof erected and occupied for manufacturing, storage, warehousing, goods display, department store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning, grocery, or other uses similarly involving the receipt or distribution of materials or merchandise, there shall be provided and maintained on the lot or premises adequate space for standing, loading, and/or unloading facilities in order to avoid undue interference with public use of streets and alleys. Such space shall consist of one (1) ten- by fifty-foot loading space with a minimum height clearance of fourteen (14) feet for every ten thousand (10,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of gross building floor space.

Sec. 416. - Signs and outdoor advertising.

(416.1) *Application of regulations.* The regulations herein set forth shall apply to all zoning districts, except as hereinafter provided. No new or additional sign or outdoor advertising device shall be erected unless it is in compliance with the regulations for the district in which it is located. No new or additional sign or other outdoor advertising device shall be erected in any zoning district which constitutes a nuisance because of the light, glare, noise, flashing, animation, or distraction it creates. No illuminated sign shall be of such intensity as to constitute a nuisance to the residents of adjacent residential districts.

(416.2) *General Requirements.*

- (1) Outdoor advertising signs/off premises signs of a permanent nature shall be classified as a business use, and shall be permitted only in the "F-D," "C-1," "C-2," "I-1," "I-2," and "L" districts. Outdoor advertising signs shall not be permitted in designated historic districts. Such signs shall not exceed one hundred thirty-five (135) square feet in total area. Outdoor advertising signs permitted to be erected under this ordinance shall not be erected within a radius of one thousand (1,000) feet of another such sign structure to the nearest part of the other sign structure, except back-to-back or V-type structures. No such structure shall contain more than two (2) outdoor advertising signs. The bottom of such structure shall not be less than twenty (20) feet above the ground nor shall the top of such structure exceed forty (40) feet above the ground.
- (2) The placing, tacking, painting, hanging, or otherwise affixing of any kind of sign, outdoor advertising, or poster so as to be visible from the public highways on the walls of buildings, barns, sheds, trees, fences or any other structure except as otherwise provided in this ordinance is prohibited.
- (3) No outdoor advertising display or sign/off premise sign shall be erected, placed or hung nearer to the property line upon which said display faces than fifty (50) feet from the nearest part of the sign to the property line; except where buildings or permanent structures are found to be nonconforming as to established building setback lines, and sign structures are to be erected within one hundred (100) feet of said nonconforming buildings with reference to required setback regulations in commercial and industrial zoning districts.
- (4) One (1) business sign on/premises sign advertising the primary nature of the business or industry conducted on the premises may be placed not closer than five (5) feet to the property line or right-of-way, provided it does not obstruct the view of traffic. The top of such structure shall not exceed forty (40) feet above the ground. The size of such structure shall be measured at a rate of two (2) square feet per one (1) foot of road frontage up to a maximum of one hundred thirty-five (135) square feet. A multi-tenant complex having more than eighteen (18) units, with a distance of more than one hundred (100) feet from right-of-way line to the outside edge of the canopy or sidewalk shall be allowed a maximum of four hundred fifty (450) square feet of signage. A multi-tenant complex having more than eighteen (18) units, facing more than

