

**City of Moss Point**  
**Zoning Ordinance**  
**Adopted February 16, 2010**

<b>Article I</b>	<b>Title and Purpose</b>	<b>3</b>
Section 100	Title	3
Section 101	Purpose	3
<b>Article II</b>	<b>Definitions</b>	<b>4</b>
Section 200	Word Usage	4
Section 201	Definitions	4
<b>Article III</b>	<b>Establishment of Zoning Districts and Official Zoning Map</b>	<b>15</b>
Section 300	Zoning Districts	15
Section 301	Official Zoning Map	15
Section 302	Replacement of Official Zoning Map	16
Section 303	Rules for Interpretation of District Boundaries	16
<b>Article IV</b>	<b>Zoning District Regulations</b>	<b>18</b>
Section 400	Applications and Regulations	18
Section 401	A-1 Agricultural District	18
Section 402	R-1A Single Family Residential District	20
Section 403	R-1B Single Family Residential District	21
Section 404	R-1C Single Family Residential District	22
Section 405	R-2 Two-Family Residential District	23
Section 406	R-3 Multi-Family Residential District	24
Section 407	R-4 Mobile Home Residential District	26
Section 408	Residential Incentives in the Residential Districts	28
Section 409	C-1 Neighborhood Commercial District	30
Section 410	C-2 Central Business District	32
Section 411	C-2A Main Street Commercial District	34
Section 412	C-3 Highway Commercial District	35
Section 413	IL Industrial Light District	38
Section 414	IH Industrial Heavy District	41
Section 415	Planned Unit Development	42
Section 416	Overlay Zones	47
Section 417	Airport Overlay Zone	48
Section 418	Waterfront Overlay Zone	51
Section 419	Special Development District	52
<b>Article V</b>	<b>Regulations Applicable to All Districts</b>	<b>54</b>
Section 500	Permitted Uses	54
Section 501	Off Street Parking and Loading Requirements	54
Section 502	Reserved	
Section 503	Special Exceptions	70
Section 504	Nonconforming Lots, Uses, Structures and Premises	71
Section 505	Visibility at Intersections in Residential Districts	72
Section 506	Signs and Outdoor Advertising	73
Section 507	Accessory uses and Structures	79
Section 508	Fences, Walls and Hedges	81

Section 509	Erection of More than One Principal Structure on a Lot	81
Section 510	Exceptions to Height Regulations	81
Section 511	All Structures to Have Access	82
Section 512	Parking, Storage or use of Major Recreational Equipment	82
Section 513	Parking and Storage of Certain Vehicles	82
Section 514	Land Use and Control Measures in Special Flood Hazard Areas	82
<b>Article VI</b>	<b>Administration and Enforcement</b>	<b>83</b>
Section 600	Administration and Enforcement	83
Section 601	Building Permit Required	83
Section 602	Application for Building Permit	83
Section 603	Expiration of Building Permit	85
Section 604	Certificate of Zoning Compliance	85
Section 605	Certificate of Occupancy	86
Section 606	Complaints Regarding Violations	86
Section 607	Penalties for Violation	86
Section 608	Schedule of Fees, Charges and Expenses	87
Section 609	Burden of Proof	87
<b>Article VII</b>	<b>Zoning Board of Adjustment</b>	<b>88</b>
Section 700	Creation and Appointment	88
Section 701	Powers and Duties	88
Section 702	Proceedings of the Board	91
Section 703	Burden of Proof	91
<b>Article VIII</b>	<b>Appeals</b>	<b>92</b>
Section 800	Appeals from Decisions of Administrative Officials	92
Section 801	Appeals from Decision of the Zoning Board of Adjustment	92
Section 802	Appeals from the Decisions of the Mayor and Board	92
Section 803	Procedures for Appeals	92
Section 804	Stay of Proceedings	93
Section 805	Burden of Proof	93
<b>Article IX</b>	<b>Amendments</b>	<b>94</b>
Section 900	General	94
Section 901	Procedures	94
Section 902	Burden of Proof	95
<b>Article X</b>	<b>Interpretation, Conflict and Validity</b>	<b>96</b>
Section 1000	Interpretation	96
Section 1001	Validity	96
Section 1002	Repeal of Conflicting Ordinances	96

## **ARTICLE I TITLE AND PURPOSE**

### **SECTION 100            TITLE**

This Ordinance shall be known and may be cited and referred to as the Moss Point Zoning Ordinance.

### **SECTION 101            PURPOSE**

Pursuant to the Mississippi Code of 1972 Annotated, the purpose of this section is to promote the public health, safety, morals, or general welfare, and to protect and preserve places and areas of historical, cultural, or architectural importance and significance. These regulations are adopted in accordance with the comprehensive plan and are designed to:

- Lessen congestion in the streets
- Secure safety from fire, panic, and other dangers;
- Promote health and general welfare;
- Provide adequate light and air;
- Prevent the overcrowding of land;
- Avoid an undue concentration of population; and
- Facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

Consistent with the goals and objectives listed in the comprehensive plan, these regulations are designed to foster the following subsidiary purposes:

- Distribute land uses to meet the physical, social, cultural, economic, and energy needs of present and future populations;
- Ensure that new development is compatible with surrounding development in use, character, and size;
- Provide for land uses that serve important public needs, such as affordable housing and employment generators;
- Promote mixed-use buildings and mixed –use neighborhoods;
- Promote infill housing and downtown retail and residential development;
- Integrate civic uses into neighborhoods;
- Protect natural resources; and
- Encourage retail development in urban, neighborhood, and regional centers, including the historic downtown and “Main Street.”

In accordance with the foregoing purposes, this section establishes regulations governing the following:

- The height, number of stories, and size of buildings and other structures;
- The percentage of a lot that may be occupied;
- The size of yards, courts, and other open spaces;
- Population density; and
- The location and use of buildings, other structures, and land for business, industrial, residential, or other purposes.

## ARTICLE II DEFINITIONS

### SECTION 200 WORD USAGE

For the purpose of this Ordinance certain terms and words are hereby defined. The interpretation of any word, phrase, or term not defined herein shall be based upon its common and ordinary usage as defined by the Zoning Board of Adjustment.

- Words used in the present tense shall include the future tense.
- Words in the singular number include the plural number, and words in the plural number shall include the singular number.
- The word **building** shall include the words *structure* and *premises*.
- The word **shall** is mandatory.
- The word **may** is permissive.
- The word **person** includes a *firm, organization, association, partnership, trust, company, or corporation* as well as an individual.
- The words **used** or **occupied** include the words *intended, designed, or arranged to be used or occupied*.
- The word **lot** includes the word *plot, tract, or parcel*.

### SECTION 201 DEFINITIONS

1. **ABANDONMENT** – The discontinuance of a nonconformity voluntarily for a period of 12 months with the intent to abandon, or the commission of an overt act of substantial discontinuance for a period of 12 months with or without voluntary intent.
2. **ACCESSORY BUILDING** – A subordinate building which is incidental to and customary in connection with the principal building or use and located on the same lot.
3. **ACCESSORY USES** - A use of structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.
4. **ADMINISTRATIVE OFFICIAL** – The city official, designated by the Mayor and Board of Aldermen, to administer the terms of this Ordinance.
5. **AGRICULTURE** – The raising or growing of crops only. The Zoning Board of Adjustment may, by special exception permit the raising of fowl or livestock, except swine, in any rural or outlying fringe area within the city, providing such use does not constitute a nuisance or health hazard.
6. **AIRPORT** – Any area of land or water, whether of public or private ownership, designed and set aside for the landing and taking off of aircraft, including all contiguous property that is held or used for airport purposes.
7. **AIRPORT HAZARD** – Any structure, tree, or use of land, that obstructs the air space required for the flight of aircraft. The term “obstructs” includes any interference with or any situation that creates a hazard to the control of tracking and/or data acquisition in handling, taking off, or flight at any airport, or any installation or facility relating to flight and tracking and/or data acquisition of flight craft that is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.
8. **AIRPORT HAZARD AREA** - Any area of land or water upon which an airport hazard might be established if not prevented as provided in this appendix, and for the purposes hereof, in that area underlying or within the lateral limits of the imaginary surfaces that are within the controlled area of these regulations
9. **APPROACH DEPARTURE PATH** – A path for flight in a plane leading outward and upward from the end of the take-off and landing area, under which adequate areas are located to permit a safe landing in the event of a malfunction.

10. **ALLEY** – A permanent service way providing a secondary means of access to abutting properties. For the purpose of this Ordinance, any street or lane with a right of way width of less than twenty-five (25) feet is considered to be an alley.
11. **APARTMENT HOUSE** – Same as Dwelling, Multiple.
12. **AREA OF SPECIAL FLOOD HAZARD** – The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area is designated by the Federal Emergency Management Agency as various zone classifications that may change from time to time on the Flood Insurance Rate Maps.
13. **BASE FLOOD** – The flood having a one (1) percent chance of being equaled or exceeded in any given year (also called “100-year frequency flood”).
14. **BASEMENT** – A story having one-half or more of its height below grade.
15. **BED AND BREAKFAST** – A building or portion thereof, formerly a single-family dwelling unit, where an owner-operator is paid for lodging in a limited number of guest bedrooms, for specific time periods, with meals provided only to registered guests. This definition does not include hotels, restaurants, cafes, or any other activities that involve sales or services to non-registered guests.
16. **BOARDING HOUSE** – A rooming house (other than a hotel or motel) where, for compensation and by prearrangement for definite periods, meals, and/or lodging are provided for three (3) or more, but less than twelve (12) persons on a weekly or monthly basis.
17. **BUILDING** – Any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicle, trailer (with or without wheels) nor any movable device, such as furniture, machinery, or equipment.
18. **BUILDING HEIGHT** – The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck lines for mansard roofs, and to the mean height between eaves and ridge line for gable, hip and gambrel roofs.
19. **BUILDING LINE** – That line, between which and the street right-of-way line, no building or part thereof, may be erected, except as provided in these regulations.
20. **BUILDING OFFICIAL** – Official designated by the governing authority to implement the City’s Building Code.
21. **BUILDING SETBACK LINE** – A line established a minimum distance specified by this Ordinance inside and parallel to a given lot line (front, rear, or side). No building or structure shall be constructed or erected between the building setback line and the given lot line.
22. **CERTIFICATE OF OCCUPANCY** – A certificate indicating that the premises comply with all the provision of the Zoning Ordinance and Building Code of Moss Point, Mississippi. (Note: The certificate of occupancy is issued after approval of a development approval and construction has occurred pursuant to the development approval.)
23. **CHURCH** – A building used principally for religious worship but the word church shall not include or mean an undertaker’s chapel, funeral building, a religious educational institution or parochial school or day care center.
24. **CLINIC** – A facility wherein professional services concerning personal health of humans are administered by medical doctors, dentists, chiropractors, osteopaths, optometrists, or any other such profession which may be lawfully be practiced in the State of Mississippi. Persons treated shall not be lodged therein overnight.
25. **CLUSTER DEVELOPMENT** – A development pattern for residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space.

26. **COMMON AREA** – A parcel or parcels of land, or an area of water, or a combination of land and water, and/or developed facilities and complimentary structures and improvements, including, but not limited to, areas for vehicular and pedestrian access and recreational facilities within the site.
27. **COMPREHENSIVE PLAN** – The Moss Point, Mississippi Comprehensive Plan, adopted September 15, 2009.
28. **CONDOMINIUM** – A unit available for sale in fee simple contained in a multi-occupancy project subject to covenants, conditions, and restrictions placing control over the common facilities owned by the condominium. Condominium shall mean a condominium, cooperative, trust, partnership, or other similar association.
29. **CONTROLLED AREA, AIRPORT** – That area within which the airport zoning regulations are effective, and which includes all airport hazard areas that are within the corporate limits of the City of Moss Point, Mississippi and the area outside the corporate limits of Moss Point, which is within a rectangle bounded by lines located 1.5 statute miles (7,920 feet) from the centerline and lines located 5 statute miles (25,400 feet) from each end of the paved surfaces of each of the runways.
30. **CONVENIENCE STORE** – A neighborhood type retail service establishment or general store that sells fuel and is not a service station.
31. **COURT, INNER** – An open space without a roof surrounded on four (4) sides by a building or structure.
32. **COURT, OUTER** – An open space without a roof surrounded on three (3) sides by a building or structure and with one end open.
33. **DAY CARE CENTER** - A place which provides shelter and personal care on a regular basis for six (6) or more children who are not related within the third degree computed according to civil law to the operator for four (4) or more hours of any part of the twenty-four (24) hour day, whether such place be organized or operated for profit or not. The term *day care center* includes childcare facility, kindergarten, nursery or any other facility that falls within the scope of the definitions set forth above, regardless of auspices.
34. **DENSITY** – The number of dwelling units per acre of gross land area.
35. **DISTRICT** – A section or sections of Moss Point for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.
36. **DRIVE-THROUGH USE** – An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, to obtain goods, or to be entertained while remaining in their motor vehicles.
37. **DWELLING, SINGLE-FAMILY** – A detached residential building designed for occupancy exclusively by one family.
38. **DWELLING, TWO-FAMILY (Duplex)** – A detached residential building, containing two dwelling units and designed for occupancy by not more than two families living independently of each other and being located on a single lot.
39. **DWELLING, MOBILE HOME** – A movable residential dwelling designed for year-round occupancy, once connected to required utilities, with no foundation other than wheels, jacks, or skirting, 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 to a conventional single-family dwelling.
40. **DWELLING, MULTI-FAMILY** – A residential building designed for three (3) or more families, living independently, with the number of families in residence not exceeding the number of dwelling units provided.
41. **DWELLING UNIT** – One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

42. **FABRICATION** – The manufacturing, excluding the refining or other initial processing of basic raw materials, such as metal, ores, lumber, or rubber. Relates to assembling, stamping, cutting, or otherwise shaping the processed materials into useful objects.
43. **FAMILY** – One or more persons occupying a single dwelling unit provided that unless all members are related by blood or marriage, no such family shall contain over five ( 5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.
44. **FARM** – An area of more than ten (10) acres located outside a recorded subdivision which is used for the growing of the usual farm products such as vegetables, fruit, trees, hay, cotton, grain and their storage on the area, as well as the raising of the usual farm poultry and farm animals if a special exception permit for the raising of fowl or livestock, except swine, is issued by the Zoning Board of Adjustment. The term *farming* includes the operating of such an area for one or more of the above uses with the necessary accessory uses for treating or storing the produce provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the extraction of minerals, the feed of collected garbage to animals or intensive livestock raising, such as commercial feed lots, large batteries of rabbit hutches or poultry lots or coops.
45. **FARM BUILDING OR STRUCTURE** – Any building or structure upon a farm having no dwelling facilities and constituting a necessary accessory building or structure for treating, processing, storing, and assembling of farm produce or products association with farm production, and/or the storage and maintenance of tools and/or implements involved in normal farming activities conducted on the farm.
46. **FLEA MARKET** – Market held in an open area or structure where groups of individual sellers offer goods for sale to the public when the individual seller as procured a privilege license to do business within the City of Moss Point.
47. **FLOOR AREA** – The total number of square feet of floor space within the exterior walls of a building, not including unheated space in cellars or basements; however, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.
48. **FLOOD HAZARD BOUNDARY MAP** – An official map or plot of an area issued or approved the Federal Insurance Administrator, on which the boundaries of the flood-prone areas having special hazards have been drawn.
49. **FLOOD, 100 YEAR** – The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has one (1) percent chance of occurring each year).
50. **FLOODWAY** – The channel of a watercourse and portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or any natural stream or river.
51. **FRATERNAL ORGANIZATION** – A group of people formally organized for a common interest, usually for cultural, religious, or entertainment purposes, with regular meetings, rituals, and formal written membership requirements.
52. **GARAGE, PRIVATE** – An accessory building or an accessory portion of the principal building, including a carport, which is intended for and used for storing the privately owned motor vehicles, boats, and trailers of the family or families residing on the premises, and in which no business, service or industry is carried on.
53. **GARAGE, PUBLIC** – Any building or premises, except those used as private or storage garages, used for equipping, repairing, hiring, selling, or storing motor-driven vehicles. The term repairing shall not include the rebuilding, dismantling, or storage of wrecked or junked vehicles.

54. **GARAGE, STORAGE** – Any building or premises, used for housing only motor-driven vehicles, other than trucks and commercial vehicles, pursuant to previous arrangement for storage and not opened to transients, and at which automobile fuels and oils are not sold and motor-driven vehicles are not equipped, repaired, hired, or sold.
55. **GLIDE PATH** – A ratio equation used for the purposes of limiting the overall height of vertical projections in the vicinity of private or public airports. The ratio limits each foot of height for a vertical projection based upon a horizontal distance measurement.
56. **GOVERNING AUTHORITY** – The Mayor and Board of Aldermen of the City of Moss Point, Mississippi.
57. **GRADE** – The average level of the finished surface of the ground adjacent to the exterior walls of the building, except when any wall approximately parallels and is not more than five feet from the road line, then the elevation of the road at the center of the wall adjoining the road shall be the grade.
58. **GROUP HOME** – A nonprofit or for-profit boarding house for the sheltered care of persons with special needs, which in addition to providing food and shelter, may also provide some combination of personal care, social or counseling service and transportation.
59. **HEIGHT LIMIT** – For purposes of the Airport Overlay Zone, the elevation in feet above mean sea level, the projection above which a proposed structure or tree is not permitted, except as otherwise provided in the Zoning Ordinance.
60. **HISTORIC DISTRICT** – An area, urban or rural, defined as an historic district by the City of Moss Point, Mississippi, state or federal authority, and which may contain, within definable geographic boundaries, one or more buildings, objects, sites, or structures designated as exceptional or significant historic landmarks or clusters, as defined herein, including their accessory buildings, fences, and other appurtenances, and natural resources having historical, architectural, archaeological, and cultural significance, and which may have within its boundaries other buildings, objects, sites, or structures, which while not of such historical, architectural, archaeological, or cultural significance as to be designated landmarks, nevertheless contribute to the overall visual setting of or characteristics of the landmark or landmarks located within the district.
61. **HOME OCCUPATION** – An occupation for gain or support with such occupation conducted only by members of a family residing on the premises and conducted entirely within the dwelling, provided that no article is sold or offered for sale except such as may be produced by member of the immediate family residing on the premises and provided that the space used for the home occupation shall not exceed twenty-five (25) percent of the living area of the dwelling unit.
62. **HORIZONTAL ZONE** – An area longitudinally centered on the perimeter of a private or public airport's runway that extends outward from the edge of the primary surface a distance equivalent to one (1) statute mile.
63. **HOTEL** – A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, as distinguished from a boarding house.
64. **INSTITUTION** - A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
65. **JUNKYARD** – A parcel of land upon which the principal or accessory use is the accumulation of used, discarded, or worn out materials, or manufactured products, any of which may or may not be reusable or salable.
66. **JUNK CAR** – Any motor vehicle which does not have a current inspection sticker and license tag or is obviously in such condition as to be considered inoperable.
67. **KENNEL** – An establishment where dogs or other pets are boarded for compensation or bred or raised on a commercial scale.



68. **LOADING SPACE** – Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.
69. **LOT** – A lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and open spaces as herein required. Such lot or parcel shall have frontage on an improved public street or an approved private street. A lot may consist of a single lot of record, a portion of a lot of record, a combination of complete lots of record, or a combination of complete lots of record and portions of lots of record. A lot is also a parcel of land described by metes and bounds. In no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.
70. **LOT, CORNER** – A lot abutting upon two or more streets or road at their intersection.
71. **LOT, COVERAGE** – The amount of a lot area covered by buildings and structures, including accessory buildings and structures. Lot coverage regulations in this Ordinance are expressed as a percentage of lot area.
72. **LOT, DEPTH** – The horizontal distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
73. **LOT, DOUBLE FRONTAGE** – A lot having a frontage on two non-intersecting roads, as distinguished from a corner lot.
74. **LOT, FRONTAGE** – The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner and through lots, all sides of a lot adjacent to streets shall be considered frontage, and front yards shall be as specified in the Zoning District Regulations.
75. **LOT, WIDTH** – The horizontal distance between straight lines connecting front and rear lot lines at each side of the lot as measured across the rear of the required front yard.
76. **LOT OF RECORD** – A lot on which is a part of a subdivision recorded in the Office of the Jackson County Chancery Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded, in compliance with all regulations and Ordinances of the City of Moss Point at the time of its recording.
77. **LOUNGE, BAR OR TAVERN** – A business which serves liquor, beer or wine to be consumed on the premises without a meal and which may also provide entertainment in the form of live or recorded music, bands, singers, piano players, dancing, floor shows and the like.
78. **MANUFACTURED HOME** – A United States Department of Housing and Urban Development Code (HUD Code) manufactured home. For purposes of the Floodplain Ordinance, a “manufactured home” means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. Does not include a “recreational vehicle.” Also known as “manufactured housing.”
79. **MINIWAREHOUSE** – A storage enterprise dealing with the reception of goods of residential or commercial orientation that lie dormant over extended periods of time. Separate storage units are rented to individual customers who are entitled to exclusive and independent access to their respective units.
80. **MOBILE HOME** – A manufactured home that does not conform to the United State Department of Housing and Urban Development Code (HUD Code) or the local building code.
81. **MOBILE HOME PARK** – A single lot area where two (2) or more mobile homes can be or are intended to be parked, designed, or intended to be used as living facilities for two (2) or more families.

82. **MOTEL, MOTOR COURT, MOTOR LODGE OR TOURIST COURT** – Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designated, used or intended wholly or in part for the accommodation of automobile transients.
83. **NON-CONFORMING USE** – A building, structure or use of land existing at the effective date of this Ordinance which does not conform to the regulations of the district in which it is located. Uses established after the passage of this Ordinance, which are in violation of this Ordinance, are illegal uses and shall not be given the status of non-conforming uses.
84. **NURSERY** – Land or greenhouses used to raise flowers, shrubs, trees, grass, and other plants for sale.
85. **NURSERY SCHOOL** – A child care facility offering a program for children between the ages of two (2) and seven (7) years for four (4) hours or less per day.
86. **NURSING HOME** – A home for the aged or infirm, in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter or care, for compensation, but not including hospitals, clinics or similar institutions.
87. **PATIO** – An uncovered area, improved with concrete, brick or other hard surface, adjacent to a dwelling and used by occupants of the dwelling for leisure time activities but not used for vehicle parking or storage.
88. **OFFICIAL ZONING MAP** – The map of all zoning districts, including but not limited to overlay and planned unit development districts, that is on file with the City of Moss Point, Mississippi Municipal Clerk and the Administrative Official's office.
89. **OUTDOOR STORAGE** – The keeping, in an unroofed area, of any goods, junk, material, or merchandise in the same place for more than twenty-four (24) hours.
90. **OVERLAY ZONE** – A zone that is superimposed over one (1) or more zoning districts or parts of districts that imposes specified requirements in addition to those applicable in the underlying base zoning district.
91. **PARKING LOT** – An off-street, ground-level open area for the temporary storage of motor vehicles. Does not include an area used exclusively for the display of motor vehicles for sale as part of an automobile dealership.
92. **PAWN SHOP** – A business that lends money on the security of pledged goods. May also purchase merchandise for resale from dealers and traders.
93. **PROPERTY OWNER'S ASSOCIATION** – An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision – whether a lot, parcel site, unit plot, condominium, or any other interest – is automatically a member as a condition of ownership, and each such member is subject to a charge or assessment for a prorated share of expense of the association, which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.
94. **PUBLIC SERVICE FACILITY** – Any facility necessary with the operation or maintenance of a local governmental unit or a public utility as defined by the laws of the State of Mississippi.
95. **PREMISES** – A lot, together with all buildings and structures thereon.
96. **PREFABRICATED BUILDING** – A substantially completed permanent structure of which the structural or sub-assemblies are constructed off site, transported to the site and erected on a permanent foundation.
97. **RADIO FREQUENCY EMISSIONS** – Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna supporting structure, building or other vertical projections.

98. **RECREATIONAL BUILDING** – A building which is totally enclosed, both with ceilings and walls, within which there is located facilities for the conduct of sports and other related recreational activities and which may include an outdoor swimming pool, or other outdoor sports facilities located directly adjacent to said enclosed facilities which are an integral part of the main facility. Any recreational facility may also have located with the sport facilities a pro shop wherein items are sold in connection with sports and recreational activities, a nursery to care for the children of the participants, and a shop for food and drink sales for the participants located therein. A recreational facility may include gymnastics, weight training, aerobics, adult fitness classes, martial arts training, dance lessons, cheerleading training and similar exercise activities. Such facilities may also include gymnasiums, indoor swimming pools, indoor handball and racquetball courts and indoor tennis courts. It may also include dance studios.
99. **RECREATIONAL VEHICLE** – A vehicle that is built on a single chassis; four hundred (400) square feet or less when measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonable use.
100. **RECREATIONAL VEHICLE PARK**- An area of land which has as a purpose of providing a location for transient recreational vehicles to locate. The park provides services to the transient users and is managed.
101. **RESTAURANT** – An establishment where complete meals are prepared and served, and where beverages are customarily served to be consumed with the meal. These activities are primarily within the principal building.
102. **RESTAURANT, CARRY OUT** – An establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared ready-to-eat foods intended primarily to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or not encouraged.
103. **RESTAURANT, DRIVE IN** – An establishment where food is sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building, often in a motor vehicle on the site.
104. **ROADSIDE STAND** – A temporary structure with a floor area of not more than four hundred (400) square feet, unenclosed, or partially enclosed, and so designed and constructed that the structure is easily portable.
105. **RUNWAY** – A defined area in an airport prepared for landing and taking off of aircraft along its length. Includes planned future paved runways and extensions of runways.
106. **SENIOR CITIZEN HOUSING** – A development limited by contract covenant, or other agreement to use by individuals 55 years of age or older. For the purposes of this definition, senior citizen housing may include detached single-family uses, attached single-family uses, duplexes, townhouses or multiple-family structures, and shall be considered to include such terms as nursing home, independent living project, assisted living project, senior citizen apartment complex or retirement village.
107. **SERVICE STATION** – Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail. Uses permissible at a Service Station include automobile servicing and minor repairs but **do not include** major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving outdoor storage, noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found at service stations. A service station **is not** a repair garage or body shop.
108. **SHOPPING CENTER** – A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property.

109. **SIGN** – Any identification, description, illustration, or device illuminated or non-illuminated which is affixed to or represented directly or indirectly upon a building, structure, or land, and which directs attention to a product, service, place, activity, person, institution, or business. Signs erected by an authorized public agency for the purpose of directing traffic or providing information are not affected by these regulations. National and state flags, when properly displayed, are not considered a sign under these regulations.
- a. **Sign Area or Size** - The total area within a single, continuous perimeter enclosing the outer dimensions or edges of a sign. This does not include the main supporting sign structure, but does include the message area and all decorative trim, ornamental attachments, inner connecting links and general background.
  - b. **Abandoned Sign** - A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessee, owner, product or activity conducted or product available on the premises where such sign is displayed and which has existed as such for a period of six (6) months or more.
  - c. **Advertising Device** – Banners affixed on poles, wires or ropes, and streamers, wind operated devices, flashing lights, sandwich signs, “A”-frame signs, sidewalk signs, curb signs, balloons or other air/gas-filled figures, posters stabled to posts, posters or the like posted, nailed or stapled to an object or similar signs.
  - d. **Bench Sign** – A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.
  - e. **Billboard** - A free standing off-site sign.
  - f. **Blade Sign** - A sign, other than a wall sign, which is attached to and projects from a building face or hanging from an overhang. The area of double-faced projecting signs are calculated on one (1) face of the sign only, which shall be the larger if different in size.
  - g. **Business Sign** - An on-site sign bearing the name, mark or symbol of a business.
  - h. **Canopy Sign** - A sign which is mounted on a permanently roofed shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or it may be wholly or partially supported by columns, poles or braces extended from the ground.
  - i. **Directory Sign** – Any sign on which the names and locations of occupants or the use of the building is given. This shall include office buildings and church directories.
  - j. **Exempt Sign** - Any sign designated as exempt from the permit requirements of this article.
  - k. **Freestanding Sign** - A sign erected on a permanently set pole or poles, mast or framework that is not attached to any building.
  - l. **Ground Sign** – Any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial and reading matter when such sign is supported by two or more uprights, posts, or braces affixed in the ground and not attached to any part of a building.
  - m. **Marquee Sign** – Any sign affixed to a marquee over the entrance to a building and supported from the building.
  - n. **Nonconforming Sign** - A sign that had been lawfully erected and maintained prior to the effective date of particular regulations and which does not conform to the applicable regulations in force at this time.
  - o. **Off-Premise Subdivision Directional Sign** – A temporary off-premise sign, located on private property, and solely intended for the purpose of providing directions to the traveling public concerning the location of a subdivision currently under development as opposed to an individual builder, painter, architect, artisan, real estate company, band, or financial institution.
  - p. **On-Site Sign** - A sign which pertains to or relates a product, service, activity or accommodation conducted or sold at the site on which the sign is located.

- q. **Outdoor Advertising Sign** - An on-site sign, off-site sign or billboard that advertises or solicits on behalf of a product, business, industry, profession or other commercial or service enterprise.
  - r. **Owner** - Any person who holds fee simple title to, is lessee of, or who lawfully occupies and uses a parcel of real property.
  - s. **Portable Sign** - A sign designed or constructed to be easily moved from one (1) location to another, including signs mounted upon or designed to be mounted on a trailer, wheeled carriage or other non-motorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign.
  - t. **Projecting Sign** - A sign, other than a wall sign, which is attached to and projects from a building face. The area of double-faced projecting signs are calculated on one (1) face of the sign only, which shall be the larger if different in size.
  - u. **Roof Sign** - Any on-site sign erected upon, against or directly above a roof or on top of or above the parapet.
  - v. **Subdivision Promotional Sign** – A temporary on-premise sign pertaining only to the promotion of the development of a subdivision as opposed to an individual builder, painter, architect, artisan, bank or financial institution.
  - w. **Temporary Construction Sign** – A temporary sign, located on private property, at the site of a subdivision, shopping center, or large scale development, under development identifying builders, painters, architects, engineers, and similar artisans, or banks or other financial institutions provide the development financing for the subject subdivision.
  - x. **Temporary Sign** – Ground signs advertising future use or development of property with a sign area per face not exceeding one hundred (100) square feet, not remaining more than six months on a property on which it is located and not more than one (1) sign per parcel of land and located not closer than one (1) foot from the right-of-way.
  - y. **Traffic Directional Sign** – Any sign which aids the flow of traffic.
  - z. **Under-canopy Sign** - A sign that is situated beneath a permanently roofed shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or it may be wholly or partially supported by columns, poles or braces extended from the ground.
  - aa. **Unsafe Sign** - Any sign which, because of its location, coloring, illumination or animation, interferes with a motorist’s view of general vehicular traffic, pedestrian traffic, intersectional traffic, traffic-control devices, or traffic directional signs, or any sign which because of its construction or state of repair, is likely to fall, be blown down or cause possible injury to passersby.
  - bb. **Unlawful Sign** - A sign that is in violation this Ordinance and does not have the status of a nonconforming sign.
  - cc. **Wall Sign** - Any sign attached to and parallel with any wall, including signs painted or printed thereon.
  - dd. **Warning Sign** - Any sign which warns the public of possible danger or informs the public of certain restrictions, such as “Beware of the Dog” or “No trespassing” or “No Dumping”.
110. **SPECIAL EXCEPTION** – A use that would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood would promote public health, safety, convenience, or general welfare. Such uses may be permitted in a zoning district in accordance with the provisions of this Ordinance as special exceptions if specific provisions are made in the district regulations for such use.
111. **STORY** – That portion of a building, other than a basement or cellar, included between the surface of any floor and surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

112. **STREET OR HIGHWAY** – A public right-of-way which affords the principal means of access to abutting property.
113. **STRUCTURAL ALTERATION** – Any change except those required by law, that would alter the life of the supporting members of a building or structure, such as the bearing walls, columns, beams, or girders, not including openings in bearing walls as permitted by other resolutions.
114. **TANNING SALONS** – Businesses, which derive more than fifty (50) percent of their gross income from the renting of tanning beds.
115. **TOWN HOUSE** – A single-family dwelling forming one of a group or series of three (3) or more attached single-family dwellings separated from on another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement or cellar to roof, and having roofs, which may extend from one of the dwelling units to another.
116. **TRAVEL PARK** – A lot or parcel of land upon which five or more spaces are occupied or intended for occupancy by recreational vehicles designed for travel, recreation, and vacation uses.
117. **TRAVEL TRAILER** – A vehicular, portable structure built on a chassis and designed to be used as a temporary dwelling for travel and recreational purposes.
118. **VARIANCE** – A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.
119. **YARD** – An open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this Ordinance.
120. **YARD, (WIDTH) DEPTH** – The width or depth of a required yard shall be measured in such a manner that the yard established is a strip of the minimum distance required by the district regulations with its inner edge parallel to the specified lot line.
121. **YARD, FRONT** – A yard extending the full width of the lot between the front lot line and the front building setback.
122. **YARD, REAR** – A yard extending the full width of the lot between the rear lot line and the rear building setback line.
123. **YARD, SIDE** – A yard extending between the front and rear yards between the side lot line and the side building setback line.
124. **ZERO LOT LINE** – A development approach in which a building is located on a lot in such a manner that one or more the building's sides rest directly on a lot line.

**ARTICLE III  
ESTABLISHMENT OF ZONING DISTRICTS  
AND OFFICIAL ZONING MAP**

**SECTION 300                    ZONING DISTRICTS**

The City of Moss Point, Mississippi, is hereby divided, for purposes of promoting public health, safety and general welfare into zoning districts as follows:

1. A-1     Agricultural District
2. R-1A   Single Family Residential (low density)
3. R-1B   Single Family Residential (medium density)
4. R-1C   Single Family Residential (medium-high density)
5. R-2     Two-Family Residential
6. R-3     Multi-Family Residential
7. Reserved
8. R-4     Mobile Home Residential
9. C-1     Neighborhood Commercial
10. C-2    Central Business District
11. C-2A   Main Street District
12. C-3    Highway Commercial
13. IL     Industrial – Light
14. IH     Industrial – Heavy
15. PUD    Planned Unit Development
16. OL     Overlay Zones
  - a. Airport [OL-A]
  - b. Waterfront [OL-WF]
  - c. Wetlands [OL-WL]

**SECTION 301                    OFFICIAL ZONING MAP**

The Official Zoning Map of the city of Moss Point, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Mayor attested by the Municipal Clerk, and bearing the seal of the city under the following words:

***“This is to certify that this is the Official Zoning Map referred to in Article III of Ordinance Number \_\_\_\_\_ of the City of Moss Point, Mississippi,”***  
together with the date of adoption of this Ordinance.

If in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Mayor and Board, with an entry on the Official Zoning Map as follows:

***“On (date), by official action the Mayor and Board, the following (change/changes) were made by in the Official Zoning Map: (brief description of change)”***

which entry shall be signed by the Mayor and attested by the Municipal Clerk. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedure set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided herein.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Municipal Clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city of Moss Point, Mississippi.

### **SECTION 302                    REPLACEMENT OF OFFICIAL ZONING MAP**

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Mayor and Board may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omission in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the Municipal Clerk, and bearing the seal of the city under the following words:

***“This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being placed) as part of Ordinance \_\_\_\_ of the City of Moss Point, Mississippi.”***

Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

### **SECTION 303                    RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

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

1. Boundaries indicated as approximately following center line of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as proximately following city limits shall be construed as following such city limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines and in the event of change in the shore line shall be construed as moving with the actual shore line;
6. Boundaries indicated as following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
7. Boundaries indicated as parallel to or extension of features indicated above shall be so construed.



Distances not specifically indicated of the Official Zoning Map shall be determined by the scale of the map. Where physical or cultural features existing on the ground are at variance with those shown of the Official Zoning Map, or in other circumstances not covered by this section, the Board of Adjustment shall interpret the district boundaries.

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

## **ARTICLE IV ZONING DISTRICT REGULATIONS**

### **SECTION 400            APPLICATIONS OF REGULATIONS**

The regulations established by this Ordinance within each district or within all districts shall be deemed minimum relations necessary for protection of public health, safety, and general welfare and said regulations shall apply uniformly to each class or kind of structure or land use. Except as follows:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified.
2. No building or other structure shall be erected or altered to:
  - a. Exceed the height or bulk;
  - b. Accommodate or house a greater number of families;
  - c. Occupy a greater percentage of lot area;
  - d. Have narrower or smaller yards or other open spaces than specified.
3. No part of a yard or other open space required above or in connection with any building or structure for the purpose of complying with this Ordinance shall be included as part of a yard or other open space similarly required for any other building or structure.
4. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

### **SECTION 401            AGRICULTURAL DISTRICT**

#### **401.1    General Purpose**

The purpose of this district is to provide suitable areas for agricultural and very low density single-family residential use. It is the intent of this Ordinance to protect agricultural use, the conservation of undeveloped areas and amenities, and to preserve additional area for future urbanization. Further, A-1 Districts should be confined to the outlying portions of the City where public services are not yet available or are not adequate to support high density urban development.

#### **401.2    PERMITTED USES**

1. Single-family dwellings and accessory uses
2. Agricultural uses including farm buildings, excluding feed lots and sales or auction yards and barns
3. Field and truck crops
4. Timberland and tree farms
5. Orchards and vineyards
6. Manufactured homes on three acre lots

#### **401.3    USES PERMITTED AS SPECIAL EXCEPTIONS**

1. Public schools
2. Parochial or private schools having a teaching curriculum and teaching conditions equivalent to public schools.
3. Public service facilities
4. Churches
5. Children's camps on sites of forty (40) acres or more
6. Country clubs

7. Golf courses, except miniature courses or driving ranges
8. Yacht clubs, marinas, boathouses, and accessory bait shops and snack bars
9. Boat docks
10. Recreational areas
11. Privately operated outdoor recreational facilities including but not limited to riding stables, lakes, swimming pools, tennis courts, stockcar racetracks, motor cross, and miniature golf courses, provided they are located on sites containing not less than five acres.
12. Parks and forest preserves
13. Fish camps, hunting clubs not operated as a commercial enterprise
14. Lodges
15. Day care centers
16. Group quarters for agricultural workers
17. Temporary labor camps necessary for the gathering of crops
18. Raising fowl
19. Feedlots for livestock, hog farms, rabbit hutches and similar intensive farming operations.
20. Roadside stands for the display or sale of agricultural products raised, produced and processed on the premises.
21. Auction barns or yards
22. Extraction of minerals
23. Television, radio and telecommunications towers and related facilities exceeding the general height limits of the A-1 District may be allowed in A-1 areas designated on the City's Land Use Plan as future highway commercial.
24. New cemeteries or enlargement of existing cemeteries
25. Veterinary clinics, dog kennels [on sites of not less than three (3) acres provided not more than twenty (20) percent of the site area may be occupied by buildings.
26. Small assembly or manufacturing uses not employing more than two persons and from which no noise, glare, heat, vibration, smoke, dust, or other noxious influence can be detected at the property line.
27. Utility substations
28. Home occupations, subject to standards as set out in Article V.

#### 401.4 USES PROHIBITED

1. Commercial and industrial uses [except those outlined above.]
2. High density residential uses
3. Mobile home parks
4. Travel trailer camps and other high density uses requiring substantial public services

#### 401.5 REQUIRED LOT AREA AND WIDTH, YARDS, BUILDING AREA AND HEIGHT

##### *Minimums:*

1. Lot area for single-family residence - 3 acres
2. Lot width - 250 feet
3. Depth of front yard - 30 feet
4. Depth of rear yard - 30 feet
5. Width of side yards – 30 feet
6. Horizontal separation of detached buildings on a lot – 30 feet

##### *Maximums:*

1. Lot coverage – 5% of lot area
2. Height of structures – 2 stories or 35 feet  
 Exception: The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

## **SECTION 402 R-1A SINGLE FAMILY RESIDENTIAL DISTRICT (Low Density)**

### **402.1 GENERAL PURPOSE**

The purpose of this district is to permit the development and continued maintenance of low residential densities in an urban setting consisting primarily of single family residential development, by relatively low overall density with lots of at least 12,000 square feet per dwelling unit.

### **402.2 USES PERMITTED**

Single family residential dwellings and accessory uses and structures and permitted and exempted signs as listed within this district.

### **402.3 USES PERMITTED AS SPECIAL EXCEPTIONS**

1. Home occupations
2. Country clubs and semi-public recreational areas
3. Churches
4. Private or parochial schools having a teaching curriculum and teaching conditions equivalent to public schools.

### **402.4 USES PROHIBITED**

1. Commercial and industrial uses
2. Individual mobile homes
3. Mobile home parks or subdivision
4. Trailer parks and related uses.

### **402.5 DISTRICT REGULATIONS**

1. Minimum Lot Area - 12,000 square feet
2. Minimum Lot Width - 80 feet
3. Minimum Depth of Front Yard - 30 feet
4. Minimum Depth of Rear Yard - 30 feet
5. Minimum Width of Side Yard - 10 feet
6. Maximum Lot Coverage - 25% of lot area
7. Maximum Height of Structures - 2 stories or 35 feet

Exception: The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

8. Minimum Floor Area for Single Family Dwelling – 1,500 square feet

### **402.6 Other Requirements**

The following sections may have requirements which apply to this district.

1. Section 408 Amenity Incentives in Residential Districts
2. Article V Regulations Applicable to All Districts

## **SECTION 403 R-1B SINGLE FAMILY RESIDENTIAL (Low to Medium Density)**

### **403.1 GENERAL PURPOSE**

The purpose of this district is to permit the development and continued maintenance of low to medium residential density in an urban setting with an overall density of 10,000 square feet per dwelling unit and related public and semi-public uses in a residential environment.

### **403.2 USES PERMITTED**

Single family residential dwellings and accessory uses and structures, and permitted and exempted signs as listed within this district.

### **403.3 USES PERMITTED AS SPECIAL EXCEPTIONS**

1. Home occupations
2. Country clubs and semi-public recreation areas
3. Churches
4. Private or parochial schools have a curriculum and teaching conditions equivalent to public schools
5. Child day care centers
6. Nurseries
7. Similar uses best located in a residential environment.

### **403.4 USES PROHIBITED**

1. Commercial and industrial uses
2. Individual mobile homes
3. Mobile home parks and subdivisions
4. Trailer parks and related uses.

### **403.5 DISTRICT REGULATIONS**

1. Minimum Lot Area - 10,000 square feet
2. Minimum Lot Width - 75 feet
3. Minimum Depth of Front Yard - 30 feet
4. Minimum Depth of Rear Yard - 30 feet
5. Minimum Width of Side Yard - 8 feet
6. Maximum Lot Coverage - 25% of lot area
7. Maximum Height of Structures - 2 stories or 35 feet  
Exception: The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
8. Minimum Floor Area for Single Family Dwelling – 1,200 square feet

### **403.6 Other Requirements**

The following sections may have requirements which apply to this district.