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- one (1) road, shall be allow two (2) signs so long as the signs are a distance of a least one thousand (1,000) feet apart.
- (5) In arriving at the area of any sign or other outdoor advertising display, the measurement shall include decorative trim, customary extensions or embellishments, and any structural elements outside of the limits of such display surface and not forming an integral part of the display. For back-to-back or V-type sign structures, only one sign shall be counted in computing the actual sign area.
 - (6) Temporary signs containing less than twenty-five (25) square feet in commercial districts and not more than eight (8) square feet in residential districts and advertising for sale or rent the specific property on which they are placed may be erected without a special permit, providing they comply with all other district zoning regulations.
 - (7) Small professional or announcement signs of professions or businesses permitted in residential zoning districts shall not exceed four (4) square feet in area.
 - (8) Directional signs (on premises) not exceeding six (6) square feet in area may be erected, provided they are not placed within the right of way of any public dedicated street.
 - (9) Wall sign size shall be determined by the length of the wall to which the wall sign is to be placed at a rate of one and one-half (1½) square fee of sign per one (1) linear foot of wall length. However, one (1) additional square foot of surface area shall be permitted for every foot in building on which the sign is to be located is set back beyond the frontage required by town ordinances.
 - (10) Overhead and/or projecting business signs/on premise signs suspended from any building shall be placed not less than twelve (12) feet above the finished grade of the sidewalk. No business sign/on premise sign projecting or suspended from any building shall contain more than forty-two (42) square feet in area unless it is designed as an integral part of the building. All business signs/on premise signs exceeding forty-two (42) square feet in area and designed as an integral part of the building may be permitted if approved by the board of mayor and aldermen. Overhead and projecting business signs/on premise signs shall be permitted only in "C-1," "C-2," "C-3," "I-1," "I-2," and "L" industrial districts.
 - (11) All banners on building (not on roof) displaying commercial advertisements shall be displayed for a maximum of fifteen (15) calendar days. These banners are permitted for only four (4) periods per location per calendar year. These banners shall not be affixed to poles, trees, wire utility lines or any town-owned property. A banner shall not exceed thirty-six (36) square feet in area.
 - (12) All outdoor advertising signs, whether permitted to remain as a nonconforming sign or any erected advertising sign under the terms of this ordinance, that is determined to be abandoned by the building official, or is in nonuse for a period of ninety (90) days, or is considered to be in such disrepair or is so poorly maintained as to produce a visual blight, shall be subject to removal after providing notice and hearing to the sign owner, if known and to the landowner to so remove the sign within thirty (30) days. The procedures for notice and hearing outlined in Miss. Code Ann. § 21-19-11, shall be used.
 - (13) Nonconforming signs:
 - A. All signs and outdoor advertising structures legally erected prior to the effective date of this ordinance may continue, but if any sign or structure is completely destroyed or damaged to the extent of fifty (50) percent of its replacement cost it shall not be permitted to be replaced if located in a zone other than zones permitting said signs and outdoor advertising structures under this ordinance. If replaced, said sign shall comply with the regulations of the zone where it is located at the time of such replacement.
 - B. A nonconforming sign, including its permanent message or its structure, shall not be extended, enlarged, removed or otherwise altered unless the sign is made to conform to the applicable requirements of this ordinance.

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- C. All nonconforming on premises signs where the nature or name of the business which the sign is to be changed or modified either in shape, size or message shall be modified to conform to this ordinance.
- D. All signs erected in violation of the terms and conditions of this ordinance are deemed illegal signs. Said signs shall not be classified as nonconforming signs and shall be removed immediately.

(14) All signs may be inspected periodically by the building official for compliance with this chapter.

(15) All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.

(416.3) *General limitations.* No signs or other outdoor advertising structures shall be erected in other than the floodway, "C-1" or "C-2", or industrial zoning districts, unless it complies with all the following conditions:

- (1) The sign shall be erected and maintained only to advertise a use specifically permitted in the zoning district in which the sign is located, or for a legally existing nonconforming use.
- (2) The sign shall be clearly associated with and located on the same premises as the use it advertises.
- (3) The content of the sign shall be limited to the name, intent, picture, telephone number or address of the owner, operator, builder, sales agent, managing agent, lessor, or lessee of the premises, or of the activity conducted on the premises, or of merchandise handled or services rendered.

(416.4) *Exemptions.* The following types of signs are exempt from the regulations contained in this section, but this exemption shall not be construed as relieving the owner of the sign from responsibility for its erection, maintenance, and compliance with the provisions of any law or ordinance regulating same:

- (1) Professional name plates not exceeding two (2) square feet in area.
- (2) Bulletin boards not over twelve (12) square feet in area advertising public, charitable, or religious institutions, when located on the premises of said institutions.
- (3) Signs not over twelve (12) square feet in area denoting the name of the architect, contractor, or engineer when placed upon work actually under construction.
- (4) Memorial tablets or signs, and names of buildings cut into the masonry surface or constructed of bronze or other incombustible materials.
- (5) Signs of public service companies indicating danger, and other public service and safety signs.
- (6) Temporary signs required by this ordinance or other resolutions or regulations imposed by the board of aldermen, provided such signs shall not remain in place longer than five (5) days after completion of the hearing or stated activity.
- (7) Signs on canopy structures other than marquees, provided such signs shall not be illuminated, and shall contain no advertising other than the name of the building, the name of the owner, or the name of the occupant and his street address.
- (8) Political signs erected within sixty (60) days before the election and removed within ten (10) days after the election.

(9) Directional signs.

(416.5) *Signs permitted.*

- (1) "R-E," "R-1," "R-2," and "R-3," residential districts. None, except as outlined in subsections (416.2) and (416.3).

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- (2) "C-1," "C-2," "C-3" (excluding outdoor advertising signs) commercial and business districts, "I-1," and "I-2" industrial districts, "L" land fill districts, and "F-D" floodway district. As allowed by this ordinance.
 - (3) In no case shall a sign obstruct the view of traffic or constitute a hazard.
 - (4) All illuminated signs shall be illuminated by a non-oscillating or non-flashing concealed light source only.
- (416.6) *Signs prohibited.*

A. General

1. Animated signs; provided however, that temporary street banners approved by the board of mayor and aldermen shall be exempt from this prohibition.
2. Flashing signs.
3. Strips or strings of lights outlining property lines, sales areas, roof lines, doors, window, wall edges, or other architectural features of a building, except in "C-3" commercial district; provided however, this prohibition shall not apply to Christmas lights displayed between Thanksgiving Day and New Year's Day of each calendar year.
4. Signs on public property, other than those erected at the direction or with the permission of a public authority having jurisdiction.
5. 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; provided however, that temporary signs specifically allowed under this ordinance shall be exempt from this prohibition.
6. Signs visible from a public right-of-way that use the word "stop" or "danger" or otherwise present or imply the need or requirement of stopping, caution, the existence of danger, or which for any reason are likely to be confused with any sign displayed or authorized by a public authority.
7. Signs which blend with or can be confused with traffic signals.
8. Signs which contain reflective materials, which present a hazard or danger to traffic or the general public.
9. Signs which exhibit more than two (2) faces.
10. Signs which contain works or pictures of an obscene, indecent, or immoral character, which could offend public morals or decency.
11. Beacon lights, flashing lights or oscillating lights.
12. Signs which are structurally unsound or which are rendered structurally sound by guy wires or unapproved facing or bracing.
13. Signs attached to, suspended from or painted on any vehicle, including a trailer, which is parked on or visible from any street or public place and which is left stationary from more than one-half (1/2) of the daylight hours on a regular business day, provided, however, this prohibition shall not apply to those signs which are required to be affixed to service vehicles by the requirements of any state, federal, or local regulations. Nor is this prohibition to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal course of business.
14. Signs installed, erected, enlarged or structurally altered in violation of the provisions of this ordinance.
15. Roof signs.
16. Mobile signs.

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17. Portable signs.
18. Side-by-side signs.
19. Stacked signs.
20. Temporary signs.

(416.7) *Insurance requirements.* No person shall engage, within the corporate town limits, in the business of erecting or maintaining outdoor advertising signs as regulated under this ordinance until such persons have filed with the town clerk evidence of liability insurance coverage of one million dollars (\$1,000,000.00) property damage and personal injury per occurrence, and two million dollars (\$2,000,000.00) aggregate, per year.

(416.8) *Permits and application.* No person shall erect or relocate any outdoor advertising sign or banner without obtaining a permit from the town. The required permit fee shall be one hundred dollars (\$100.00) per outdoor advertising sign in addition to any fees assessable under the town building codes. The required permit fee shall be twenty-five dollars (\$25.00) per banner in addition to any fees assessable under the town building codes. A permit issued for a banner shall be effective for a period of fifteen (15) consecutive days. The application for sign permits shall contain the name of applicant, location of the building, structure or lot to which or upon which the sign is to be located, name of the person, firm, corporation or association that will be erecting the sign and evidence of liability insurance as provided in subsection (415.7). In the event the requirements set forth herein are complied with, a permit shall be issued to the applicant within fifteen (15) days from the date of application. If the work authorized has not been commenced within six (6) months after the date of issuance of the permit, said permit shall become null and void.

ARTICLE V. - MODIFICATIONS AND EXCEPTIONS

Sec. 500. - Lots of record.