1. Section 408 Amenity Incentives in Residential Districts
2. Article V Regulations Applicable to All Districts

## **SECTION 404 R-1C SINGLE FAMILY RESIDENTIAL (Higher Density)**

### **404.1 GENERAL PURPOSE**

The purpose of this district is to permit the development and continued maintenance of higher residential densities in an urban setting consisting primarily of single family residential development with a lot of at least 8000 square feet and related public and semi-public uses in a residential environment.

### **404.2 USES PERMITTED**

Single family residential dwellings and accessory uses and structures and permitted and exempted signs as listed in this district.

### **404.3 USES PERMITTED AS SPECIAL EXCEPTIONS**

1. Home occupations
2. Country clubs and semi-public recreation areas
3. Churches
4. Private or parochial schools having a curriculum and teaching conditions equivalent to public schools
5. Child day care centers
6. Nurseries
7. Multi-family residences
8. Open space, courtyards and town greens incorporated into the development
9. Similar uses best located in a residential environment.

### **404.4 USES PROHIBITED**

1. Commercial and industrial uses
2. Individual mobile homes
3. Mobile home parks and subdivisions
4. Trailer parks and related uses.

### **404.5 DISTRICT REGULATIONS**

1. Minimum Lot Area – 8,000 square feet
2. Minimum Lot Width - 70 feet
3. Minimum Depth of Front Yard - 25 feet
4. Minimum Depth of Rear Yard - 25 feet
5. Minimum Width of Side Yard - 8 feet
6. Maximum Lot Coverage - 30% of lot area
7. Maximum Height of Structures - 2 stories or 35 feet  
Exception: The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
8. Minimum Floor Area for Single Family Dwelling – 1,000 square feet

### **404.6 Other Requirements**

The following sections may have requirements which apply to this district.

1. Section 408 Amenity Incentives in Residential Districts
2. Article V Regulations Applicable to All Districts

## SECTION 405

## R-2 TWO-FAMILY RESIDENTIAL DISTRICT

### 405.1 GENERAL PURPOSE

This district is designed to provide suitable areas for moderate density residential and related uses. While this district principally is for single family and two-family dwellings, it is the intention of this Ordinance to allow small townhouse apartment complexes as a special exception where public services are adequate, provided the overall population density of the district is not increased beyond that permitted by two-family residences. Townhouse apartment complexes are intended primarily to be located in buffer areas between single family uses and commercial, industrial or institutional uses; at major intersections and related areas and not scattered indiscriminately throughout this district.

### 405.2 USES PERMITTED

Single family and two-family residential dwellings and accessory uses and structures, and permitted and exempted signs as listed in the district.

### 405.3 USES PERMITTED AS SPECIAL EXCEPTIONS

1. All uses as permitted as special exceptions in the R-1B and R-1C Districts
2. Bed and Breakfasts
3. Townhouse (or row house) apartments with not more than four (4) dwelling units in a building with a total lot area of at least twelve thousand (12,000) square feet, a lot width of not less than one hundred and twenty feet (120) feet and side yards and side yards of at least ten (10) feet. Front yards, height, and lot coverage regulations for townhouses shall be as specified in the R-2 District Regulations for two-family units. Additionally, development must comply with Design Guidelines Ordinance.
4. And similar uses best located in a residential environment.

### 405.4 USES PROHIBITED

1. Commercial and industrial uses
2. Individual mobile homes
3. Mobile home parks and subdivisions
4. Trailer parks and related uses

### 405.5 DISTRICT REGULATIONS

#### **1. *Single Family Dwelling***

- A. Minimum Lot Area – 8,000 square feet
- B. Minimum Lot Width - 70 feet
- C. Minimum Depth of Front Yard - 25 feet
- D. Minimum Depth of Rear Yard - 25 feet
- E. Minimum Width of Side Yard - 8 feet
- F. Maximum Lot Coverage - 30% of lot area
- G. Maximum Height of Structure - 2 stories or 35 feet

Exception: The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

- H. Minimum Floor Area – 1,000 square feet

#### **2. *Two-Family Dwelling***

- A. Minimum Lot Area - 12,000 square feet
- B. Minimum Lot Width - 80 feet

- C. Minimum Depth of Front Yard - 25 feet
- D. Minimum Depth of Rear Yard - 25 feet
- E. Minimum Width of Side Yard - 8 feet
- F. Maximum Lot Coverage - 30% of the lot area
- G. Maximum Height of Structure - 2 stories or 35 feet

Exception: The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

- H. Minimum Floor Area – 1,700 square feet

**405.6 OTHER REQUIREMENTS**

The following sections may have requirements which apply to this district.

- 1. Section 408 Amenity Incentives in Residential Districts
- 2. Article V Regulations Applicable to All Districts

**SECTION 406 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT**

**406.1 GENERAL PURPOSE**

The purpose of this district is to provide areas for the development of moderate to high density residential use in areas with adequate community facilities, public utilities, transportation facilities, and other public services. It is the intent of this Ordinance that large scale use of this district be limited to the intermediate and central portions of the City. However, the use of this district on a smaller scale is appropriate in suburban areas as a transitional or buffer zone between low density residential districts and commercial districts, industrial districts, major traffic arteries, or other uses that are not compatible with a low density residential environment.

**406.2 USES PERMITTED**

- 1. Single family
- 2. Two-family
- 3. Multi-family dwellings
- 4. Boarding houses
- 5. Bed and Breakfasts
- 6. Churches
- 7. Home occupations
- 8. Accessory uses and structures
- 9. Permitted and exempted signs as listed in the district.

**406.3 USES PERMITTED AS SPECIAL EXCEPTIONS**

- 1. All uses as permitted as special exceptions in the R-1B and R-1C Districts
- 2. Professional offices and medical clinics and similar uses.
- 3. Manufactured and Mobile Homes

**406.4 USES PROHIBITED**

- 1. Retail Commercial Uses
- 2. Industrial Uses
- 3. Manufactured Home Parks and Subdivisions
- 4. Trailer Parks
- 5. Related Uses



406.5 DISTRICT REGULATIONS

1. ***Single Family Dwelling***

- A. Minimum Lot Area - 7500 square feet
- B. Minimum Lot Width - 60 feet
- C. Minimum Depth of Front Yard - 25 feet
- D. Minimum Depth of Rear Yard - 25 feet
- E. Minimum Width of Side Yard - 8 feet
- F. Maximum Lot Coverage - 40% of the lot area
- G. Maximum Height of Structure - 2 stories or 35 feet

Exception: The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

- H. Minimum Floor Area - 850 square feet

2. ***Two-Family Dwelling***

- A. Minimum Lot Area - 10,000 square feet
- B. Minimum Lot Width - 70 feet
- C. Minimum Depth of Front Yard - 25 feet
- D. Minimum Depth of Rear Yard - 25 feet
- E. Minimum Width of Side Yard - 7 ½ feet
- F. Maximum Lot Coverage - 40% of lot area
- G. Maximum Height of Structure - 2 stories or 35 feet

Exception: The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

- H. Minimum floor area (per unit) - 850 square feet

3. ***Multi-Family Dwelling***

- A. Minimum Lot Area - 12,000 square feet, plus 2,000 sq ft per dwelling
- B. Minimum Lot Width - 80 feet
- C. Minimum Depth of Front Yard - 25 feet
- D. Minimum Depth of Rear Yard - 25 feet
- E. Minimum Width of Side Yard - 10 feet
- F. Maximum Lot Coverage - 40% of lot area
- G. Maximum Height of Structure - 2 stories or 35 feet

Exception: The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

- H. Minimum Floor Area (per unit) - 850 square feet

- I. Outer Court – The width of any outer court shall not be less than two-thirds (2/3) the height of any opposing wall forming said court. The depth of an outer court shall not be greater than one and one-half ( 1 and ½) times the width.

- J. Inner Court – The least dimension of an inner court shall not be less than the full height of any wall forming said court, but not less than forty (40) feet. An open and unobstructed passageway shall be provided at the grade level of each inner court. Such passage way shall have a cross sectional area and suitable headroom to permit the passage of firefighting equipment and shall be continuous from the court to a yard or unobstructed open area between buildings.

#### 406.6 Other Requirements

The following sections may have requirements which apply to this district.

- 1. Section 408 Amenity Incentives in Residential Districts
- 2. Article V Regulations Applicable to All Districts
- 3. Design Guideline Ordinance

### **SECTION 407 R-4 MANUFACTURED HOME RESIDENTIAL DISTRICT**

#### 407.1 GENERAL PURPOSE

The purpose of this district is to provide suitable areas for the establishment of manufactured home parks or subdivisions designed for non-transient use and provided with adequate utilities, services, open spaces and amenities normally associated with moderate to high density residential developments.

#### 407.2 PERMITTED USES

Single-family mobile homes and manufactured homes and accessory uses and structures including service centers (including Laundromat, vending machines, and related uses) designed primarily for residents of the manufactured home development, and permitted and exempted signs and listed for the district.

#### 407.3 USES PERMITTED AS SPECIAL EXCEPTIONS

- 1. Conventional single-family dwellings
- 2. Home occupations
- 3. Child day care centers
- 4. Nurseries
- 5. Similar uses

#### 407.4 USES PROHIBITED

- 1. Commercial and industrial uses
- 2. Travel trailer and related uses.

#### 407.5 DISTRICT REGULATIONS

- 1. Minimum Size of Park or Subdivision - 2 acres
- 2. Minimum Manufactured Home Lot Area – 3,000 square feet
- 3. Minimum Lot Width - 32 feet
- 4. Maximum Development Density – ten (10) mobile home spaces per gross acre of development area
- 5. Minimum Width of Side Yard - 10 feet
- 6. Minimum Depth of Front and Rear Yards - 15 feet

7. Minimum Setbacks – All mobile homes shall be located at least twenty-five (25) feet from any park or subdivision boundary line abutting on a public street and at least fifteen (15) feet from any other park or subdivision boundary line, including the boundary line of private streets. There shall be a minimum distance of twenty (20) feet between individual manufactured homes and between manufactured homes and common parking areas or other buildings.
8. Maximum Height of Structures - 2 stories or 35 feet

407.6 Standards for Development of Manufactured Home Parks

1. Article V may have requirements which apply to this district.
2. All Manufactured Home Parks shall conform with the following standards for development:
  - A. A road with pavement at least twenty (20) feet wide shall provide direct access to a public street and to each manufactured or mobile home lot. The area occupied by the road shall not fulfill any of the area requirements for any lot. All roads shall be designed to enable mobile homes entering the park to reverse directions without having to back more than one manufactured home length.
  - B. Two (2) paved automobile parking spaces shall be provided on every manufactured or mobile home lot. The parking spaces will measure ten (10) feet wide by twenty (20) feet deep, and will be adjacent to the manufactured or mobile home.
  - C. All Manufactured or Mobile Home Parks shall conform with the State Board of Health Regulations which prescribe standards for water supply, sewage disposal and other facilities. Each Manufactured or Mobile Home Park shall be adequately drained so that no manufactured home or mobile home lot shall be subject to the collection of storm water.
  - D. All streets, roadways and driveways within the Park shall meet the minimum construction standards recommended by the City Engineer.
  - E. All streets, roadways and driveways within the Park shall be adequately lighted at night.
  - F. No Manufactured Home District shall contain less than two (2) acres.
  - G. A manufactured or mobile home stand or pad is required for each manufactured or mobile home lot. Each pad shall be well drained, uniformly graded and compacted as approved by the City Engineer.

## **SECTION 408                    AMENITY INCENTIVES IN THE RESIDENTIAL DISTRICTS**

### **408.1    GENERAL PURPOSE**

The purpose of providing amenity incentives for the residential zone districts is to encourage the provision of specified amenities in connection with developments in exchange for development bonuses such as higher permitted densities. The amenities can include provision of recreational facilities, preservation of natural features such as lakes, woods, wetlands, natural drainage features, floodplains and common open space. An applicant for site plan review or for a building permit who provides an amenity in a development in a specified district in accordance with the provisions set forth in this Article shall be entitled to an amenity incentive as provided for in this Section.

408.2    Section 408 applies to Sections 402, 403, 404, 405 and 406 only.

### **408.3    PRELIMINARY SITE PLAN REQUIRED**

The Administrative Official shall have the authority to review site plans required by this Section to determine whether an amenity complies with the provision of the Section, and if it does so comply, to grant the amenity incentive to which the applicant is entitled to under the provision of this Section.

### **408.4    PROCEDURES**

An application for an amenity incentive shall be accompanied by a Preliminary Site Plan and narrative presenting the following information:

1. A written statement describing the amenity, and location of the development for which the incentive is requested.
2. Information including distances, dimensions, floor area, and any other information deemed applicable in order to determine whether an amenity qualifies for an amenity incentive and the amount of such amenity incentive.
3. The type and amount of the amenity incentive the applicant is requesting along with the applicant's computation of such amount.
4. A Site Plan drawn to scale incorporating the amenity incentive requested and illustrating the location and type of amenity to be provided.

The Administrative Official, in connection with his review of the Site Plan shall determine whether an amenity to be provided complies with the provisions of this Section, and if so, shall approve the amenity incentive provided for in this Section. If the amenity to be provided for which the amenity incentive is requested does not comply with the provisions of this Section, the amenity incentive shall be disapproved.

The applicant may appeal the decision of the Administrative Official with respect to the applicant's eligibility for an amenity incentive and the amount to the Governing Authority.

#### 408.5 AMENITY INCENTIVES ALLOWED

The provisions of the following amenities in the residential zone districts will qualify a residential development for the following increases in density, provided that the total density increase does not exceed twenty-five percent (25%) of the maximum density permitted in the district where the property is located.

<u><i>Amenity</i></u>	<u><i>Density Increase</i></u>
1. Additional permanent open space through public, non-profit conservation organizations with a five (5) year track record of maintenance of natural areas or through creation of a homeowners association.	One (1) percent for each ten thousand (10,000) square feet of amenity provided up to a maximum of ten (10) percent.
2. Provision of cluster development as an alternative to conventional lot-by-lot development in residential districts. Provide resulting permanent open space through public dedication, non-profit conservation organizations with a five (5) year track record of maintenance of natural areas or through homeowners association.	One (1) percent for each ten thousand (10,000) square feet of amenity provided, up to a maximum of ten (10) percent.
3. Swimming pool	One (1) percent for each five hundred (500) square feet of pool surface area up to a maximum increase of five (5) percent.
4. Tennis, volleyball, handball, basketball courts or similar recreational uses	One (1) percent increase for each court provided up to a maximum of five (5) percent.
5. Equipped Playgrounds	One (1) percent for each one thousand (1,000) square feet up to a maximum increase of five (5) percent.
6. Clubhouse	One (1) percent for each one thousand (1,000) square feet of clubhouse up to a maximum increase of five (5) percent.
7. Preservation of the sites natural features such as lakes, woods, and provision of permanent access to and use of such natural features and to amenities such as bike and pedestrian paths, jogging trails, nature trails.	One (1) percent for each ten thousand (10,000) square feet of amenity preserved or provided, up to a maximum increase of ten (10) percent.
8. Maintenance plan required.	

## SECTION 409

## C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

### 409.1 GENERAL PURPOSE

The purpose of this district is to provide moderate density areas for the development on relatively small lots and parcels of retail trade, personal services and business service type commercial uses designed principally to serve the day to day needs of residents of nearby residential neighborhoods. Due to the haphazard pattern of development within these areas, particularly the lack of coordination and integration of circulation and parking between uses and structures in different ownerships, it is the intent of this Ordinance that the C-1 District be used primarily to regulate expansion of existing commercial area. New neighborhood commercial area should be developed as Planned Unit Developments, in accordance with the provisions of this Ordinance.

### 409.2 USES PERMITTED

*First floor commercial establishments such as:*

1. Apparel shops
2. Appliance and/or computer stores
3. Art or photo studio
4. Barber or beauty shop
5. Day care center
6. Doctor or dentist office
7. Drug store
8. Dry cleaning and laundry pickup stations
9. Flower or plant store
10. Gallery, display
11. Grocery store
12. Hardware store
13. Health club/gymnasium, health spa, weight loss control center and reducing salon
14. Indoor recreation center, arcade with video, pinball machines, but excluding bowling alleys, skating rinks.
15. Inn, less than twelve (12) rooms
16. Music or dancing academy
17. Nursery school
18. Office Building
19. Offices, such as legal, finance, insurance and real estate
20. Package liquor store
21. Post office or postal facility
22. Public service facilities (i.e. Library, Public Parks and Playgrounds)
23. Print shops
24. Repair and service shops for repair and servicing of appliances, bicycles, electrical, shoes, keys, computers and similar articles.
25. Restaurant and carryout restaurant
26. Retail shops, other
27. Tanning beds (allowed in beauty shops, barber shops or health spas)
28. Apartment buildings
29. Row Houses
30. Duplexes
31. Side yard house
32. Accessory unit.
33. Upper story residential as meets all Building Code Standards

409.3 USES PERMITTED AS SPECIAL EXCEPTION

1. Night clubs, bars and other areas serving beer, mixed drinks and/or featuring live entertainment
2. Loading docks and service areas and related uses.
3. Car wash
4. Churches
5. Clinic
6. Club, lodge, country club
7. Gas pumps, as an accessory to a convenience or grocery store
8. Tanning beds as an accessory used to any retail or service business
9. Used Car Lots and automobile agencies
10. And other similar uses.

409.4 USES PROHIBITED

1. Commercial uses requiring outdoor storage
2. Industrial uses
3. Automobile repair shops or garages
4. Warehouses
5. Truck terminals.

409.5 DISTRICT REGULATIONS

1. Minimum lot size – 5,000 square feet
2. Maximum height - 2 stories
3. Setbacks from lot lines  
Front - minimum 6 feet, maximum 24 feet  
Side - minimum 12 feet, maximum 24 feet  
Rear - 5 feet minimum or 15 feet from center line of alley
4. Awnings may encroach on the public sidewalk without limit. Stoops may encroach up to 50% of the depth of the setback. Balconies and bay widows may encroach up to 25% of the depth of the setback.
5. Loading docks and service areas shall be permitted on the frontage line only by variance.
6. A first level residential or lodging function shall be raised a minimum of 2 feet from the average sidewalk grade.

409.6 OTHER DISTRICT STANDARDS

The following sections and Ordinances may have requirements which apply to this district.

1. Article V Regulations Applicable to All Districts
  - A. Sign Guidelines
  - B. Parking Requirements
    - i. Vehicular parking shall be computed as outlined in Article V.
    - ii. On-street parking available along the frontage lines that correspond to each lot shall be counted toward the parking requirement of the building on the same lot.
    - iii. Parking shall be accessed by the rear alley or rear lane when such is available.
    - iv. The required parking may be provided within one-quarter mile of the site that it serves, subject to approval by Variance.
    - v. Vehicular entrance of a parking lot on a frontage line shall be no wider than twenty-four (24) feet.
    - vi. Pedestrian entrances to all parking lots and parking structures shall be directly from a frontage line.
  - C. Accessory Structures

- D. Bufferyards
- 2. Design Guideline Ordinance
  - A. Requirement for Site Plan Review
  - B. Requirements for design standards

**SECTION 410 C-2 CENTRAL BUSINESS DISTRICT**

**410.1 GENERAL PURPOSE**

The purpose of this district is to provide for the expansion, preservation and perpetuation of the high density central business district commercial complex with lower height scale.

**410.2 USES PERMITTED**

- 1. All retail commercial uses, personal service and business service and miscellaneous commercial uses permitted in the C-1 District, with the exception of apartment complexes.
- 2. Hotels and motels
- 3. Theaters and places of amusement.
- 4. Upper story residential
- 5. Conference centers
- 6. Museums
- 7. Bakeries

**410.3 USES PERMITTED BY SPECIAL EXCEPTION**

- 1. Warehouses with adequate off street loading and no outdoor storage
- 2. Automobile agencies, dealerships and used car lots
- 3. Apartment complexes
- 4. Passenger terminal
- 5. Parking garages
- 6. Outdoor Advertising

**410.4 USES PROHIBITED**

- 1. Commercial uses requiring outdoor storage
- 2. Industrial uses
- 3. Animal clinics, kennels or hospitals
- 4. Junk yards
- 5. Mobile homes or mobile home sales
- 6. Travel trailers and related uses.
- 7. New and use car lots

**410.5 DISTRICT REQUIREMENTS**

- 1. Minimum Lot area - 5000
- 2. Minimum Lot Width - 50 feet
- 3. Depth of Front Yard
  - A. Minimum - 6 feet
  - B. Maximum - 12 feet
- 4. Minimum Depth of Rear Yard - 5 feet
- 5. Width of Side Yard –
  - A. Minimum - 12 feet
  - B. Maximum - 24 feet
- 6. Height of Structures
  - A. Minimum - 2 stories
  - B. Maximum - 4 stories



7. The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
8. Maximum Lot Coverage - 80%
9. Awnings may encroach on the public sidewalk with limits. Stoops may encroach 100% of the depth of a setback. Open porches and awnings may encroach up to 50% of the depth of the setback. Balconies and bay windows may encroach up to 25% of the depth of the setback.

#### 410.6 OTHER DISTRICT STANDARDS

The following sections and ordinances may have requirements which apply to this district.

1. Article V Regulations Applicable to All Districts
  - A. Sign Guidelines
    - i. One address number no more than six (6) inches measured vertically shall be attached to the building in proximity to the principal entrance or at a mailbox.
    - ii. Blade signs, not to exceed six (6) square feet for each separate business entrance, and may be attached perpendicular to the façade. A single external sign band may be applied to the façade of each building providing that such sign not exceed three (3) feet in height by any length.
    - iii. Signage shall be externally lit, except that signage within the shop front glazing may be neon lit.
  - B. Parking Requirements
    - i. Refer to Article V. for calculations.
    - ii. On-street parking available along the frontage lines that correspond to each lot shall be counted toward the parking requirement of the building on the same lot.
    - iii. Parking shall be accessed by a rear alley or lane when such is available.
    - iv. Parking lots shall be masked from the frontage line by a liner building or street screen.
    - v. Required parking may be provided with one-quarter mile of the site that it serves subject to approval by Variance.
    - vi. Pedestrian entrances to all parking lots and parking structures shall be directly from a frontage line.
  - C. Accessory Structures
  - D. Bufferyards
2. Design Guideline Ordinance
  - A. Requirement for Site Plan Review
  - B. Requirements for design standards

## **SECTION 411**

## **C-2A MAIN STREET COMMERCIAL DISTRICT**

### **411.1 GENERAL PURPOSE**

It is the purpose of this district to provide moderate density areas for the development on relatively small lots and parcels of retail trade, personal services, and business service type commercial uses designed principally to serve the day to day needs of residents of nearby residential neighborhoods. Due to the haphazard pattern of development in these areas, particularly the lack of coordination and integration of circulation and parking between uses and structures in different ownerships, it is the intent of this Ordinance that the C-2A District be used primarily to regulate expansion of existing commercial areas.

### **411.2 USES PERMITTED**

1. Retail commercial establishments such as grocery stores
2. Restaurants, cafes, and cafeterias
3. Drug stores and pharmacies
4. Hardware stores
5. Apparel shops
6. Florist shops
7. Package liquor stores
8. Appliance stores
9. Personal service establishments such as health clubs, barber and beauty shops, shoe repair and related uses
10. Business services such as finance,
11. Insurance services
12. Real Estate offices
13. Banks
14. Post Offices, and related uses
15. Miscellaneous commercial uses such as theaters
16. Service stations
17. Dry cleaning
18. Laundry pickup stations
19. Offices
20. Related uses

### **411.3 USES PERMITTED AS SPECIAL EXCEPTIONS**

1. Night clubs, bars, and other areas serving beer, mixed drinks and/or featuring live entertainment
2. Automobile agencies and used car lots;
3. Second story residential uses.
4. Car washes
5. Related uses
6. Use and new automobile sales

### **411.4 USES PROHIBITED**

1. Commercial uses requiring outdoor storage
2. Industrial uses
3. Automobile repair shops or garages
4. Warehouses
5. Truck terminals

#### 411.5 DISTRICT REGULATIONS

1. Minimum lot area – 5,000 square feet
2. Minimum lot width - 50 feet
3. Minimum depth of front yard - 40 feet
4. Minimum depth of rear yard - 15 feet
5. Minimum width of side yard - 5 feet
6. Maximum height of structures - 2 stories or 35 feet

#### 411.6 OTHER DISTRICT STANDARDS

The following sections and Ordinances may have requirements which apply to this district.

1. Article V Regulations Applicable to All Districts
  - A. Sign Guidelines. Refer to Article V for regulations.
  - B. Parking Requirements Refer to Article V. for calculations.
  - C. Accessory Structures
  - D. Bufferyards
2. Design Guideline Ordinance
  - A. Requirement for Site Plan Review
  - B. Requirements for design standards

### **SECTION 412 C-3 HIGHWAY COMMERCIAL DISTRICT**

#### 412.1 GENERAL PURPOSE

The purpose of this district is to provide for retail and service outlets serving not only nearby residential areas, but distant areas as well and especially the needs of through highway traffic. The districts are primarily located along heavily traveled state and federal highways.

#### 412.2 USES PERMITTED

1. Any use permitted in the C-2A District.
2. Warehouse and wholesale outlets
3. Motor vehicle sales, service and repair and any minor storage of equipment or materials or damaged vehicles where storage is secondary and incidental to the primary use as seals, services or repairs is permitted, but shall not exceed five (5) salvage motor vehicles on the property at one time and shall be completely concealed from the surrounding properties. Minor services and repairs shall include, but not be limited to:
  - a. Auto renting
  - b. Drive-through oil and lubrication services
  - c. Muffler shops
  - d. Glass/windshield repair
  - e. Sound and security system installation
  - f. Tire sales, alignment and installation
  - g. New auto part sales and new auto accessory sales
  - h. Car wash and detailing shops
  - i. Other related sales, minor services and repairs
4. Mobile home sales, service, repair and storage facilities, including camping trailers, tents, touring vans, but not including mobile home and not allowing storage of damaged mobile homes.
5. Drive-in restaurants and refreshment stands
6. Flea markets, indoor
7. Greenhouse or nursery
8. Hotel, motel or motor lodge
9. Lawn, tree or garden service

10. Lumberyard
11. Mortuary or funeral home
12. Parking, automobile parking lot or garage
13. Photo finishing
14. Plumbing shop
15. Print Shop
16. Processing and manufacturing incidental to a retail establishment, but which creates no noticeable obnoxious effects to surrounding property-owners or tenants.
17. Public Service Facility
18. Public Garage
19. Radio or TV studio
20. Radio and television towers, antennas, or earth stations not exceeding 35 feet in height.
21. Recreation center, arcade with video, pinball games
22. Retail service truck route center
23. Gasoline station
24. Schools, public and private
25. Tanning salons
26. Telephone service or switching center
27. Used car, trailer, boat sales, recreational vehicles, camper sales and storage lots

#### 412.3 USES PERMITTED AS SPECIAL EXCEPTIONS

1. Amusements, commercial outdoor
2. Auditorium/conference center, including sports and entertainment events, community functions, and civic religious and non-profit events
3. Campground, travel trailer parks
4. Church
5. Clinic
6. Civic, social, fraternal organization
7. Contractor's yard or storage, outdoor
8. Drive-in Theaters
9. Health spas, reducing salons, and similar uses
10. Flea markets, outdoor
11. Hospital
12. Laboratories
13. Lounges, bars, taverns and similar establishments
14. Machine shops
15. Massage therapist in conjunction with a beauty/nail shop, barber shop/hair stylist shop or medical office
16. Mini-Warehouses under the following conditions:
  - A. The site must contain a minimum of two (2) acres, but not more than five (5) acres
  - B. The minimum distance between buildings shall be twenty-five (25) feet.
  - C. One parking space for each fifty (50) compartments must be provided
  - D. A maximum six (6) foot high fence shall be erected; the composition of which shall be approved by the Board of Adjustment. A portion of the fifty (50) feet front yard setback requirements for fences may be waived at the discretion of the Board of Adjustment.
  - E. Only one sign, meeting the requirements of Article V. is allowed.
  - F. Only dead storage will be allowed; no transfer and storage business will be allowed.
  - G. No explosives, radioactive, or other hazardous material will be stored on the premises.

- H. Other conditions deemed necessary and appropriate by the Board of Adjustment to uphold the intent of the Comprehensive Plan may be attached to any approval, including, but not limited to, lighting, screening, landscaping, architectural design and live-in managers. Along with the special exception application, the applicants must submit to the Board of Adjustments a development plan showing the proposed buildings in relation to the property, ingress and egress and architectural drawings of the buildings.
17. Pawn shop
  18. Printing and publishing establishments
  19. Radio and television towers or antennas, or earth stations exceeding thirty-five(35) feet in height
  20. Tanning beds as an accessory use to any retail or service business
  21. Motor vehicle repair services that operate principally as automotive repair shops, body shops with or without painting booths, full service auto repairs, including major automotive diagnostic and rebuilding services exceeding five (5) vehicles to be stored on the property at one (1) time for periods in excess of five (5) days, provided all vehicles are completely concealed from all surrounding property. Such services shall include but shall not be limited to:
  22. Comprehensive auto repair
    - A. Engine installation
    - B. Body shops
    - C. Transmission, automotive repairs
    - D. Old, salvaged and rebuilt auto part sales
    - E. Other related major automotive services
    - F. Special Exception applicants shall submit to the Board of Adjustment a development plan, including, but not limited to fencing of solid board and of uniform construction and color.
  23. Temporary use of prefabricated buildings or mobile homes for any permitted or special exception use listed above other than accessory buildings.

#### 412.4 USES PROHIBITED

1. Residential uses other than travel trailer parks or housing for night watchmen or caretakers
2. Mobile homes or mobile home parks or subdivisions
3. Heavy industrial uses
4. Processing or storage of hazardous materials
5. Sawmills
6. Related Uses

#### 412.5 DISTRICT REGULATIONS

1. Minimum lot area - 10,000 square feet
2. Minimum lot width - 80 feet
3. Minimum depth of front yard - 30 feet
4. Minimum width of side yards - 10 feet
5. Minimum depth of rear yard - 20 feet
6. Maximum lot coverage - 60% of lot area  
 A maximum of 80% of the development site may be covered by impervious surface.  
 A minimum of 20% of the total area of the site, as measured in square footage, shall permanently remain a pervious surface.
7. Maximum height - 2 stories or 35 feet

Exception: The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

#### 412.6 OTHER DISTRICT STANDARDS

The following sections and Ordinances may have requirements which apply to this district.

1. Article V Regulations Applicable to All Districts
  - A. Sign Guidelines Refer to Article V for regulations.
  - B. Parking Requirements Refer to Article V. for calculations.
  - C. Accessory Structures
  - D. Bufferyards
2. Design Guideline Ordinance
  - A. Requirement for Site Plan Review
  - B. Requirements for design standards

### **SECTION 413 IL INDUSTRIAL LIGHT DISTRICT**

#### 413.1 GENERAL PURPOSE

The IL (Industrial Light) Districts provide for a mix of light manufacturing, office park, flex space and limited retail and service uses that service the industrial uses with proper screening and buffering – all compatible with adjoining uses. The IL Districts may include small lots. It is the intent of this Ordinance that these districts be located in areas where it is deemed desirable to locate industry with a minimum degree of noxious characteristics and in areas where street pavements, utilities and other public facilities and service are of capable of supporting industrial demands.

#### 413.2 USES PERMITTED

1. Any heavy commercial use allowed by right or as a special exception in the (C-3) District.
2. Light industrial uses that are not obnoxious, offensive, or detrimental to neighboring properties by reason of generation or emission of dust, smoke, odors, noise, vibrations, or other nuisances or dangerous by virtue of fire or explosion.
3. Aluminum can processing and recycling center.
4. Convenience store.
5. Dwelling for night watchmen or caretakers.
6. Nursery and greenhouse for growing or propagation of plants, trees, and shrubs.
7. Printing and publishing.
8. Banks, drive-in or otherwise.
9. Hotel, motel or tourist court.
10. Commercial center.
11. Restaurant, with or without incidental consumption of alcoholic beverages.
12. Lumberyard and building materials.
13. Outdoor resale business.
14. Research and development services (scientific, medical and technology)
15. Services to buildings and dwellings (pest control, janitorial, landscaping, carpet/upholstery cleaning, parking and crating)
16. Miniature golf establishment
17. Fitness, recreational sports, gym, or athletic club.
18. Active open space/athletic fields/golf courses.
19. Day care center.
20. Public administration
21. Post Office
22. Automobile, truck, trailer and recreational vehicles sales and service.

23. Multi-storied parking structure with ramps.
24. Bus terminal
25. Road, ground passenger and transit transportation
26. Local transit systems
27. Charter bus
28. Taxi and limousine service
29. School and employee bus transportation
30. Postal transportation services
31. Courier and messenger services
32. Highway rest stops and welcome centers
33. Roadside stands
34. Outdoor stage, bandstand or similar use
35. Crop production
36. Forestry and logging
37. Fishing, hunting, and trapping, including game preserves and retreats
38. Support functions for agriculture and forestry
39. Warehouses and storage buildings.
40. Ice plant
41. Ice cream plant and creameries
42. Cold storage plants
43. Bottling plants
44. Bulk storage of non-hazardous materials
45. Business signs, roof signs outdoor advertising signs and similar uses

#### 413.3 SPECIAL EXCEPTIONS

It is the intent of this Ordinance that the only objectionable characteristics of uses in this district shall be relatively high traffic generation, substantial volumes of truck traffic and outdoor storage of supplies and materials. The performance standards of specific industrial use will determine its suitability for location in this district.

It is the further intent of this Ordinance that other light industrial uses other than those mentioned above be allowed in this district as special exceptions based upon a finding by the Mayor and Board of Aldermen that the performance standards of their specific use comply with the definition of a heavy commercial or light industrial use.

1. Temporary use of prefabricated buildings or mobile homes for any permitted use other than as accessory buildings.
2. Transportation terminal, tractor-trailer storage yard, cargo container storage yard, provided that:
  - A. The applicant shall submit a development plan for approval by the Board of Adjustment.
  - B. Twenty-four (24) hour, on-site management shall be provided, located in a permanent building.
  - C. All areas used for access, maneuvering, standing, parking, and/or display of vehicles, trucks, trailers, heavy equipment and cargo containers shall be paved with a Portland cement or asphaltic concrete surface, maintained for all-weather use, and so drained to prevent the sheet flow of water across sidewalks, public streets, or adjacent properties.
  - D. The party conducting the use shall submit a proposed truck route from and to the site, which shall be subject to the approval of the Mayor and Board of Aldermen.
  - E. The party conducting the use shall be responsible for any off-site improvements (water, sanitary sewer, drainage, or road improvements), as determined by the City Engineer, required to make the subject site usable for the proposed use.

- F. The party conducting the use shall submit a performance guarantee, acceptable to the City, in the amount and for a time period established by the City Engineer to guarantee that the City streets are properly maintained to City specifications as long as the proposed use is operated from the subject site.
  - G. The subject site shall not be visible from any adjacent public street or residential area. Where the subject site is visible from the adjacent public street or residential area, an earthen berm sufficient in height to totally screen the sight and any vehicles or containers stored thereon shall be provided, a minimum of twenty (20) feet in height. The berm shall be stabilized and landscaped. A landscape plan shall be submitted to the Board of Adjustments for review and approval.
3. Vehicle Impound Lots, Wrecker/Towing Service, Vehicle Recovery and any major storage of equipment or damaged vehicles principally inoperable and stored for a limited period, provided that all vehicles are completely concealed from all surrounding property. Special Exception applicants shall submit to the Board of Adjustment a development plan which meets the following requirements including, but not limited to:
    - A. Fencing of solid wall and complete privacy, a minimum of six (6) feet in height, of uniform construction and color.
    - B. All driveways, parking, loading, vehicle circulation areas and vehicle storage areas shall be paved of asphalt, surrounded with a minimum of 6/18 concrete curbing.
  4. Telecommunication towers and related facilities exceed the general height limits allowed in the IL District.

#### 413.4 USES PROHIBITED

1. Residential uses other than travel trailer parks or housing for night watchmen or caretakers
2. Mobile homes or mobile home parks or subdivisions
3. Heavy industrial uses.

#### 413.5 DISTRICT REQUIREMENTS

1. Minimum Lot Area - 10,000 square feet
2. Minimum Lot Width - 80 feet
3. Minimum Depth of Front Yard - 30 feet
4. Minimum Width of Side Yards - 10 feet
5. Maximum Lot Coverage - 60%
6. Maximum Height - Maximum height is approved by the Moss Point Fire Chief

#### 413.6 OTHER DISTRICT STANDARDS

The following sections and Ordinances may have requirements which apply to this district.

1. Article V Regulations Applicable to All Districts
  - A. Sign Guidelines Refer to Article V for regulations.
  - B. Parking Requirements Refer to Article V. for calculations.
  - C. Accessory Structures
  - D. Bufferyards
2. Design Guideline Ordinance
  - A. Requirement for Site Plan Review
  - B. Requirements for design standards



## **SECTION 414**

## **IH INDUSTRIAL HEAVY DISTRICT**

### **414.1 GENERAL PURPOSE**

IH (Industrial Heavy) Districts accommodate areas of heavy concentrated fabrication, manufacturing, and industrial uses that are suitable based upon adjacent land uses, access to transportation, and the availability of public services and facilities. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development.

### **414.2 PERMITTED USES**

1. Any commercial or industrial use permitted by right or as a special exception in the IL (Industrial Light) District.
2. Gasoline Station
3. Bus, truck or mobile home or large vehicle dealer.
4. Car and truck washes
5. Car, trucks, trailers, recreational vehicles, etc. leasing
6. Assembly and construction type plants.
7. Process plants (metal, chemicals, etc.)
8. Construction related business
9. Demolition business
10. Recycling business
11. Mini-warehouse storage facility
12. Warehouses, including refrigerated or cold storage and large area distribution or transit warehouse
13. Wholesale trade – durable and nondurable goods
14. Correctional or rehabilitation facility
15. Cremation facilities
16. Airport and related uses
17. Solid Waste landfill facility
18. Water tank (elevated, at grade, underground)
19. Water treatment and purification facility
20. Solid Waste landfill facility
21. Solid Waste collection
22. Septic tank and related services
23. Sewer treatment plant
24. Animal production, including slaughter
25. Stables and other equine-related facilities
26. Kennels and other canine-related facilities
27. Mineral extraction

### **414.3 USES PERMITTED AS SPECIAL EXCEPTIONS**

1. It is the intent of this Ordinance that heavy industrial uses that are potentially dangerous or hazardous to neighboring uses by virtue of fire, explosion or other dangers be permitted in this district as special exceptions based upon a finding by the Mayor and Board of Aldermen that adequate special provisions have been taken both by the City and the industrial use to protect the public health, safety and welfare.
2. Telecommunication towers and related facilities exceeding the general height limits allowed in IH districts.
3. Manufacturing, processing or bulk storage of explosives, acids or toxic gases
4. Refining, processing or bulk storage of petroleum products
5. Similar uses.

#### 414.4 USES PROHIBITED

1. Residential uses other than quarters for night watchmen, caretakers or security personnel
2. Mobile homes and mobile home parks or subdivisions.

#### 414.5 DISTRICT REGULATIONS

1. Minimum lot area - 1 acre
2. Minimum lot width - 150 feet
3. Minimum depth of front yard - 60 feet
4. Minimum wide of side yard - 25 feet
5. Minimum depth of rear yard - 50 feet
6. Maximum lot coverage - 60%
7. Maximum height - Maximum height approved by the Moss Point Fire Chief

#### 414.6 OTHER DISTRICT STANDARDS

The following sections and Ordinances may have requirements which apply to this district.

1. Article V Regulations Applicable to All Districts
  - A. Sign Guidelines Refer to Article V for regulations.
  - B. Parking Requirements Refer to Article V. for calculations.
  - C. Accessory Structures
  - D. Bufferyards
2. Design Guideline Ordinance
  - A. Requirement for Site Plan Review
  - B. Requirements for design standards

### **SECTION 415 PLANNED UNIT DEVELOPMENT**

#### 415.1 GENERAL PURPOSE

Planned Unit Developments are established to:

1. Provide flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved plan that protects adjacent properties.
2. Provide an environment within the layout of a site that contributes to a sense of community and a coherent living style.
3. Encourage the preservation and enhancement of natural amenities and cultural resources; to protect the natural features of a site that relate to its topography, shape and size; and to provide for a minimum amount of open space.
4. Provide for a more efficient arrangement of land uses, buildings, circulation systems, and infrastructure.
5. Encourage infill projects and development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility or topography.

#### 415.2 EVALUATION CRITERIA

1. In order to foster the attractiveness of a Planned Unit Development district and its surrounding neighborhoods, preserve property values, provide an efficient road and utility network, ensure the movement of traffic, implement comprehensive planning and better serve the public health, safety and general welfare the following criteria apply to the master site plans.
2. Insofar as practicable the landscape shall be preserved in its natural state by minimizing tree and soil removal.
3. Proposed buildings shall be sited harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings.

4. With respect to vehicular and pedestrian circulation and parking, special attention shall be given to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed structures and neighboring properties.
5. Private streets and gates may be approved as part of the application but are not required.
6. A Planned Unit Development shall be approved only after submission of the detailed master site plans and improvement drawings and specifications by the property owner and/or developer, review of these data of by the Board of Adjustment and approval by the Mayor and Board of Aldermen.

#### 415.3 MINIMUM SIZE

There is no minimum size for a Planned Unit Development district.

#### 415.4 PERMITTED USES AND DENSITY

1. Uses – A Planned Unit Development may include the following and those designated in the approved master site plan.
  - A. Residential, commercial and industrial uses.
  - B. Cluster housing
  - C. Common areas
  - D. Unusual arrangements of buildings on site
  - E. Other combinations of buildings and uses that depart from standard development.
2. Density Table – The master site plan shall divide the Planned Unit Development district into land-use categories and shall indicate the uses permitted in each category.
3. Attached Dwelling Units – Attached dwelling units may be included in all Planned Unit Development districts except for land-use categories designated R-1A (Single Family Residential Large Lot).
4. Lots – There is no minimum area requirement for lots and lots do not need to front onto a street. Lot boundaries may coincide with structure boundaries except where perimeter lot setbacks are required.
5. Height and Yard Requirements
  - A. Height Limitation – The maximum height of structures shall be as designated for each land-use category or category of uses.
  - B. Required Setbacks – Setbacks shall be governed by the Planned Unit Development district plan. Lots located on the perimeter of a Planned Unit Development district shall adhere to the minimum and maximum setback requirements of the base zoning district unless a lesser setback is approved in the master site plan. There are no setbacks for interior lots, provided that the requirements of the Uniform Building Codes are met.