If a lot is so small, narrow, or shallow that it is not feasible or practicable to meet the yard requirements specified in this ordinance, the building inspector may issue a building permit to the owner of any such lot of record which became legally established and defined by deed or recorded plat before the passage of this ordinance, provided the minimum side yard requirements of all residential lots shall not be less than five (5) feet and the use of all residential lots shall be limited to single-family residential units.

Sec. 501. - Nonconforming buildings or uses of land.

A nonconforming building, structure, or use of land lawfully existing at the time of adoption of this ordinance may be continued and maintained, except as otherwise provided in this ordinance, provided that nothing herein shall be construed to authorize the continuation of any illegal or nonconforming use which was illegal prior to the adoption of this ordinance.

Sec. 502. - Alteration or enlargement of buildings and structures.

A nonconforming building or structure shall not be added to or enlarged in any manner, unless said additions and enlargements are made to conform to all regulations of the district in which it is located. If a building or structure is conforming as to use but nonconforming as to yards or height or off-street parking facilities, said building or structure may be enlarged or added to, provided the enlargement or addition complies with the off-street parking requirements of the district in which said building or structure is located. No nonconforming building or structure shall be moved in whole or in part to another location on the same lot unless every portion of said building or structure is made to conform to all regulations of the district in which it is located; except, that a nonconforming building or structure may be moved in whole or in part to another location on the same lot, provided that the governing authority of the town has previously found and determined that the proposed change will cause said nonconforming building or structure to more nearly conform to all regulations of the district in which it is located. In such an event, the entity requesting permission to move said nonconforming building or structure shall have filed with the

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governing authority of the town, a plat of the lot on which such building or structure is located reflecting accurately the location of the building that is proposed, and upon such finding by the governing board of the town, said building or structure, when moved, shall be located or relocated on said lot in strict conformity to the plat so filed.

Sec. 503. - Abandoned outdoor advertising signs and structures.

Abandoned outdoor advertising signs or structures which, after adoption of this ordinance, appear to have been abandoned in the judgment of the mayor and board of aldermen, or are in nonuse for a period in excess of ninety (90) days, the mayor and board of aldermen shall notify the owner of the land together with the owner of the sign, if known, with instructions to remove the sign within thirty (30) days of said notice. If the same is not removed, the town may demolish said sign and bill the sign owner and the land owner jointly and severally for the cost of said destruction or removal. All other outdoor advertising signs and structures appearing to be in use and of good repair, which, after the adoption of this ordinance, exist as nonconforming signs in any zoning district, shall be allowed to continued, but a nonconforming structure shall not be added to or enlarged in any manner unless said additions and enlargements are made to conform with the regulations of the district in which the sign structure is located. Just compensation shall be paid for the removal of any outdoor advertising lawfully in existence at the time of passage of this ordinance.

Sec. 504. - Vacancy of a nonconforming building.

A nonconforming building, structure, or portion thereof which is or hereafter becomes vacant and remains unoccupied for a continuous period of twelve (12) months shall not thereafter be occupied except by uses which conform to the use regulations of the district in which the building is located.

Sec. 505. - Change in use.

A nonconforming use of a conforming building or structure (example: commercial use in a dwelling) shall not be expanded or extended into any portion of any conforming building. Also, the structure shall not be changed except to a conforming use, or one having been previously found and determined by the governing authority of the town to be a more nearly conforming use. If a nonconforming use or a portion thereof is discontinued, changed to a conforming use or changed to a use found by the governing authority to be more nearly conforming, any further use of such building, structure or portion thereof shall be made to conform with the regulations of the district in which such building or structure is located, or shall be made to more nearly conform with said regulations. A vacant or partially vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if such occupancy occurs within a period of six (6) months after the effective date of this ordinance.

The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification, or to a use more nearly conforming to the requirements for the district in which it is located. When the use of a nonconforming building or structure is changed to more nearly conform to the regulations of the district in which it is located or to a use of a more restricted district classification, it may not thereafter be changed to a less restricted use or to a use of a less restricted district classification.

If a nonconforming use of land or portion thereof is discontinued for a period of six (6) months, any further use of such land shall conform with the provisions of the district in which said land is located.

Sec. 506. - Damage of structure.