If access to a garage or carport is provided from the front or side of a lot, then the garage/carport shall maintain a twenty (20) feet setback from the back of the sidewalk, or curb if there is no sidewalk, as measured along the centerline of the driveway.

6. Infrastructure Requirements
  - A. Streets and Sidewalks – Sidewalks and streets within the Planned Unit Development may be public or private. However, the Board of Adjustment may require dedication and construction of public streets through or into the Planned Unit Development. Public or private streets shall conform to the City of Moss Point's transportation standards.

B. Utilities – All utility systems shall comply with the utility standards of the City of Moss Point. Water and sanitary sewer systems within the Planned Unit Development may be publically or privately owned. However, the maintenance of private systems shall be the responsibility of the proposed development’s community association. Public utility systems shall be approved by the City of Moss Point.

C. Easements – Publicly owned and/or maintained utilities shall be placed on public streets or easements that are a minimum of sixteen (16) feet in width unless a narrower width is approved by the applicable utility. Dead-end easements shall not be permitted unless a City of Moss Point approved vehicular turnaround is provided at the end of each such easement.

D. Garbage Collection – If, in the opinion of the City of Moss Point private streets in a Planned Unit Development are arranged so that garbage may be collected without creating a safety hazard, the City of Moss Point will provide garbage pickup, provided that proper indemnification is received from the community association or individual property owners. Garbage collection locations shall be subject to the approval of the Public Works Director of the City of Moss Point. In the event the City of Moss Point does not collect garbage within a Planned Unit Development, all units within the Planned Unit Development may be exempted from payment of garbage fees upon furnishing evidence, ensuring acceptable removal of all garbage and refuse by private means. To receive such exemption, written application must be submitted to and approved by the Municipal Clerk of the City of Moss Point.

E. Parks/Open Spaces – Each master site plan shall provide for a minimum amount of parks/open spaces as follows:

<i>Land Use Category</i>	<i>Required Parks/Open Space</i>
Residential	Twenty-five (25) square feet per dwelling unit
Nonresidential	Two hundred (200) square feet of open space per one thousand (1000) square feet of floor area, and two hundred and fifty (250) square feet of open space per one thousand (1000) square feet of parking and loading area.

1. Parks/Open Space Percentages – The minimum open space percentage requirements are indicated in the above table. They are calculated by dividing the total open space within the Planned Unit Development by the gross site area. The land-use category shall be determined by the base zoning district. For Planned Unit Developments that include both residential and nonresidential uses the required open space shall be calculated by multiplying the open space percentage by the area of each use and add the products thus obtained.

2. Reduction of Parks/Open Space – At its discretion, the Board of Adjustment may approve a decrease in the amount of required parks/open space when the master site plan includes unique design features or amenities that achieve an especially attractive and desirable development such as, but not limited to terraces, sculptures, water features, preservation and enhancement of unusual natural features, or landscape sculpture (i.e., areas that are intensely landscaped).

F. Parking Requirements – Off-street parking and truck loading facilities shall be provided in accordance with the parking standards in Article V. Parking shall be prohibited on any private street less than twenty-eight (28) feet in width; if utilized on streets twenty-eight (28) feet or wider the parking must be clearly distinguishable from the movement lanes.

G. Common Areas and Facilities – Adequate provision shall be made for a community association or other legal entity with the direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common areas and facilities, including private streets and sidewalks, which are a part of the Planned Unit Development.

The applicant shall submit a legal instrument establish a plan for the use and permanent maintenance of the common areas/facilities and demonstrating that the community association is self-perpetuating and adequately funded to accomplish its purposes, and provided the City of Moss Point with written permission for access at any time without liability when on official business, and further, to permit the City of Moss Point to remove obstructions if necessary for emergency vehicle access and assess the cost of removal to the owner of the obstruction. The instrument must be approved by the City of Moss Point as to legal form prior to any plat recordation and shall be recorded at the same time as the plat.

7. Expiration – An amendment to the Official Zoning Map allowing a Planned Unit Development and any building permit or other permits, exceptions, modifications, or variances issued for construction of said development shall expire at the end of one (1) year if substantial construction of the project has not been initiated. In this event, zoning of the property shall revert back to the classification in effect at the time of the amendment.
8. Master Site Plan Approval – Rezoning of the property for a Planned Unit Development District shall not be approved by the Mayor and Board of Aldermen unless and until all provisions of Section 415 of this Ordinance have been fulfilled. The Board of Adjustment has the authority to recommend and the Mayor and Board of Aldermen have the authority to require reasonable charges in the Planned Unit Development as a prerequisite to approval. The master site plan shall incorporate any conditions imposed with the grant of the PUD zoning.
9. Site Plan Required- A Planned Unit Development District shall be approved only after submission of detailed site plan and improvement drawings and specifications by the property owner and/or developer, review the data by the Board of Adjustment and approval by the Mayor and Board of Aldermen. An amendment to the Zoning Map to rezone a parcel of property for a Planned Unit Development District shall authorize only the specific development and uses set forth in the detailed site plan and improvements drawings approved by the Mayor and Board of Aldermen.
10. Procedures: The procedures for securing approval of a Planned Unit Development District shall include the requirements of Article IX (Amendments of this Zoning Ordinance), Article II (plat Approval Procedures of the City of Moss Point Subdivision Regulations Chapter 18, Code of Ordinances, City of Moss Point, Mississippi), and applicable elements of Design Guidelines Ordinance, and the following requirements:

- A. Preliminary Plat Approval- The preliminary plat of the development, as required by Article II of the Subdivision Regulations, shall include a preliminary site plan of the project area depicting all buildings, structures, and landscaping to be constructed in the District. The materials of construction (outline specifications) and the proposed use of buildings and structures shall be noted on the site plan or in supplementary data submitted with the Preliminary Plat. If the project is to be developed in stages over a period of several years, the buildings, structures, and landscaping to be constructed in the first and subsequent stages shall be clearly depicted by the Site Plan and Preliminary Plat. The Preliminary Plat submittal shall include any existing or proposed deed restrictions on the land and an outline of any exceptions, modifications, or variances to existing regulations of the City of Moss Point required by the developer and the reasons thereof.
  
- B. Final Plat Approval- The Final Plat of the development, as required by Article II of the Subdivision Regulations, shall include a final site plan of the project area depicting the location and dimensions of all buildings, structures, and landscaping to be constructed in the District. The Final Plat submittal shall be accompanied by complete plans and specifications for all construction.
  
- C. Other Data Required- The Board of Adjustment and/Or Mayor and Board of Aldermen may require the developer to submit other data necessary for evaluating the effects of the proposed development on the City as a whole or areas adjacent to the District. These data may include, but are not necessarily limited to, the following, all of which must be prepared by competent professionals:
  - 1. Estimates of traffic generation, turning movements and related information.
  - 2. Fire protection requirements, including fire flows, residual pressures and related information.
  - 3. Estimates of domestic water consumption and sewage generation, including peak flows.
  - 4. Estimated industrial waste characteristics and strengths.
  - 5. Estimates of environmental hazards or nuisances (such as noise, glare, dust, smoke, odors) to be generated by the project.

## **SECTION 416            OVERLAY ZONES**

### **416.1    GENERAL PURPOSE**

These are districts in which additional requirements are imposed on certain properties within one or more underlying general or special uses district. Some overlay zoning districts do not change the use and dimensional regulations of the general districts but instead impose additional requirements. Others change just one or more general district requirements, either by not allowing some uses that are otherwise permitted or by allowing additional density or uses if certain standards are complied with.

The City of Moss Point has three such overlay zones:

1. Airport Overly
2. Waterfront Overlay
3. Wetlands Protection Overlay

In accordance with the City's Comprehensive Plan other overlay zones may be added, including, but not limited to Historic Preservation, Neighborhood Protection and Gateway Overlay Zones in accordance with amendment procedures required by this Ordinance.

### **416.2    APPLICABLE TO ALL OVERLAY ZONES**

1. The overlay zoning district addresses special siting, use and compatibility issues that require use and development regulations in addition to those found in the underlying zoning district.
2. If any regulation in an overlay zoning district requires lower densities, greater setbacks, or otherwise imposes greater standards than those required by the base zoning district, the more restrictive standard applies.
3. The zoning designation of property located within an overlay zoning district shall consist of the regular zone acronym and the overlay zoning district symbol as a suffix. (Ex. IH (Industrial Heavy) within the AO (Airport Overlay) would be designated as IH (AO).)
4. The applicant for a zoning development approval in an overlay zone shall include and submit adequate information and detail necessary to ensure that the limitations of the subject zone will not be exceeded.

**SECTION 417 AIRPORT OVERLAY ZONE**

**417.1 GENERAL PURPOSE**

The intention of this section is to regulate and restrict the height of structures and objects of natural growth and otherwise regulate the use of property in the vicinity of the proposed Trent Lott International Airport by creating certain airport zones within the zoned districts.

This section implements the following plan policies:

1. Land use adjacent to the airport should be reserved for commercial and industrial development related to air transportation or those businesses needing easy access to airport facilities.
2. Airport related uses will be encouraged in the areas near the airport; and
3. Residential land uses will be discouraged in the areas where noise exceeds recommended land use standards.

**417.2 AIRPORT ZONES ESTABLISHED AND DEFINED**

1. There is created within the City of Moss Point certain zones that include all of the land lying within instrument approach zones, non-instrument approach zones, transition zones, horizontal zones and conical zones, as defined. Such area and zones are shown on a map entitled Zoning Overlay Map, and is adopted and made a part of this section by reference. This map shall be filed and kept as part of the official zoning map of the City.
2. Definitions:

<i>ZONE</i>	<i>DEFINITION</i>	<i>HEIGHT</i>
Instrument Approach Zone	An instrument approach zone at each end of the instrument runways for instrument lands and take-offs. The instrument approach zones shall have a width of one thousand (1,000) feet at a distance of two hundred (200) feet beyond each end of the runway, widening uniformly to a width of sixteen thousand (16,000) feet at a distance of fifty thousand two hundred (50,200) feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.	One (1) foot in height for each fifty (50) feet in horizontal distance, beginning at a point two hundred (200) feet from and at the centerline elevation of the end of the instrument runway and extending to a distance of ten thousand two hundred (10,200) feet from the end of the runway; thence, one (1) foot in height for each forty (40) feet in horizontal distance to a point fifty thousand two hundred (50,200) feet from the end of the runway.
Non-instrument Approach Zone	A non-instrument approach zone at each end of all non-instrument runways for non-instrument lands and take-offs. The non-instrument approach zone shall have a width of five hundred (500) feet at a distance of two hundred (200) feet beyond each end of the runway, widening uniformly to a width of two thousand (2,500) feet at a distance of ten thousand two hundred (10,200) feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.	One (1) foot in height for each forty (40) feet in horizontal distance, beginning at a point two hundred (200) feet from and at the centerline elevation of the end of the non-instrument runway and extending to a point ten thousand two hundred (10,200) feet from the end of the runway.
Transition Zone	Transition zones are adjacent to each instrument and non-instrument runway and approach zone, as indicated on the Airport Overlay Zoning Map. Transition zones symmetrically located on either side of runways have variable widths as shown on the	One (1) foot in height for each seven (7) feet in horizontal distance, beginning at any point two hundred and fifty (250) feet normal to and at the elevation of



<i>ZONE</i>	<i>DEFINITION</i>	<i>HEIGHT</i>
	<p>Airport Zoning Overlay Map. Transition zones extend outward from a line two hundred and fifty (250) feet on either side of the centerline of the non-instrument runway, for a length of such runway, plus two hundred (200) feet on each end; and five hundred (500) feet on either side of the centerline of the instrument runway, for the length of such runway, plus two hundred (200) feet on each end, and are parallel and level at such runway centerlines. The transition zones along such runways slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones shall be adjacent to both instrument and non-instrument approach zones for the entire length of the approach zones. These transition zones have variable widths, as shown on the Airport Overlay Zoning Map. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surfaces of the horizontal and conical zones. Furthermore, transition zones shall be adjacent to the instrument approach zone where it projects through and beyond the limits of the conical zone, extending a distance of five thousand (5,000) feet, measured horizontally from the edge of the instrument approach zones at right angles to the continuation of the centerline of the runway.</p>	<p>the centerline of non-instrument runways, extending two hundred (200) feet beyond each end, and five hundred (500) feet normal to and at the elevation of the centerline of the instrument runway, extending two hundred (200) feet beyond each end, extending to a height of one hundred and fifty (150) feet above the airport elevation, which is one thousand one hundred and seventy-five (1,175) feet above mean sea level. In addition to the foregoing there shall be height limits of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces. Further, where the instrument approach zone projects through and beyond the conical zone, a height limit of one (1) foot for each seven (7) feet of horizontal distance shall be maintained beginning at the edge of the instrument approach zone and extending a distance of five thousand (5,000) feet from the edge of the instrument approach zone measured normal to the centerline of the runway extended.</p>
Horizontal Zone	<p>A horizontal zone shall be the area within a circle with its center at the airport reference point and having a radius of seven thousand (7,000) feet. The horizontal zone does not include the instrument and non-instrument approach zones and the transition zones.</p>	<p>One hundred and fifty (150) feet above the airport elevation or a height of one-thousand one hundred and seventy-five (1,175) feet above mean sea level.</p>
Conical Zone	<p>A conical zone shall be the area that commences at the periphery of the horizontal zone and extends outward there from a distance of five thousand (5,000) feet. The conical zone does not include the instrument approach zones and transition zones.</p>	<p>One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone, extending to a height of four hundred (400) feet above the airport elevation.</p>

#### 417.3 HEIGHT LIMITATIONS

Except as otherwise provided in this section, no structure or tree shall be erected, altered or allowed to grow or be maintained in any zone created by this division to a height in excess of the height limit established for that zone. Such height limitations are established for each of the zones in the foregoing table. Where an area is covered by more than one height limitation, the more restrictive limitation shall apply.

#### 417.4 USE RESTRICTIONS

No use may be made of land within any zone established by Section 417.2 In such as manner as to:

1. Create electrical interference with radio communication between the airport and aircraft.
2. Make it difficult for flyers to distinguish between airport lights and other lights;
3. Result in glare in the eyes of flyers using the airport;
4. Impair visibility in the vicinity of the airport; or
5. Otherwise endanger the land, taking off, or maneuvering of aircraft.

#### 417.5. REGULATIONS TO BE CONSIDERED IN REVIEW OF ZONING DEVELOPMENT APPROVAL OF APPLICATIONS

This section in its entirety shall be considered by the zoning administrator when reviewing applications for zoning development approvals. The applicant for a zoning development approval shall include and submit adequate information and detail necessary to ensure that the limitations of this division shall not be exceeded. Such information shall include, at a minimum, a completed Federal Aviation Administration (FAA) Form 7460-1, along with the comments submitted on the completed Form 7460-1 by the FAA.

#### 417.6 CONDITIONS ON VARIANCES

Except as provided in the succeeding section Application of Regulations to Preexisting Structures and Uses of this Article any variance authorized to this overlay zone shall be so conditioned as to require the owner of structure or tree in question, at his/her own expense, to install, operate and maintain such markers and lights as may be deemed necessary by the Board of Adjustments, acting with the advice and recommendation of the FAA or the airport manager.

#### 417.7 APPLICATIONS TO PREEXISTING STRUCTURES AND USES

1. Except as provided in subsection (2) below, the regulations prescribed by this section shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the date of the adoption of this Ordinance, or where applicable, as of the effective date of any subsequent amendment to these regulations. Nothing contained in this section shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to March 17, 2010, or where applicable prior to the effective date of any subsequent amendment, and is diligently prosecuted.
2. The owner of any structure, tree, natural growth, or use that existed prior to March 17, 2010, or where applicable prior to the effective date of any subsequent amendment to the section, and which is inconsistent with or in violation of this section or an amendment, shall be required, as a condition of the continued maintenance of such structure, tree or use to permit the installation, operation and maintenance of such markers and lights as deemed necessary by the FAA of the airport manager, in order to indicate the presences of such object or hazardous use to operators of aircraft in the vicinity of the airport. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Moss Point and not of such owner.

#### 417.8 EXEMPTION OF UTILITY STRUCTURES

Structures of public utilities shall be excluded from the requirements of this division, provided that plans for such structures have been first reviewed and determined by the FAA to have no adverse affect on air navigation as provided in Part 77 of the FAA's regulations.

### **SECTION 418 WATERFRONT OVERLAY ZONE**

#### 418.1 GENERAL PURPOSE

The purpose of the waterfront overlay zone is to establish and maintain certain specific land uses, buildings and structures that derive greatest benefit from their proximity to water areas and to create a regulatory mechanism which foster the orderly development of said waterfront areas and enhances and protects both the environmental sensitivity and economic importance of the community's waterfront.

*The waterfront overlay zone does not change:*

1. *The existing zoning district;*
2. *Uses Permitted*
3. *Uses Permitted as Special Exceptions*
4. *Uses Prohibited*
5. *District Regulations.*

However, it is intended to serve as an umbrella over and designed to overlay or be superimposed over the other defined zoning districts within the City. The waterfront overlay zone is a special area that requires review and regulation in addition to the regulations in the other zoning districts. There may be other requirements and regulations required by the agency review set out in the subsequent section of this Ordinance.

#### 418.2 AGENCY REVIEW

The Moss Point Board of Adjustment shall serve as the Review Commission and shall review the plans for renovations, new construction, development and uses of property within the Waterfront Overlay Zone in excess of \$10,000. The review and consideration of the Board of Adjustment shall assure compliance with the GENERAL PURPOSES of the district, to include, but not limited to, a review of the use and/or construction using the following criteria;

1. To determine whether or not all environmental regulations are followed and to determine the environmental impact by the use, particularly considering the use and effect on the water and waterfront area of the City.
2. To determine whether or not the use is in harmony with surrounding property uses and in harmony with the orderly development of the City's waterfront areas.
3. To determine whether or not the use derives benefit from the proximity to water.
4. To determine the economic importance and impact of the use for the entire City.
5. To determine whether or not additional or special requirements and stipulations should be attached to the use to meet the purposes of this section.
6. The Review Commission shall make the review set out above and make recommendations to the Mayor and Board of Aldermen of the City for final approval.

#### 418.3 WATERFRONT OVERLAY ZONES ESTABLISHED

There is created within the City of Moss Point certain waterfront zones. Such area and zones are shown on a map entitled Zoning Overlay Map, and is adopted and made a part of this section by reference. This map shall be filed and kept as part of the official zoning map of the City.

## **SECTION 419 SPECIAL DEVELOPMENT DISTRICT**

### **419.1 GENERAL PURPOSE**

The purpose of the special development district is to provide protection of wetland areas within the City of Moss Point and to balance the needs for development of these sensitive areas with regulations designed to minimize and mitigate environmental degradation.

The special development district is designed to overlay or be superimposed over the other defined zoning districts within the area and to require additional permits and regulations, exceeding those in the other applicable zoning districts of the City, said additional regulations and permits being designed to protect the wetland areas from unnecessary damage and degradation.

### **419.2 JURISDICTION**

The special development district regulations shall apply to the area within the Wetland Plan approved by the U.S. Army Corps of Engineers and set forth in Permit No. MS93-00033-1.

Any development proposed within a special development district shall be subject to review and additional permitting by the Jackson County Planning Department. Development shall be defined as any activity involving the disturbance of the natural earth, construction of buildings or structures, or any clearing of land and/or vegetation, or any similar activity.

### **419.3 CONDITIONS OF PERMIT APPROVAL**

Development will be allowed in the special development district only after approval of the wetland permit authorizing such development by the Jackson County Planning Department and a building permit issued by the City of Moss Point. Any person(s), corporation, or property owner(s) requesting a wetlands permit for development with the special development district shall submit a plan for such development to the Jackson County Planning Department in accordance with the following procedures:

The plan shall include, but not necessarily be limited to, the following items:

1. Drainage Plans
2. Site layout plans
3. Ingress and egress plans
4. Wetland buffer zones with 10% of the total proposed development area being included in such area.
5. Plans and procedures for minimizing wetland impacts
6. Design plans for detention or retention ponds and related facilities.

The Jackson County Planning Department shall review the plan to assure compliance with the terms of the U. S. Army Corps of Engineer Permit MS 93-00033-I and all local, State and Federal regulations of wetlands.

### **419.4 PERMITTING PROCEDURES**

The developer, owner or person(s) requesting a wetlands permit for development in the waterfront overlay zones shall submit two sets of plans for the proposed development to the Jackson County Planning Department for review.

The Planning Department shall provide to the developer sufficient information regarding requirements for development to assist the permitting process. This information may be in the form of written guidelines with suggested design standards for drainage structures and other similar site requirements.

The applicant shall also furnish plans of the proposed project to the City as may be required by other parts of this Ordinance and other City requirements for building permits.

#### 419.5 FINAL SITE AND DEVELOPMENT APPROVAL

Final approval of the development and project after construction shall be granted by the Jackson County Planning Department only upon all requirements of the wetlands permit being met by the applicant.

The City of Moss Point Building Department shall not grant a Certificate of Occupancy or finally approve any development in a special development district until the final site development approval has been granted from the Jackson County Planning Department and all City zoning and building regulations are met.

**ARTICLE V  
REGULATIONS APPLICABLE TO ALL DISTRICT**

**SECTION 500 PERMITTED USES**

Public uses necessary for conducting the business of the city, county, state, and/or federal governments, including schools, parks, public buildings and utilities shall be permitted by right in any district.

Issuance of a building permit in accordance with the terms of this Ordinance shall authorize temporary construction activities, equipment, structures, and uses in all districts.

**SECTION 501 OFF STREET PARKING AND LOADING REQUIREMENTS**

**501.1 GENERAL PURPOSES**

For every use, activity, or structure permitted by this Ordinance, and for all buildings or structures erected in accordance with the Ordinance, there shall be provided sufficient space for access and off-street standing, parking, circulation, unloading, and loading motor vehicles that may be expected to transport its occupants, whether as patrons, residents, customer, employees, guests, or otherwise, to an establishment, activity, or place of residence at any time under normal conditions for any purpose.

**501.2 SITE PLAN REQUIRED**

Every building permit application for a new, enlarged, or remodeled building, structure, or use shall include a parking site and landscape plan, with the *exception of single-family and two-family residences\**. In addition, such parking site and landscape plan requirements shall also apply to new uses.

Application for approval of such a plan shall include for review and approval by the Administrative Official, or his designee, any and all existing parking facilities currently serving said buildings, structures, and uses for conformity with these regulations.

1. Single-family and Two-family Requirements:  
Off-street parking facilities for single and two-family dwellings shall be located on the same lot or plot of ground as the building served.
2. Parking Plan Requirements: The proposed parking plan shall specifically include the following information for review and approval.
  - A. Delineation of individual parking and loading spaces by intended striping, parking space dimensions, and parking spaces identified by number.
  - B. Circulation area necessary to serve the parking area, delineation of anticipated obstacles to parking and circulation in the finished parking area.
  - C. Access to streets and property to be served.
  - D. Driveway and traffic aisle widths, location of all curbs and curbing materials.
  - E. Grading, drainage, surfacing and sub-grade details.
  - F. Dimensions, continuity, and substance of required landscaping and screening, landscaping and screening details.
  - G. Exterior lighting locations, height, and type of fixture.
  - H. Critical dimensions indicating setback and parking lot layout design.
  - I. All sidewalks and pedestrian ways.

3. Design Requirements for Parking Areas:
  - A. Surface Material - All areas used for access, maneuvering, standing, parking, storage, and display of motor vehicles, trucks, trailers, recreational vehicles, heavy equipment, and mobile homes shall have a Portland cement or asphaltic concrete surface, maintained adequately for all-weather use, and so drained as to avoid the flow of water across sidewalks.
  - B. Minimum Parking Dimensions: Open parking areas for all non-residential uses and for all multiple-family dwellings containing three (3) or more dwelling units shall be delineated by pavement striping and shall meet the minimum dimensions described below:
    1. If 90° parking,
      - stall depth – 20’0”
      - stall width – 9’0”
      - aisle width – 25’0”
    2. If 60° parking
      - stall depth – 20’0”
      - stall width – 9’0”
      - aisle width – 18’6”
    3. If 45° parking
      - stall depth – 20’6”
      - stall width – 9’0”
      - aisle width – 13’6”
    4. If 30° parking
      - stall depth – 20’0”
      - stall width – 9’0”
      - aisle width – 13’0”
    5. If parallel parking
      - stall depth – 8’0”
      - curb length – 23’0”
      - aisle width – 12’0”
      - or if adjacent to angle parking, use the largest width.\*
      - \*One-Way Traffic Only
  - C. All required parking spaces shall be provided on-site. Public parking spaces that may be available along the public street or in public parking areas shall not be counted as required parking spaces or considered to fulfill the requirements of this Ordinance as it pertains to the provision of off-street parking, with the following exception:
 

*Shared Parking* – Developments that contain a mix of uses on the same parcel may reduce the amount of required parking in accordance with the following:

    1. Determine the minimum parking requirements in for each land use as if it were a separate use;
    2. Multiply each amount by the corresponding percentages for each of the five time periods set forth in columns (B) through (F) of the following table;
    3. Calculate the total for each time period; and
    4. Select the total with the highest value as the required minimum number of parking spaces.

(a) Land Use	(b) Weekday Daytime 9 am– 4 pm	(c) Weekday Evening 6 pm– Midnight	(d) Weekend Daytime 9am – 4 pm	(e) Weekend Evenings 6 pm – Midnight	(f) Nighttime Midnight – 6 am
Office/industrial	100%	10%	19%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/Commercial	40%	100%	80%	100%	10%

- D. The design of parking areas that incorporate parking spaces that back directly into the adjacent street is strictly prohibited.
  - E. Access to Parking Areas: All off street parking areas shall have a definable entrance and exit, defined by appropriate curbing materials. Unrestricted access to a parking area along the entire street frontage of a property is expressly prohibited.
4. Curb Cuts: Curb cuts providing access to the subject property shall meet the following requirements:
- A. Curb cuts shall be located no closer than seventy-five (75) feet from the intersection of two streets, as measured at the curb line from the end of the curb radius of the intersection. In these instances where the width of subject site is less than seventy-five (75) feet, the curb cut shall be placed adjacent to the interior side lot line the furthest distance from the street intersection.
  - B. Curb cuts, other than those shared between two properties shall be located a minimum of ten (10) feet from any property line.
  - C. Curb cuts shall be located directly across from one another on the opposite side of a public or private street, or offset by a minimum of one hundred and fifty (150) feet.
  - D. Properties shall have a clearly defined entrance and exit. Unlimited access along the entire frontage of a property is prohibited. Parking spaces that back directly into the adjacent street are prohibited.
  - E. Curb cuts shall meet the following widths:
    1. *Residential* – Twelve (12) feet wide at the right-of-way line, sixteen (16) feet wide at the curb line.
    2. *Commercial* –
      - a. One-Way – Fourteen (14) feet wide at the right-of-way line, twenty-eight (28) feet wide at the curb line.
      - b. Two-Way – Twenty-four (24) feet wide at the right-of-way line, forty-four (44) feet wide at the curb line.
      - c. Three-Way – Thirty-six (36) feet wide at the right-of-way line, fifty-six (56) feet wide at the curb line.
    3. *Industrial* – The width of curb cuts for industrial and warehouse uses, as well as the dimension of the curb radius or curb return shall be sized based upon the accepted standard utilizing truck-turning templates.



5. Number of Entrances and Exits: There shall be not more than one (1) entrance only and one (1) exit only or one (1) combined entrance exit from every parking area along any street. On corner lots, in the event the property is located at the intersection of a major and minor road, access shall be limited to the major road. In the instance of an intersection of two (2) equivalent roads, the access to the parking area may be from one or the other road. Additional access points may be approved by the Board of Adjustment, if deemed necessary by the Board of Adjustment for the alleviation of traffic congestion and/or the relief of interference of traffic movement along the related street, upon submission of a site plan.
6. Drainage - All off-street parking areas shall be drained so as to prevent drainage to abutting properties. The manner of site drainage proposed shall be subject to review and approval of the City Engineer.
7. Exterior Lighting: The following standards are required for all exterior lighting:
  - A. Private streets, driveways, parking lots, walk, and service areas shall be kept properly and adequately lighted at all times so that the area will be safe for occupants and visitors. All entrances and exits to both the subject property and proposed structures shall be lighted.
  - B. Lighting fixtures, whether mounted upon a building, or independently upon a pole, light standard, or other structure, shall not exceed sixteen (16) feet in height.
  - C. All luminaries (the complete lighting unit, consisting of the lighting source and all necessary mechanical, electrical, and decorative parts) shall be in a "cut-off type" of luminary (a luminary with elements such as shields, reflectors, or refractor panels which direct and cut-off the emitted light at a specific cut-off angle.) All luminaries shall have a cut-off angle of ninety degrees (90°) or less.
  - D. The lighting from any luminary shall be so shaded, shielded, or directed to prevent direct light from being cast upon any adjacent residential property, and to prevent glare or other objectionable problems to surrounding areas.
  - E. Neither the direct or reflected light from any luminary shall fall upon an adjacent public street.
  - F. No exterior light shall have any blinking, flashing, or fluttering light or other illuminating device, which has a changing light intensity or brightness of color.
  - G. All exterior lighting fixtures shall be either high pressure sodium or metal halide fixtures.
  - H. Lighting fixtures shall be compatible in style with the architecture of their associated buildings.
8. Fire Lanes: Every non-residential use shall provide access for fire vehicles and emergency apparatus from a public street as follows:
  - A. A fire lane shall be provided to any structure which is more than one hundred and fifty (150) feet from the nearest street right-of-way, when the structure is thirty-five (35) feet or less in height. When the structure exceeds thirty-five (35) feet in height, a fire lane shall be provided if the structure is fifty (50) feet or more from the nearest street right-of-way. In addition to these situations the Fire Chief for the City of Moss Point may require a fire lane to any part of any building where the distance of the structure from the nearest fire hydrant, the configuration of structures on a site, or other special characteristics of the site inhibit rapid, effective fire extinguishment.

- B. The fire lane shall provide clear, unobstructed access for vehicles and apparatus at all times.
  - C. Signs shall be erected prohibiting the parking or standing of motor vehicles within the fire lane.
  - D. Fire lanes shall be a minimum of eighteen (18) feet in width.
  - E. The fire lane shall be constructed of a hard surface of either Portland cement or asphaltic concrete.
9. Rear Access to Buildings: Vehicular access shall be provided along the entire rear of all non- residential buildings for emergency access purposes.
10. Curbing and Wheel Stops: All parking area and loading areas shall be provided with permanent Portland cement curb. In addition, all landscaped areas that can be encroached upon by a motor vehicle shall be protected by a Portland cement wheel stop, appropriately anchored to the pavement, and set a minimum of two (2) feet from the curb to restrict such encroachment.
11. Street Signs and Traffic Control Devices: When, as a result of the proposed project, street signs, traffic signals, or traffic regulatory signs are required, the applicant shall be responsible for the installation of all such devices.
12. Pedestrian Circulation:
- A. Where the subject property does not already provide a public sidewalk, a five (5) feet wide sidewalk shall be constructed along the entire street frontage of the property. The sidewalk shall be constructed to align with existing sidewalks on adjacent properties. Where sidewalks are not yet present on adjacent properties, the sidewalk shall be constructed at least two (2) feet back from the curb to allow for green space. In the instance of a corner lot, the sidewalk will be constructed along both street frontages and handicapped access ramps will be constructed at the street corner.
  - B. Where a property or development borders more than one street, sidewalks will be constructed along the entire frontage of all streets which the property or development borders.
  - C. Sidewalks shall be a minimum of five (5) feet in width, except along arterial streets, which may require additional width as determined by the City Engineer. Sidewalks shall be set back a minimum of five (5) feet from the back of the curb.
  - D. Sidewalk materials should blend with the natural landscape, avoiding slick concrete. Examples of acceptable finishes are broom finished, colored, or exposed aggregate concrete. Asphalt and cinder sidewalks are prohibited.
13. Landscaping and Screening: All parking and loading areas shall be properly screened and landscaped as set forth below. It is the purpose and intent of this Section to require adequate protection for contiguous property against the undesirable effects resulting from the creation and operation of parking or loading areas and to protect and preserve the appearance and character of the surrounding areas through the screening effects of such landscaping.
- A. All landscaping shall be installed according in conformance with ANSI Z60.1, the “American Standard for Nursery Stock,” and the accepted

standards of the American Association of Nurserymen. Soil free of lime rock, pebbles, or other construction debris shall be provided.

- B. Perimeter Landscaping – One large, deciduous shade tree for every thirty-five (35) lineal feet of street frontage, or portion thereof, shall be planted upon the subject property within the area five (5) feet behind the street right-of-way line up to said street right-of-way line. Said trees may be clustered or arranged within the setback, and need not be placed at a uniform thirty-five (35) feet interval. To provide a more immediate effect and to off-set the larger scale of the structures, street trees shall be three (3) to three and one-half (3 ½) inch caliper in size as measured three (3) feet above the ground.
- C. Interior Landscaping:
  - 1. There shall be a minimum of twenty (20) square feet of interior landscaped area provided within the parking area for each parking space. The landscaping shall be one or more areas so as to minimize and reduce the apparent size of the parking area.
  - 2. Parking areas shall be organized as a series of small parking bays with a landscape island separating them. A landscape island shall be placed for every one hundred (100) lineal feet of parking, as follows:
- D. Single Loaded Parking Rows – A raised island, not less than six (6) inches in height, five (5) feet wide by twenty (20) feet in length shall be located at both ends of every single loaded parking row, and at a point of every ninety (90) lineal feet along the parking row (every ten (10) parking spaces). Each island shall contain a minimum of one (1) medium deciduous shade tree, two (2) to two and one-half (2 ½) inches in caliper, as measured three (3) feet above the ground, and low shrubs at least eighteen (18) inches high.
- E. Double Loaded Parking Rows – A raised island, not less than six (6) inches in height, five (5) feet wide by forty (40) feet in length shall be located at both ends of every double loaded parking row, and at a point every ninety (90) lineal feet along the parking row (every ten (10) parking spaces). The island shall contain a minimum of two (2) medium deciduous shade trees, two (2) to two and one-half (2 ½) inches in caliper, as measured three (3) feet above ground, and low shrubs.
- F. Trees planted for the purpose of complying with the perimeter landscaping requirements shall not be double counted for compliance with the interior landscaping requirements.
- G. Ground Cover: Areas adjacent to streets and pedestrian walkways as well as interior landscape areas shall be treated with grass and/or other types of vegetative ground cover. Such areas shall be sod or established lawn prior to building occupancy.
- H. Irrigation – In order to present a healthy, neat and orderly appearance, landscaped areas shall be provided with adequate irrigation for the maintenance of grass, shrubs, and trees by utilizing a sprinkler system or hose bibs.
- I. Maintenance of Existing Trees:
  - 1. Whenever possible, healthy existing trees should be retained, as they are an amenity that increases the value of property and require many years to replace. The parking site and landscape plan must identify all existing trees eight (8) inches in caliper, as measured three (3) feet above the ground, or larger, as well as

which trees shall be retained and which trees shall be removed. The applicant must submit a justification for any such trees proposed for removal.

2. Existing Tree Credit – Every existing tree, a minimum of eight (8) inches in caliper or larger, which is maintained as a part of the proposed development may be used as a credit on a one to one (1:1) basis against the tree requirement of either the perimeter or interior landscape standards, dependent upon the location of the existing tree(s) to be maintained upon the subject property. The maintenance of existing trees shall only be considered as a credit against the perimeter street tree requirement if the existing tree(s) to be maintained lie within the subject site, but also within a reasonable proximity to the street right-of-way line.
  3. Undevelopable Areas: Areas of natural vegetation shall be preserved along property lines, including fence rows and drainage ways, and shall be incorporated into the site’s overall landscape concept. The parking site plan shall identify “no-grade” zones for this purpose.
- J. Plant Standards – “Large” deciduous trees shall be three (3) to three and one-half (3 ½) inches in caliper, as measured three (3) feet above the ground, at planting. “Medium” and “small” deciduous trees shall be two (2) to two and one-half (2 ½) inches in caliper at planting. Coniferous evergreen trees shall be a minimum of six (6) feet in height at planting.
- K. Maintenance – The trees, shrubs, and other landscaping materials depicted upon the parking site and landscape plan shall be considered as binding elements of the project in the same manner as parking, building, materials, and other details. The applicant, his successors, assigns, and/or subsequent owners and their agents shall be responsible for the continued maintenance of all landscaping materials. All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping as originally approved. Plant material which exhibits evidence of insects, disease, and/or damage shall be appropriately treated. Dead plants shall be removed and replaced within thirty (30) days following notification by the City.
- L. Screening and Buffering –
1. Transitional Buffer Yards: Transitional screening is required where commercial, industrial, or multi-family uses adjoin single-family residential areas or uses, and with Planned Unit Developments with similar use relationships. Transitional buffer yards shall be provided in accordance with the requirements of the Design Guidelines Ordinance.
  2. Nuisance Screening: To reinforce the natural environment and a consistent streetscape, service and utility functions shall be screened from public view in accordance with the requirements of Design Guidelines Ordinance.

### 501.3 ADMINISTRATIVE REQUIREMENTS

#### 1. Determination of Required Number of Parking Spaces:

- A. Floor Area: For the purposes of this Ordinance, when the term “floor area” is used as a measurement for determining the number of required parking spaces, it shall mean the gross floor area of the building,

structure, or use, including mechanical rooms, bathrooms, storage rooms, areas occupied by fixtures and equipment, show windows, dressing and fitting rooms, alteration rooms, and any outdoor areas intended for the active use of the public as patrons, such as open air seating for restaurants.

- B. **Parking for Multiple Use Buildings:** The number of required parking spaces for land or buildings used for two (2) or more purposes shall be the sum of the requirements for the individual uses, computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use.
- C. **Employees:** When using the number of employees to determine the number of required parking spaces for a new business enterprise or an existing, but expanding business enterprise, the number of required parking spaces shall be based upon the total number of employees on the largest shift.
- D. **Seats:** Where seating is used as a measurement in determining the number of required parking spaces, one (1) "seat" is the equivalent of two (2) feet of bench length.
- E. **One- and Two-Family Residential Uses:** In counting the number of required parking spaces provided for one- and two-family residences, it may include the area dedicated for parking purposes within enclosed garages and open carports, as well as open driveway areas within the subject property. Open driveway areas off the property, with the public street right-of-way shall not be counted.

2. Use of Required Parking Spaces:

- A. Required off-street parking facilities provided for all non-residential uses hereinafter listed shall be solely for the parking of motor vehicles, in operating condition, of patrons, occupants, or employees of such uses, and shall not be used for the storage of other vehicles such as boats, recreational vehicles, campers, mobile homes, materials, equipment, or for the parking of delivery trucks or tractor trailers used in conducting the business or use.
- B. In no case shall any parking spaces devoted to the principal use of the lot be leased, rented, or sold for the purpose of use by any other person, firm, company, corporation, or used other than those located upon the property, except where shared parking has been approved in accordance with Section 501.2(3)(C).
- C. No parking area or required parking space which exists at the time of the Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the requirements of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.
- D. In no case shall any business or commercial vehicle with signs painted upon its sides be parked in any required or excess parking space located adjacent to a street right-of-way.
- E. **Expansion or Change in Use:** No off-street parking space required under this Ordinance shall be used for any other purpose. Where an expansion or change in use of an existing building or use creates greater parking requirements than the amount currently provided neither a building permit, in the case of an expansion, or a use and occupancy permit, in the

case of change in use, shall be issued until provision is made for the increased amount of required off-street parking. In the instance of a nonconforming parking area where an expansion or change in use creates greater parking requirements than the amount currently provided, the provision of this Chapter shall only apply to the extent of such increase resulting from the expansion or change in use.

3. Maintenance of Parking Facilities:

- A. Any persons operating or owning a parking area required under the provisions of this Ordinance, shall keep it free of dust, loose particles, trash, debris, and broken glass. Such persons shall also keep all adjacent sidewalks free from dirt and trash and shall keep the sidewalks in a safe condition for use by pedestrians.
- B. All signs, markers, or other methods used to indicate the direction of traffic movement and the location of parking spaces shall be maintained in a neat and legible condition.
- C. Likewise, any walls and landscaping, as well as surfacing and curbing of the parking area shall be maintained in good condition throughout its use for parking purposes.
- D. The Administrative Official, or his designee, shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair, or rehabilitation has been completed.

4. Parking within Residential Districts:

- A. Yard Areas: No automobile, truck, trailer, tractor trailer, camper, recreational vehicle, or any other motor vehicle shall be parked in any yard area, except upon a paved driveway or parking area, except as may be otherwise regulated by this Ordinance.
- B. Junk Vehicles: Junk vehicles, recreation equipment, and trailers of any kind or type without a current license and/or current State inspection sticker shall not be parked or stored on any residentially zoned property other than in a completely enclosed building.
- C. Recreational Equipment: For the purposes of this Ordinance, recreational equipment shall include boats and boat trailers, travel trailers, recreational vehicles, campers, pickup campers, coaches, and motorized homes.
- D. No recreational equipment shall be parked on any street, alley, road, highway or other public place with the exception of emergency or temporary stopping or parking. Stopping or parking of the latter nature is permitted on any alley, street, or highway for not longer than twelve (12) hours, subject to any prohibitions, regulations, or ordinances relating to that alley, street, or highway.
- E. No recreational equipment shall be parked within the front yard of any residential property, except upon a paved driveway, and subject to the following conditions:
  - 1. The owner of the recreational equipment shall not park or store such equipment in such a manner as to create a dangerous or unsafe condition on the property where parked or stored.
  - 2. Such recreational equipment may not be parked within a front yard driveway area if the equipment is of such size that it would overlap the public sidewalk.

3. The recreational equipment shall have a current license and State inspection sticker.
4. At no time shall parked or stored recreational equipment be occupied or used for living, sleeping, or housekeeping purposes, with the following exception. In the event of a natural disaster (ex. fire, hurricane, etc) the Administrative Official may issue a temporary permit for residential occupancy of a recreational vehicle for a period of time not to exceed ninety (90) days without renewal. Renewal for a second ninety (90) day period may be given if a building permit has been issued for repairs or rebuilding and substantial progress has been made.