A building which has become nonconforming because of the passage of this ordinance and is later damaged by fire, explosion, act of God, civil disorder, or enemy attack to the extent of more than sixty (60) per cent of its fair market value at the time of damage shall not be rebuilt unless it is built to conform with all rules and regulations of the district in which it is located.

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When damaged to an extent of less than sixty (60) per cent of its fair market value, a nonconforming building may be repaired or reconstructed and used as it was prior to the time of the damage, provided all such repairs are completed within one year of the date of such damage.

Sec. 507. - Pending application for building permits.

Nothing herein contained shall require any change in the overall layout, plans, site, or designated use of any development, building, structure, or part thereof for which official approval and permits had been granted prior to the enactment of this ordinance. Construction of such authorized structure, built as shown on the approved plans, shall have begun prior to the effective date of this ordinance, and continued in a normal manner, except for extraordinary reasons beyond the builder's control.

ARTICLE VI. - BOARD OF ADJUSTMENT

Sec. 600. - Membership.

There shall be created a board of adjustment, consisting of five (5) members who shall be qualified voters, and appointed by the mayor and board of aldermen. The members of the initial board of adjustment shall serve respectively for one (1), two (2), three (3), four (4), and five (5) years. A member may be removed for cause by the mayor and board of aldermen after written charges have been filed against him and a public hearing held by the mayor and board of aldermen. Vacancies shall be filled by appointment by the mayor and board of aldermen for the unexpired term of the member. Members may also be reappointed to succeeding terms. Members of the board of adjustment shall elect their own chairman to serve for a period of one year, and be eligible for reelection.

Sec. 601. - Proceedings of the board of adjustment.

The board of adjustment shall adopt rules necessary to the conduct of its affairs in accordance with the provisions of this ordinance. Meetings of the board shall be held at the call of the chairman or two (2) members thereof, and at such other times as the board may determine. All meetings of the board shall be open to the public, and it shall keep minutes of its proceedings, showing the vote of each member upon each question, or if a member was absent or failed to vote, indicating such fact. It shall also keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the town clerk.

Sec. 602. - Appeals to the board of adjustment.

Appeals to the board of adjustment may be taken by any person aggrieved, or by any officer, department, board, or bureau of the town affected by any decision of the building inspector.

Appeals shall be taken to the board of adjustment within fifteen (15) days after the date of the decision complained of, by filing with the officer from whom the appeal is taken a notice of appeal, specifying the grounds thereof. The officer shall immediately transmit to the secretary of the board of adjustment all papers constituting the record upon which the action appealed from was taken.

Sec. 603. - Stays of execution.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the secretary of the board of adjustment after the notice of appeal has been filed with him that a stay would, in his opinion, cause eminent peril to life or property. In all such cases, proceedings shall not be stayed other than by a restraining order granted by the board of adjustment or a court of record, after an appeal has been filed and adequate justification for relief has been shown by the petitioner.

Sec. 604. - Hearings.

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When an appeal has been filed with the secretary of the board of adjustment, said secretary shall immediately notify the chairman of the board of adjustment, who shall proceed to fix a time for the meeting to hear the appeal, and give public notice of the date, time, and place of such hearing.

Sec. 605. - Powers and duties of the board of adjustment.

The board of adjustment shall have the following powers:

(605.1) *Administrative review.* To hear and decide all appeals where it is alleged there is no error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance. Upon hearing an appeal, the board of adjustment is hereby empowered to permit the following exceptions or modifications:

- (1) To permit the extension of a zoning district where the existing boundary line of a district divides a lot or parcel of land in single ownership as shown on the tax records, provided the distance involved does not exceed fifty (50) feet.
- (2) To permit the reconstruction of a conforming or nonconforming building which has been partially or totally destroyed by fire or act of God if the board decides that there are compelling reasons for the continuance of the particular use.
- (3) To permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes if the board deems it reasonably necessary for the public convenience or welfare.
- (4) To interpret the provisions of this ordinance in all cases where the actual street layout varies from the street layout as shown by the official zoning map.
- (5) To permit the following uses by special exception in any zoning district:
 - (a) Agriculture, including the sale of produce, plants, trees, and shrubs.
 - (b) Cemetery. Great care should be exercised in locating cemeteries, for they may be a blighting influence on surrounding residential properties.
 - (c) Churches and permanent church facilities.
 - (d) Community centers.
 - (e) Electrical substations and other utility pumping stations.
 - (f) Fire and police stations.
 - (g) Gas and electric regulator stations.
 - (h) Libraries and branch libraries.
 - (i) Public museums.
 - (j) Public utility uses.
 - (k) All state and federal governmental uses.
 - (l) Golf clubs and other private clubs not conducted for profit.
 - (m) Mortuary and/or funeral homes.
 - (n) Schools offering general educational courses.
 - (o) Telephone exchanges.
 - (p) Water reservoirs.

Each exception authorized shall run with the land, not with the current land owner. The board of adjustment shall make its finding and grant special exceptions, provided these exceptions do not adversely affect the public interest or diminish the requirements of this ordinance.

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In granting special exceptions the board of adjustment may prescribe appropriate conditions and safeguards to make them compatible with the requirements of this ordinance. Violation of conditions and safeguards made a part of the terms under which special exceptions are granted shall be deemed a violation of this ordinance, and shall void the request previously granted. If not immediately corrected such violations shall also make the affected individual subject to prosecution and punishment as prescribed in this ordinance.

The board of adjustment shall prescribe a time limit within which action on special exceptions shall be commenced, completed, or both. Failure of the applicant to initiate or complete such action within the time limit specified shall void the special exception.

(605.2) *Variances.* To recommend to the board of aldermen, in specific cases, such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, an enforcement of a literal interpretation of the provisions of this ordinance would result in unnecessary hardship. A recommendation for the permitting of a variance from the application of the terms of this ordinance shall not be made by the board of adjustment unless and until a written application for a variance is submitted demonstrating:

- (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 the enforcement of a 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.

In recommending the permitting of any variance, the board of adjustment may recommend that the board of aldermen impose such appropriate conditions and safeguards as are in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms upon which a variance is permitted by the board of aldermen, shall be deemed a violation of this ordinance.

(605.3) *Nonconforming uses.* The board of adjustment is further granted the authority to permit extensions and enlargements to existing buildings being utilized for nonconforming uses, provided the total of such extension or enlargement shall not exceed twenty-five (25) per cent of the total area of the existing principal structure, and this extension or enlargement shall not infringe upon the side, front, or rear yard requirements for the particular district in which the nonconforming use is located. Provided further, the board of adjustment shall first find that such extension or enlargement will not be detrimental to or tend to alter the character of the neighborhood.

Sec. 606. - Exercise of powers and duties.

In exercising the powers granted it, the board of adjustment may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

In considering all appeals, the board of adjustment shall, before making any findings in a specific case, determine that the proposed change will not constitute a zoning change; will not impair or restrict the adequate supply of light and air to adjacent properties; will not impair established property values within the surrounding area; and will not in any other respect impair the health, safety, comfort, morals, or welfare of any of the residents of the town.

The concurring vote of two-thirds (2/3) of the members of the board of adjustment shall be required to reverse any order, requirement, decision, or determination of the building inspector.

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ARTICLE VII. - AMENDMENTS

Sec. 700. - Declaration of public policy.

For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the town, this ordinance and the official zoning map shall not be amended, except to correct a manifest error in the ordinance, or because of changed or changing conditions in a particular area of the municipality, to rezone an area or to extend the boundary of an existing zone, or to change the regulations and restrictions thereof, only to the extent necessary to promote the public health, safety, convenience, or general welfare. Subject to the limitations of the foregoing declaration of public policy, an amendment to this ordinance may be initiated by the mayor and board of aldermen of the town or the town planning commission on their own motion, in the manner hereinafter set forth. Such action may also be initiated by any person, firm, or corporation by filing the appropriate application with the chairman of the town planning commission.

Sec. 701. - Limitations on all proposed amendments.

All proposed amendments to this ordinance, regardless of how or by whom initiated, shall be subject to the following limitations:

- (1) *Administrative examination.* No amendment to this ordinance shall be adopted until the amendment has been examined by the town planning commission as hereinafter set forth, and their recommendation obtained. If considered necessary, the applicant may be required to furnish additional information of a pertinent and reasonable nature.
- (2) *Minimum size of new zones.* No amendment to this ordinance shall be adopted and the zoning classification of an area changed unless the area meets the following requirements regarding minimum size. The official zoning map shall not be amended, changed, or modified so as to create a free standing zone of less than eighty seven thousand (87,000) square feet, or approximately two (2) acres.
- (3) *Need for uses to be clear and demonstrable.* No amendment to this ordinance shall be adopted whereby a less restrictive zoning classification is established for an area unless there is a clear and demonstrable necessity in the area for the particular uses which are permitted in the zone applied for.