F. Trucks and Trailers

1. No truck rated more than three-quarter (3/4) ton, trailer (low boy, flat bed or otherwise), tractor trailer, or other machines or heavy equipment of any kind shall be parked upon any residential property in the yard, driveway, or adjacent street, other than for service and delivery purposes.
2. Delivery shall mean the active loading or unloading of the vehicle or part of the same, and shall not exceed four (4) hours.
3. Service shall mean the retention of an individual or firm to provide a business service to the property owner and which takes place upon the residential property. Vehicles associated with the provision of such service shall not be parked on the subject property overnight.
4. Overnight parking shall mean any parking between the hours of 8 p.m. and 6 a.m.
5. The following vehicles are exempted from the above regulation:
  - a. School or church buses, used for the transportation of students or personnel in conjunction with religious or public school activities, may be parked upon the church or school property.
  - b. Trucks or vans not rated in excess of one (1) ton, used as a passenger vehicle, and not used for any commercial purpose.
  - c. Trucks, vans, trailers, or other motor vehicles, rated more than one (1) ton may be parked in a residential district provided that such vehicle is parked within a completely enclosed, lawfully located, residential-type accessory garage.
  - d. Emergency vehicles may be exempted upon written application and approval by the Administrative Official.
6. Tractor-Trailers: The driver of any tractor-trailer is hereby prohibited from allowing any motor or motors which are part of the tractor, or its attached trailer, from running while parked within a residential area, regardless of location.

5. Location of Parking Area:

All required off-street parking spaces shall be provided on the same parcel of land occupied by the use of building to which is appurtenant; provided that where, in the judgment of the Board of Adjustment, practical difficulties exist in satisfying the requirements for parking and/or where public safety or convenience would be better served, the Board of Adjustment may authorize an off-

site, accessory parking lot as a conditional use in any Commercial or Light Industrial District, subject to the following conditions:

- A. No more than fifty (50) percent of the total number of required parking spaces for the subject use may be located off-site.
  - B. The accessory parking lot is located no further than two hundred (200) feet from the principal use it is to serve, and is connected to the location of the principal use by a pedestrian sidewalk.
6. Schedule of Required Parking Spaces: No building permit or use and occupancy permit shall be issued for any building, structure, or use, or for any expansion or addition thereof, unless parking spaces in compliance with the requirements of this Section are provided.
- A. Residential and Lodging Uses:
    1. Dwellings (single-family, two-family, multiple family, manufactured home, townhouse, duplex, apartment, condominium) – Two (2) spaces per dwelling unit.
    2. Hotel or Motel – One (1) space per each guest bedroom, plus fifty (50) percent of the standard requirement for accessory uses such as restaurants or retail when computed as a principal use.
    3. Rooming or Boarding House, Bed and Breakfast – One (1) space per guest bedroom, but no fewer than two (2) spaces.
    4. Group Homes – One (1) space per for every two (2) beds, plus one (1) space for every one hundred (100) square feet of floor area.
  - B. Commercial Uses:
    1. Retail Uses, unless otherwise listed – One (1) space for every two hundred (200) square feet of floor area, except as may be otherwise specifically noted herein.
    2. Personal Services Uses, unless otherwise listed – One (1) space for every two hundred (200) square feet of floor area.
    3. General Offices, unless otherwise listed – One (1) space for every three hundred (300) square feet of floor area.
    4. Repair Services, unless otherwise listed – One (1) space for every two hundred (200) square feet of floor area.
    5. Janitorial or Window Cleaning Service, Lawn and Garden Service. – One (1) space for every two (2) employees on the maximum shift, plus one (1) space for every vehicle customarily used in the operation of the use or stored on the premises.
    6. Financial Institutions, unless otherwise listed – One (1) space for every two hundred (200) square feet of floor area, plus one (1) space for every automatic teller unit, not capable of being operated directly from a motor vehicle. Where the use involves drive up banking, five (5) stacking spaces shall be provided for each drive-up window, automatic teller unit, or delivery station.
    7. Pawn Shop – One (1) space for every three hundred (300) square feet of floor area.
    8. Automobile, Truck, Recreational Vehicles, Boats, Manufactured or Mobile Home, Farm Implement Sales, Rental, and/or Service Facility, Equipment Rental and Leasing – One (1) space per three thousand (3,000) square feet of outdoor sales lot area devoted to the sale, display, and/or rental of said vehicles or one (1) space for every two hundred (200) square feet of indoor floor



- area, whichever is larger; plus three (3) spaces for every bay in garage repair areas, as well as one (1) space for every (2) employees on the maximum shift.
9. Automobile Service Station – One (1) space for every fuel dispensing pump, plus three (3) stacking spaces per fuel dispensing pump, plus three (3) spaces for each service bay or similar facility, plus one (1) space for each vehicle used directly in conduct of the business or stored on the premises, as well as one (1) space for every two (2) employees on the maximum shift.
  10. Vehicle Quick Repair Facility – Three (3) spaces for each service bay or similar facility, plus three (3) stacking spaces for each service bay, plus one (1) space for each vehicle used directly in conduct of the business or stored on the premises, plus one (1) space for every two (2) employees on the maximum shift.
  11. Car Wash – Mechanical – Ten (10) customer spaces, plus stacking area five (5) times the capacity of the car wash.
  12. Car Wash – Self Service – Five (5) stacking spaces for each car washing stall, plus two (2) drying spaces for each car washing stall.
  13. Clubs, Lodges – spaces equivalent to the combined requirement of the uses conducted, such as hotel, restaurant, auditorium, etc.
  14. Convenience Storage Facility, Mini-Warehouse – One (1) space for every fifty (50) storage units.
  15. Food Markets Less than Five Thousand (5,000) Square Feet in Floor Area – One (1) space for every five hundred (500) square feet in floor area. Where the use involves a drive-in window, five (5) stacking spaces shall be provided for each window or delivery station. Where the use involves gasoline pumps, one (1) space shall be provided for every fuel dispensing pump, plus three (3) stacking spaces per fuel dispensing pump.
  16. Food markets Over five Thousand (5,000) Square Feet in Floor Area – One (1) space for every one hundred and fifty (150) square feet of floor area. Where the use involves gasoline pumps, one (1) space shall be provided for every fuel dispensing pump, plus three (3) stacking spaces per fuel dispensing pump.
  17. Funeral Homes, Mortuaries – One (1) space for every four (4) seats in the auditorium or chapel, with a minimum of ten (10) total spaces provided.
  18. Construction Services – One (1) space for every two hundred and fifty (250) square feet of floor area, plus two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in operation of the use stored upon the property.
  19. Restaurant without Drive-Thru or Carry-Out Facilities – One (1) space for every one hundred square feet of floor area.
  20. Restaurant with Drive-Thru or Carry-Out Facilities – One (1) space for every one hundred square feet of floor area, plus five (5) stacking spaces for each drive-in window or delivery station.
  21. Lounge, Bar, Tavern, Saloon, Nightclub, Dance Hall – One (1) space for every one hundred (100) square feet of floor area.

22. Vehicle Storage Lots, Commercial Parking Lots, Parking Garage – One (1) space for every vehicle customarily used, stored, or intended to be used or stored upon the premises, plus two (2) spaces for every three (3) employees on the maximum shift.
  23. Veterinary Clinics, Animal Hospitals – Four (4) spaces for every doctor, plus one (1) space for every additional employee.
  24. Kennel – One (1) space for every two hundred (200) square feet of floor area.
  25. Medical or Dental Office or Clinic – One (1) space per every one hundred-fifty (150) square feet of floor area.
  26. Quick Print Shop – One (1) space for every three hundred (300) square feet of floor area.
  27. Plant Nursery, Greenhouse – Five (5) spaces for every one thousand (1,000) square feet of floor area, plus one (1) space for every vehicle customarily used in the operation of the use or stored on the premises.
  28. Building Materials, Lumberyards – One (1) space for every three hundred (300) square feet of floor area, plus one (1) space for every vehicle customarily used in the operation of the use or stored on the premises.
  29. Shopping Center Twenty-Five Thousand (25,000) Square Feet of Floor Area or Larger
  30. Twenty-five thousand (25,000) square feet to four hundred thousand (400,000) square feet of floor area – four (4) spaces per one thousand (1,000) square feet of floor area.
  31. Four hundred thousand (400,000) square feet to six hundred thousand (600,000) square feet of floor area. – Four and one-half (4 ½) spaces per one thousand (1,000) square feet of floor area.
  32. Over six hundred thousand (600,000) square feet of floor area – five (5) spaces per one thousand (1,000) square feet of floor area.
- C. Industrial and Transportation Uses:
1. Manufacturing Plants – One (1) space for each one and one-third (1 1/3) employees on the maximum shift.
  2. Warehouse – One (1) space for every one thousand (1,000) square feet of floor area within the warehouse plus one (1) space for every two hundred and fifty (250) square feet of floor area in office or show room use.
  3. Printing and Publishing – One (1) space for every two (2) employees, plus one (1) space for every vehicle customarily used in the operation of the use or stored on the premises.
  4. Storage of Raw Materials - Two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in the operation of the use or stored on the premises.
  5. Bulk Fuel, Fuel Oil, Bottled Gas, Liquefied Petroleum sales – One (1) space for every three hundred (300) square feet of floor area, plus two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in the operation.
  6. Junk Yards, Reclamation Plants, Recycling Centers, Salvage Yards, and Wrecking Yards, Vehicle Wrecker Service – One (1) space for each one and one-third (1- 1/3) employees on the

maximum shift, plus one (1) space for every vehicle customarily used in the operation of the use or stored on the premises.

7. Commercial Laundry, Dry Cleaning Plant – Two (2) spaces for every three (3) employees, plus one (1) space for every vehicle customarily used in the operation of the use or stored on the premises.
8. Airport, Heliport and Landing Strip, Terminal (Bus or Railroad) – One (1) space for every two hundred (200) square feet of lobby area, plus two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in the operation of the use or stored on the premises.
9. Commercial Communications Tower – One (1) space per employee, with a minimum of two (2) spaces
10. Radio and Television Broadcasting Studio – Two (2) spaces for every three (3) employees, plus one (1) space for every vehicle customarily used in the operation of the use or stored on the premises.
11. Tax Cab Office Dispatch – One (1) space for every three hundred (300) square feet of floor area, plus one (1) space for every vehicle customarily used in the operation of the use or stored on the premises.

#### D. Cultural and Recreational Uses

1. Amusement Parks – One (1) square feet of parking for each (1) square feet of public activity area.
2. Athletic Field – Thirty (30) spaces for every diamond or athletic field, or one (1) space for every four (4) seats, whichever is greater.
3. Auditoriums, Theaters, Meeting Rooms, Planetarium, Exhibition or Exposition Hall, and Other Places of Public Assembly (except as otherwise specifically noted herein) – One (1) space for every four (4) seats or one space for every fifty (50) square feet of gross floor area when there is no fixed seating.
4. Banquet or Reception Hall – One (1) space for every one hundred (100) square feet of floor area.
5. Billiard Hall – One (1) space for every one hundred (100) square feet of floor area.
6. Bowling Alleys – Five (5) spaces per alley.
7. Campgrounds – One (1) space for every two (2) beds, but not less than one (1) space for every camp site, cabin or other habitable facility.
8. Community Center and Private, Not-for-Profit Recreation Centers, Including Gymnasiums and Indoor Swimming Pools – Four (4) spaces for every one thousand (1000) square feet of floor area.
9. Country Club – The standard combined parking requirements for all accessory uses such as restaurants, banquet hall, or retail when computed as principal uses.
10. Fairgrounds – Sufficient open land convertible to parking such that no vehicle need be parked on any public street.
11. Golf Course – four (4) spaces for each tee, plus the standard parking requirements for any accessory uses such as restaurants or retail when computed as a principal use.

12. Miniature Golf Course – Two (2) spaces per hole, plus one (1) space for every two (2) employees on the maximum shift.
  13. Golf Driving Range – Two (2) spaces for every tee.
  14. Skating Rinks or Skate Parks – One (1) space for every one hundred (100) square feet of skating area or playing surface.
  15. Parks, Playgrounds, Picnic Grounds – Space equivalent to one (1) percent of the total land area.
  16. Recreation Centers – One (1) space for every two hundred (200) square feet of floor area.
  17. Stadiums, Sports Arenas, and Gymnasiums with Spectator Facilities – One (1) space for every four (4) seats.
  18. Swimming Pools, Water Slides – Two (2) spaces for every one hundred (100) square feet of water area.
  19. Tennis Courts – Four (4) spaces for every court.
- E. Public, Semi-Public and Institutional Uses
1. Church – One (1) space for every four (4) seats, plus one (1) space for any vehicle customarily used in the operation of the use or stored on the premises, plus the standard parking requirements for any accessory uses such as schools or day care computed as a principal use.
  2. Day Care Center, Nursery School – Two (2) spaces, plus one (1) space for employee, plus a paved, unobstructed, off-street pick-up area with five (5) stacking spaces in addition to the standard driveway and parking requirements.
  3. Fire Station – One (1) parking space for every employee on the maximum shift.
  4. Hospital – Two (2) spaces for every three (3) beds, plus one (1) space for every two (2) employees on the maximum shift.
  5. Library, Reading Room, Art Gallery, Museum – Five (5) spaces for every one thousand (1,000) square feet of floor area plus one (1) space for every four (4) seats in an accessory auditorium and two (2) spaces for every three (3) employees on the maximum shift.
  6. Nursing Home – One (1) space for every five (5) beds, plus one (1) space for every self-care unit, plus (1) space for every two (2) employees on the maximum shift.
  7. Police Station – One (1) space for every one (1) employee on the maximum shift plus one (1) space for every vehicle customarily used in the operation of the use or stored upon the premises, plus one (1) visitor space for every one thousand (1000) square feet of floor area.
  8. Postal Stations – Four (4) spaces for every customer service station, plus two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in the operation of the use or stored upon the premises.
  9. Schools, Public and Private, All Grades, Special and Vocational – One (1) space for every classroom and office, plus one (1) space for every three students over sixteen (16) years of age, plus one (1) space per bus or other vehicle customarily used in the operation of the use or stored upon the premises.
  10. Cemeteries – Space equivalent to one (1) percent of the total land area, plus two space for every three (3) employees on the

maximum shift, plus one (1) space for every vehicle customarily used in the operation of the use or stored upon the premises, plus one (1) space for every four (4) seats in an accessory auditorium or chapel.

11. Utility Substation, Telephone Switching Center – One (1) space per employee, minimum of two (2) spaces.

F. *Interpretations:* For any use which is not specifically identified in the Schedule of Off-Street Parking Requirements, the Administrative Official shall determine the number of parking spaces required, taking into account the similarity of the use to those specifically identified above and the type and amount of parking likely to be required to serve the needs of the expected employees, customers, clients, patrons, or other visitors. Any person aggrieved by a decision of the Administrative Official may appeal for relief to the Board of Adjustment in accordance with the requirements of Section VIII as it relates to appeals.

7. *Off-Street Loading Space Requirements:* Adequate space shall be provided to accommodate the loading and unloading of trucks, tractors, and trailers servicing any commercial, industrial, or institutional use. The standards required for the provision of such spaces are described herein. Loading berth space which is utilized for the location of trash collection or compaction shall be provided for separately, and in addition to, the loading space requirements herein.

A. *Area:* A required off-street loading berth or space shall be at least twelve (12) feet in width and at least thirty-five (35) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.

B. *Surfacing:* All off-street loading shall be improved with an all-weather surface of Portland cement or asphaltic concrete, and suitably designed for the intended use.

C. *Schedule of Off-Street Loading Spaces*

1. Office, Personal Service and Community Service Uses – One (1) loading space shall be provided for each individual use or multiple use building six thousand (6000) square feet of floor space or larger in size.

2. Residential or Housing Uses – any building or multi-family project containing more than fifty (50) dwelling units shall provide one (1) loading space for each two hundred (200) dwelling units or fraction thereof. No loading space is required for any building or project containing less than fifty (50) dwelling units.

3. Industrial or Commercial Uses – Every building or use of land consisting of over three thousand (3000) square feet of floor area for a building or total area for uses of land adaptable for commercial retail use, warehouse, wholesale, or manufacturing use shall be provided with loading space as follows:

a. 3000 sq. ft. to 15,000 sq. ft. One (1) space

b. 15,000 sq. ft. to 50,000 sq. ft. Two (2) spaces

c. 50,000 sq. ft. to 100,000 sq. ft. Three (3) spaces

d. Each additional 100,000 sq. ft. or fraction thereof  
One (1) additional space

## **SECTION 503            SPECIAL EXCEPTIONS**

The special exceptions for which conformance to additional standards are required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this Ordinance. All uses permitted in a district by special exception are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

### **503.1    REQUIRED PLAN**

A plan for the proposed development of a site with a use permitted by special exception, other than a home occupation, shall be submitted with an application for a use permit, and such plan shall show the location of all buildings, structures, parking and loading areas, traffic access and circulation drives, open spaces, landscaping, screening, exterior lighting, refuse and service areas, the location and capacity of existing public utilities and other pertinent information that may be necessary to determine if the proposed special exception meets the requirements of this Ordinance.

### **503.2    EXPIRATION**

A use permit for a special exception shall be deemed to authorize only one particular use and shall expire if the use shall cease for more than ninety (90) days for any reason.

### **503.3    STANDARDS APPLICABLE TO ALL SPECIAL EXCEPTIONS**

The following standards and regulations are applicable to all special exceptions:

1. The locations and size of the use, the nature of the operations involved, the size of the site in relation to it, and the location of the site with respect to existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district, and the location, nature and height of buildings, walls, fences, and other structures will not discourage the appropriate development and use of adjacent land and buildings or impair their value.
2. Operations in connection with any special exception shall not be more objectionable to nearby properties by reason of noise, fumes, vibration, glare or fire hazard, than would be the operations of any principal permitted use.

### **503.4    STANDARDS APPLICABLE TO HOME OCCUPATIONS**

The following standards and regulations are applicable to all home occupations permitted by special exception:

1. The use shall be clearly incidental and secondary to residential occupancy.
2. The use shall be conducted entirely with the interior of the residence.
3. No person other than members of the family residing on the premises shall be engaged in such occupation.
4. Not more than six (6) clients per day (limit one visit per day per each client) are permitted to visit home occupation. Hours for visits shall be between 8 a.m. and 8 p.m.
5. Not more than twenty-five (25) percent of the gross floor area of the principal dwelling structure shall be utilized for the home occupation.
6. Music, art, craft, or similar lessons are permitted (twelve (12) or fewer clients per day).
7. Child care (maximum of six (6) or fewer children) is permitted.
8. Public facilities and utilities shall be adequate to safely accommodate equipment used for home occupation.
9. Storage of goods and materials shall be inside and shall not include flammable, combustible or explosive materials.
10. Parking shall be provided only in the driveway.
11. Outside storage of heavy equipment or material shall be prohibited.

12. No truck or van with a payload rating of more than one (1) ton shall be parked on the site or in front of the site on a regular basis.
13. Mechanized equipment shall be used only in a completely enclosed building.
14. Electronically amplified sounds shall not be audible from adjacent properties or public streets.
15. No generation of dust, odors, noise, vibration, or electrical interference or fluctuation shall be perceptible beyond the property line.
16. Deliveries and pickups shall be those normally association with residential services, shall not block traffic circulation, and shall occur only between 8 a.m. and 8 p.m., Monday through Saturday.
17. Accessory buildings shall not be used for home occupation purposes.
18. Signage shall be limited to one sign, not to exceed one square foot in area; be mounted flush against the wall of principal dwelling unit and not be illuminated.

## **SECTION 504           NONCONFORMING LOTS, USES, STRUCTURES AND PREMISES**

### **504.1   GENERAL PURPOSE**

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

### **504.2   NONCONFORMING LOTS OF RECORD**

In any district any use which is permitted may be allowed on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district provided that yard dimensions and requirements other than those applying to the area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

### **504.3   NONCONFORMING USE OF LAND NOT ENCLOSED BY BUILDINGS**

Where open land is being used for a nonconforming use, such use shall not be extended or enlarged either on the same or adjoining property.

### **504.4   NONCONFORMING USE OF BUILDINGS**

The lawful use of a building existing at the effective date of this Ordinance may be continued although such use does not conform to these provisions except that no such nonconforming structure may be enlarged or altered in any way which increases its nonconformity. If no structural alterations are made, a nonconforming use of a building may be hereafter extended throughout a building which was lawfully and manifestly arranged or designed for such use at the time of the enactment of the Ordinance.

### **504.5   DISCONTINUANCE OF NONCONFORMING USES**

No building or land or portion thereof used in whole or in part for a nonconforming use, which remains idle or unused for a continuous period of one year, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which it is located.

#### 504.6 DESTRUCTION OF NONCONFORMING USE

No building which as been damaged by any cause whatsoever to the extent of more than fifty (50) percent of the fair market value of the building immediately prior to damage, shall be restored except in conformity with the regulations of the Ordinance, and all rights as a nonconforming use are terminated.

If a building is damaged by less than fifty (50) percent of the fair market value, it may be repaired or reconstructed to its original size and used as before the time of damage, provided that such repairs or reconstruction be substantially completed with twelve (12) months of the date of such damage.

#### 504.7 INTERMITTENT USE

The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

#### 504.8 EXISTENCE OF A NONCONFORMING USE

In cases, of doubt, and on specific questions raised, whether a nonconforming use exists shall be a question of fact and shall be decided by the Governing Authority after public notice and hearing and receipt of the report and recommendation of the Board of Adjustment.

#### 504.9 CHANGE OF NONCONFORMING USE

If no alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use provided that the Board of Adjustment shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Such request shall follow the same administrative course as application for a Special Exception.

#### 504.10 NONCONFORMING USES NOT VALIDATED

A nonconforming use in violation of a provision of the Ordinance which this repeals shall not be validated by the adoption of this Ordinance.

### **SECTION 505 VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICTS**

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half ( 2 ½) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.