Sec. 702. - Applications for amendments.

- (1) *By whom made.* Any person, firm, corporation, or political subdivision may apply for an amendment to this ordinance.
- (2) *Filing of application.* All formal applications for amendments to this ordinance shall be filed in duplicate with the town clerk, who shall be required to deliver one copy thereof to the chairman of the town planning commission.
- (3) *Contents of applications.* Without in any way limiting the right to file additional material, no application for an amendment to this ordinance will be considered unless it contains:
 - (a) The applicant's name, address, and interest in the application, and the name, address, and interest of every other person, firm, corporation, or political subdivision represented by the applicant in the application;
 - (b) A detailed description of the proposed amendment;
 - (c) A plat showing the land area which would be affected by the proposed amendment, the present zoning classification of the area and of all abutting properties, and all private and public rights-of-way and easements bounding and intersecting the designated area and abutting properties;
 - (d) The error in the ordinance that would be corrected by the proposed amendment, or the changed or changing conditions in the applicable area or in the municipality generally that make

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the proposed amendment reasonably necessary to promote the public health, safety, convenience, or general welfare.

- (4) *Requirements of applicant.* Every applicant who files an application to rezone property in accordance with the terms listed above shall be required to complete the following:
- (a) Place a 2 feet by 3 feet sign in full view of the surrounding property owners on the subject property stating that the property is subject to rezoning, and
 - (b) Notify all adjoining (including across street) property owners in writing of the proposed zoning change and provide proof of delivery of said notice to each adjoining property owner.

Sec. 703. - Disposition of applications.

- (1) *Administrative disposition.* Following the receipt of an application for an amendment from the town clerk, the town planning commission shall forward a written summary of its recommendations concerning the application to the mayor and board of aldermen. Upon receipt of such findings and recommendations of the planning commission, the mayor and board of aldermen shall give proper notice of a public hearing to be held on the proposed amendment. After the hearing and decision by the mayor and board of aldermen, any party aggrieved by its decision may file an appeal with any court of competent jurisdiction as provided by law.
- (2) Citizen protest to amendment. In case of a protest to a proposed amendment, exception, variance, or change to this zoning ordinance, signed by the owners of twenty (20) percent or more of the adjoining property located within the town limits and within one hundred and sixty (160) feet (excluding streets and alleys) of the boundary of the property in question, such amendment shall become effective only by a two-thirds (2/3) majority vote of the mayor and board of aldermen of the town.

ARTICLE VIII. - PUBLIC NOTICE

Sec. 800. - Public notice required.

On any appeal to the board of adjustment from the decision of the building inspector, or whenever a public hearing is specified by this ordinance, notice of such hearing shall be given at least fifteen (15) 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 municipality, specifying the time and place for said hearing. Prior to publishing the newspaper notice for the proposed amendment, the applicant shall deposit with the town clerk the estimated cost of the legal notice publication, made payable to the account of the town.

ARTICLE IX. - ENFORCEMENT, PENALTIES FOR VIOLATION, REPEAL OF CONFLICTING ORDINANCES, AND EFFECTIVE DATE

Sec. 900. - Enforcement.

(900.1) *Building inspector.* In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the building inspector, in addition to other remedies, may institute any appropriate action or proceeding in the name of the the Town of Walnut, Mississippi, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, connect, or abate such violation; to prevent the occupancy of said building, structure, or land; and to prevent any illegal act, conduct, business, or use in or about said premises.

(900.2) *Building permit required.* This ordinance shall be enforced by a building inspector, appointed by the mayor and board of aldermen of the Town of Walnut, Mississippi. No land or structure shall be changed in use, and no structure shall be erected, altered, or moved until the building inspector has issued a building permit certifying that the intended use of land, buildings, and structures are in conformity with this ordinance. Also, no land or structure hereafter erected, moved, or altered in its use