## SECTION 506

## SIGNS AND OUTDOOR ADVERTISING

### 506.1 GENERAL PURPOSE

The regulations set forth shall apply to and govern in all zoning districts as provided. No sign or outdoor advertising device shall be erected unless it is in compliance with regulations for the district in which it is located as specified in this section.

The following sign regulations are established to assure compatibility of signs with surrounding land usage, to enhance the economy of the city, to protect the public investments in streets and highways, to preserve natural beauty and to protect tax revenues by promoting the reasonable, orderly and effective display of outdoor advertising.

### 506.2 GENERAL REQUIREMENTS AND LIMITATIONS

1. Outdoor advertising signs and business signs of a permanent nature shall be classified as a business use and shall be permitted in commercial and industrial districts as specified.
2. The placing tacking, painting, hanging or otherwise affixing of any kind of sign, outdoor advertising or poster of miscellaneous character, visible from the public highways, streets or roads, on the walls of buildings, barns, sheds, trees vehicles fences, utility poles, or any other structure except as otherwise provided in these regulations is prohibited.
3. No outdoor advertising sign shall be erected, placed, or hung nearer than twenty (20) feet to the highway, street or road right-of-way upon which said display faces, except where an existing non-conforming structure is set back less than twenty (20) feet, an outdoor advertising sign may observe the same setback if the sign is within one hundred (100) feet of said building. If the non-conforming structure is subsequently moved, or removed, the sign shall be removed or moved to conform to the twenty feet setback required. An outdoor advertising sign shall not exceed three hundred (300) square feet showing in one direction, provided however, that outdoor advertising signs shall be allowed up to a maximum of six hundred (600) square feet section of U. S. Highway 613 and Mississippi Highway 63. Back-to-back sign structures and v-type sign structures shall be allowed, with the square footage limitations being applied to each side of the sign separately.
4. All outdoor advertising signs permitted to be erected under this Ordinance shall be erected after the passage of this Ordinance a minimum distance of one thousand (1000) feet from another such outdoor advertising sign on the same side of the road as measured along a line parallel to such road, except back-to-back, side-by-side, or v-type sign structures may be considered as one sign.
5. Business (on premises) signs advertising the primary nature, activities or products may be placed on the right of way line or further set back. A business sign mounted to a building may extend beyond the right of way line up to six feet, providing the extension is not beyond the curb line of the street and a minimum overhead clearance of ten (10) feet is observed. A business sign shall not exceed one hundred and ten (110) square feet in sign area.
6. No more than one business sign shall be allowed for corner lots having two street frontages, and an additional business sign will be allowed for a business having a rear customer entrance which fronts a street.
7. Shopping centers or multiple commercial buildings on the same premises are considered as one business in this article, as such are subject to the regulations for business signs as stated in Section 506.2, except the size limitation does not apply to Shopping Centers or multiple commercial buildings on one premise. Each business in the shopping area may be identified on the business sign.
8. No sign shall be erected less than eight (8) feet above the roadbed toward which the sign is showing measuring from the roadbed to the bottom of the sign area.
9. Mobile signs are not allowed in any district, except by Special Exception for special events or emergencies, and then for a specified time.

10. Mobile signs, when allowed, shall not exceed thirty (30) square feet in sign area and be anchored to withstand wind pressures. Mobile signs in areas under hurricane warning shall be removed immediately. All mobile signs shall conform to all other sign regulations as specified.

#### 506.3 PERMITTED AND EXEMPTED SIGNS

1. One construction sign and one lender sign per construction project not exceeding thirty-two (32) square feet of sign area in residential and commercial districts and one-hundred (100) square feet of sign area in industrial districts. Such signs shall be erected not more than thirty (30) days before the beginning of construction for which a valid building permit exists, they shall be placed on the construction site, and they shall be removed within thirty (30) days after completion of the project.
2. Temporary poster signs erected behind glass windows or temporary signs painted on glass windows.
3. Any political sign or poster not exceeding twelve square feet erected on property by the owner thereof or with the property owner's consent pertaining to a candidacy or issue to be voted upon at any election or referendum, provided such sign or poster shall not be erected more than sixty (60) days prior to such election or referendum and shall be removed within thirty (30) days after referendum, or last such election in which the candidate is eligible.
4. Signs painted on, or attached to, trucks or other vehicles for identification purposes, but not used for advertising purposes.
5. Signs on glass doors or windows not exceeding six (6) square feet of sign area stating name or nature of business, location, and hours of business.
6. Signs at entrances to subdivision, multi-family dwellings or mobile home parks showing name, description or location only and not exceeding fifteen (15) square feet.
7. Signs not exceed one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not have a commercial connotation.
8. Flags and insignia of any government except when displayed in connection with commercial promotion.
9. Legal notice or identification, information or directional signs erected or required by governmental bodies.
10. Integral decorative or architectural features of buildings except letters, trademarks, moving parts or moving lights.
11. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
12. On-site signs advertising property for sale or rent provided such signs in single-family residential districts shall not exceed five (5) square feet.
13. On-site church directory or bulletin board not exceeding fifty (50) square feet.
14. Historical markers as recognized by Local, State, or Federal authorities (Ex. Mississippi Magnolia Marker).
15. Signs for home occupations as allowed in Section 503.4.
16. Memorial signs or tablets for names of buildings, dates of erection and other commemorative matters when cut into a masonry surface or inlaid so as to be part of the building or when constructed of bronze or similar material and securely affixed to the building or structure it pertains to.
17. Warning signs not to exceed four (4) square feet of sign area per sign and not exceeding four (4) signs per site.
18. Religious symbols, commemorative plaques of historical agencies, or identification emblems of religious orders or historical agencies, provided, that no such sign shall be more than sixteen (16) square feet of sign area and shall be mounted flat against the building or structure to which it pertains.

19. One on-site sign per street frontage having not more than sixteen (16) square feet of sign area per sign identifying schools, clubs, golf courses, country clubs, cemeteries and similar uses.
20. Signs warning the public of danger, containing no advertising message, of the minimum size necessary, and which shall be removed as soon as the danger has passed.

#### 506.4 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

In all residential districts all exempt signs are permitted except business or commercial purposes. No such sign shall be erected within ten (10) feet of a property line fronting on a public street or within five (5) feet of any other property line.

#### 506.5 SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS

1. The following signs are permitted in all commercial and industrial districts, subject to the conditions and limitations provided below: Freestanding, on-site signs; Wall signs; Canopy signs; under canopy signs; Roof signs; Projecting signs; Exempt signs; Portable signs.
2. One freestanding, on-site sign shall be permitted for each developed site having frontage on a public street, not to exceed one square foot of sign area for each linear foot of building frontage on said site, and it shall not exceed thirty-five (35) feet in height.  
Shopping centers are allowed one (1) free-standing, on-site sign for each street frontage. The maximum number of such signs shall not exceed two (2) per shopping center. Such signs may bear the name of the shopping center or a directory of occupants, or a combination of the shopping center name and a directory of occupants. The total sign area of such sign or signs shall not exceed three hundred (300) square feet and shall not exceed thirty-five (35) feet in height. In addition, each store, office or other place of business shall be permitted one wall sign subject to the area limitations of paragraph 3 below.
3. One (1) wall sign shall be permitted for each occupancy within a developed site. Said wall sign shall not exceed one (1) square foot of copy area for each linear foot of building frontage. If such occupancy is on a street corner, one (1) wall sign is permitted for each frontage.
4. One (1) roof sign is permitted per building; except in shopping centers. A roof sign shall not exceed one (1) square foot of copy area for each linear foot of building frontage that is parallel to the sign placement direction, or a total of two-hundred (200) square feet, whichever is the lesser. A roof sign may exist in addition to one (1) of the following: a freestanding, on-site sign or a permitted projection sign.
5. A commercial building with a functional rear entrance for customers shall be permitted to have one (1) additional sign on the rear wall which fronts the public named street, but the square footage of the rear sign shall be included in the total square footage of all business signs allowed for that district.
6. An occupant with building frontage on a public street is permitted to have one projecting sign along that street. The projecting sign may exist in addition to one of the following: a permitted free-standing, on-site sign or a permitted roof sign.  
The area of any one projecting sign shall not exceed one square foot for each linear foot of building frontage. Projection shall not be over public property or property of other owners.
7. Canopy signs and under canopy signs shall be subject to the following:
  - A. The copy area of a canopy sign may be one half (1/2) square foot per linear foot of canopy front and sides. Subject to a minimum height limit of nine (9) feet from the sidewalk, copy may be installed above or on the face of the canopy proper; provided, that when such a sign is installed above or on the canopy proper, copy area will be computed on the total of the sign face and the canopy apron proper.
  - B. Under canopy signs shall have a sign area no greater than six (6) square feet, have a minimum clearance of eight (8) feet above the sidewalk, and are limited to one (1) per site. Only under canopy signs may be attached to a publicly owned canopy such as in the C-2 and C-2A districts.

- C. No portion of a canopy sign shall be closer than two (2) feet to a vertical line from the adjacent curb face or roadway edge in the absence of a curb.
- D. On places of public entertainment, such as theaters, arenas, coliseums and meeting halls, the copy area allowance is three (3) square feet per linear foot of canopy as measured along the margin of the canopy.
- E. The following sign per site are authorized in addition to those allowed above:
  - 1. Up to two (2) incidental signs may be attached to a freestanding, on-site sign or to a building wall. If attached to a wall, such signs may not be mounted perpendicular thereto. These incidental signs are restricted to messages concerning trading stamps, credit cards which are accepted, official notices required by law, and trade affiliations. The area of each sign may not exceed six (6) square feet, and the total area of all such signs on site shall not exceed twelve (12) square feet.
  - 2. Two (2) directional signs are permitted for each driveway onto a public street. The area of each such sign shall not exceed twelve (12) square feet. The maximum height for such signs shall be four (4) feet above grade.
  - 3. The square footage of these incidental signs shall not be charged against the total allowable sign area otherwise permitted under this article.
- 8. Unless otherwise provided, signs erected under the provisions of this article shall be set back at least twenty (20) feet from any adjacent street and at least five (5) feet from any interior lot line.
- 9. To provide an adequate and safe line-of-sight for motor vehicle operators, no sign shall create a material impediment to visibility between the heights of four (4) and ten (10) feet above the grade of the adjacent roadway.
- 10. Freestanding, on-site signs shall not be allowed in the commercial district that includes C-2, C-2A and the Waterfront Overlay District.
- 11. Portable signs, such as special event signs, are permitted for two (2) periods of one (1) week each per year for each site. These two (2) periods may be consecutive.
  - A. The sign area of portable signs shall not exceed forty (40) square feet, shall meet the setback requirements for signs provided in this article, and shall be used only as on-site signs.
  - B. These signs shall be securely anchored to prevent sliding or overturning from wind.
  - C. If a portable sign is electrically lighted, power may be supplied through type SO or STD flexible cords which shall be capable of carrying thirty (30) amps and not more than two hundred (200) feet in length. Such cords shall not be extended through doors, windows or other openings into buildings, and shall not be laid on driveways, sidewalks, pavement or any area subject to pedestrian or vehicular traffic.

#### 506.5 ILLUMINATION

Illuminated signs shall adhere to the following provisions and restrictions:

- 1. Signs shall not have blinking, flashing or other illuminating devices which change light intensity, brightness or color and shall be restricted to seventy-five (75) watt bulb capacity; red or blue flashing lights are prohibited.
- 2. Beacon lights are not permitted.
- 3. Automatic changing signs displaying time, temperature, date or electronically controlled message centers are permitted.
- 4. The light for or from any illuminated sign shall be so shaded, shielded or directed that the light intensity will not be objectionable to surrounding areas.

5. No colored lights shall be used on any sign at any location in any manner so as to be confused with or construed as traffic control devices.
6. Neither direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

#### 506.6 SIGNS PERMITTED AS SPECIAL EXCEPTIONS

1. Billboards – subject to the following:
  - A. Shall be located in C-3 Highway Commercial and Industrial – Light and Industrial – Heavy Districts only, excepting State Highway 63 and State Highway 613 due to dense traffic and to avoid visual clutter and aesthetic harm
  - B. Billboards shall be spaced one thousand (1,000) feet from any other billboard on the same side of a street or highway. This distance shall be measured on a line parallel to the street or highway the billboard is facing. Back-to-back or V-type signs for this purpose shall be considered one sign.
  - C. Billboards shall have a maximum height of thirty-five (35) feet, and the copy area shall have a minimum clearance of ten (10) feet measured vertically from the adjacent roadway, or if no adjacent roadway, from the ground.
  - D. Billboards shall not exceed four hundred (400) square feet of sign area within two hundred (200) feet of a state or federal highway and shall not exceed three hundred (300) square feet of sign area in all other areas where permitted.
  - E. Double-decker billboards are prohibited.

#### 506.7 SIGNS PROHIBITED

1. Mobile signs are prohibited except as provided for in Section 506.2.10.
2. Signs or devices which by color, location, or design resemble or conflict with traffic control signs or devices are prohibited.
3. Signs attached to, suspended from or painted on any vehicle which is regularly parked on any street or private property to display, demonstrate, advertise or attract the attention of the public.
4. Signs which contain pulsating lights or strobe lights.

#### 506.8 INSPECTION, REMOVAL AND SAFETY

1. All signs may be inspected periodically by the Building Official for compliance with this Section.
2. All signs and components thereof shall be kept in good repair and in safe, neat, clean, attractive condition.
3. All signs shall be designed according to generally accepted engineering practices to withstand wind pressure and that loads are distributed to structural supports to avoid overstress, and that all signs are property anchored to avoid being swept away by wind or water.
4. The Building Official shall give written notice for the removal of any permanent sign erected or maintained in violation of this Ordinance. Upon failure to comply with this notice, the Building Official shall take legal action to enforce compliance with this Ordinance. The Building Official may remove a sign immediately and without notice if the sign presents an immediate threat to the safety of the public. Any sign removal shall be at the expense of the property owner.

#### 506.9 NON-CONFORMING SIGN

In instances where a sign is non-conforming to any of the requirements of this Ordinance, such sign and any supporting structure other than a building may be allowed although such sign does not conform to these provisions. No such non-conformity sign may be enlarged or altered in any way which increases its non-conformity. No sign which has been damaged fifty (50) percent or more of its fair market value shall be restored except in conformity with the regulations of this Ordinance.

Any nonconforming sign that is down, removed, discontinued or abandoned for thirty (30) consecutive days, the sign shall not thereafter be used except in conformity with the regulations of the district in which it is located. However, any sign which is prohibited by this Ordinance shall be discontinued and removed.

#### 506.10 SIGNS IN DISREPAIR OR ABANDONED

All outdoor advertising signs whether permitted to remain as a nonconforming sign structure or an erected advertising sign structure under the terms of this Ordinance that if found to be abandoned, or is considered to be in such disrepair or is so poorly maintained so as to produce a visual blight, or signs which do not meet all requirements of the building codes, including the issuance of a permit therefore, or is placed in any public space or right-of-way without proper authority, shall be subject to removal by the city without liability after providing proper notice to the sign owner and landowner, if known, to remove the sign within thirty (30) days.

#### 506.11 PERMITS REQUIRED

1. It shall be unlawful to erect, enlarge, rebuild or structurally alter any sign without first obtaining the proper permit for each sign from the Building Official, except Exempted Signs as set out in Section 506.3.
2. The Building Official shall issue a permit for the erection of a sign when the application is properly prepared and filed if the applicant for the sign meets the requirement of this article and any other applicable Ordinance of the city, and when all required fees have been paid. If the application is for an electrical sign a separate electrical permit shall be required plus the fee therefore.
3. The work under a sign permit must be begun within three (3) months of its issue date and must be completed no more than six (6) months after the permit issue date, otherwise the permit shall lapse.
4. The Building Official may, in writing, revoke a sign permit if it was issued on the basis of misrepresentation of fact, fraud or for failure to comply with the terms of the permit or for a violation of this article. If a sign permit is denied or revoked by the Building Official, he shall give written notice thereof to the applicant or permittee, together with a brief statement of the reasons for the denial or revocation. This action shall constitute a decision of the Building Official which may be appealed as other decisions.
5. All billboards and freestanding, on-site signs shall be subject to a footing inspection prior to erection of the sign. All signs shall be subject to a final inspection to ensure that it complies with the sign permit and this article. If the Building Official determines that the sign as erected does not comply with the terms of the permit and this article he shall direct the permittee to bring it into compliance within a time specified. On a failure to do so the permit shall be revoked and the sign removed.

#### 506.11 PERMIT FEES

Permit fees shall be adopted and approved by the Mayor and Board of Aldermen.

#### 506.12 MISCELLANEOUS RULES

1. No part of a sign shall be closer than ten (10) feet to an electric transmission power line.
2. Billboards and freestanding, on-site signs shall be securely anchored in concrete foundations.
3. No Sign shall be suspended by rope, wire, string or the like.

## **SECTION 507            ACCESSORY USES AND STRUCTURES**

### **507.1            APPLICABILITY**

This section applies to any subordinate use of a building or other structure, or use of land that is:

1.        Conducted on the same lot as the principal use to which it is related; and
2.        Clearly incidental to, and customarily found in connection with, the principal use or structure.

Where a principal use or structure is permitted, such use shall include accessory uses and structures subject to this Chapter.

### **507.2    ESTABLISHMENT**

Accessory buildings or uses shall not be constructed or established on a lot until construction of principal structure is completed or the principal use is established.

In no instance shall an accessory building or use be established on a vacant lot.

Accessory buildings shall not be used for dwelling purposes except where permitted as defined in each district.

### **507.3    DIMENSIONAL AND DENSITY STANDARDS**

1.        For residential lots not exceeding two (2) acres, detached accessory buildings shall not be located in the front yard. Detached accessory building may be located in the required rear yard.
2.        For residential lots exceeding two (2) acres, detached accessory buildings may be located in the front yard.
3.        The location of permitted, nonresidential accessory structures is governed by the same dimensional regulations as set forth for the principal use or principal structure or structures.
4.        The maximum lot coverage of all accessory structures shall not exceed fifty (50) percent of the total area of the side and rear yards.
5.        No accessory structure shall be erected in any required yard, and no separate accessory structure shall be erected within five (5) feet of any other building.
6.        Accessory uses and structures shall not exceed sixty (60) percent of the gross floor area of the principal use.
7.        Within nonresidential districts, accessory structures, except for carports, are prohibited within the side and rear yards of lots adjacent to a residential district.

### **507.4    GENERAL REQUIREMENTS**

1.        Accessory uses shall not include the conduct of trade unless permitted in conjunction with a permitted use.
2.        Accessory uses shall be located on the same lot as the principal use for which they serve.
3.        Accessory buildings shall be no more than fifty (50) percent of the floor area of the principal structure without approval of the governing body.
4.        Use of an accessory building for commercial purposes in a residential zone shall be prohibited.

### **507.5    HEIGHT**

Accessory building shall not exceed the height regulations of the applicable zoning district; or fifteen (15) feet in height, where the accessory structure is located within a yard.

**Exceptions** – The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

#### 507.6 ACCESSORY DWELLING UNITS IN DETACHED BUILDINGS

1. **Applicability**  
Section 507.6 applies to any accessory dwelling unit that is located in a building that is not attached to the principal dwelling.
2. **Number Permitted**  
Only one (1) accessory dwelling unit is permitted per lot. An accessory dwelling unit shall not contain more than two (2) bedrooms, and shall be limited to less than fifty (50) percent of the floor area of the principal structure.
3. **Location**  
Separate detached garages and separate accessory units are not permitted on the same lot. Accessory units may be created as a second story with detached garages if the height of the accessory unit and/or garage does not exceed the height of the principal structure on the lot.
4. **Scale**
  - A. The gross floor area of an accessory dwelling unit shall not exceed fifty (50) percent of the principal building's floor area.
  - B. The building footprint of the accessory dwelling unit shall not exceed forty (40) percent of the building footprint of the principal residence. The building footprint shall include patios, but shall not include porches.
5. **Building Design**
  - A. In order to maintain the architectural design, style, appearance, and character of the main building as a single-family residence, the accessory dwelling unit shall have a roof pitch, siding and window proportions identical to that of the principal dwelling.
  - B. An accessory dwelling shall not exceed two (2) stories or the height of the principal dwelling unit, whichever is less.
  - C. No exterior stairway to the second floor is permitted at the front or side of the building.
6. **Occupancy**
  - A. The total number of occupants in the accessory dwelling unit shall comply with the occupancy standards of the building code.
  - B. The property owner must occupy either the principal dwelling or the accessory dwelling as the permanent residence. The property owner shall not receive rent for the principal dwelling. For purposes of the section "property owner" means, the title holder and/or contract purchaser of the lot, and "owner occupancy" means that a property owner, as reflected in the title records, makes his/her legal residence at the site, as evidenced by voter registration, vehicle registration or similar means.
  - C. The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the principal dwelling or the accessory dwelling. The applicant shall provide a covenant suitable for recording with the recorder of deeds providing notice to future owners or long-term lessors of the subject lot that the existence of the accessory dwelling unit predicated upon the occupancy of either the accessory dwelling or the principal dwelling by the person to whom the certificate of occupancy has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of



this section and to provide for the removal of improvements added to convert the premises to an accessory dwelling and the restoration of the site to a single family dwelling in the event of any condition of approval is violated.

7. **Parking**

The number and design of parking spaces are established in Article V. Parking spaces shall be located in the rear yard and behind the principal building.

8. **Utilities**

The accessory dwelling shall be connected to the central water and sewer system of the principal dwelling.

**507.7 ACCESSORY APARTMENTS**

1. The gross floor area of the accessory apartment shall not exceed thirty-five (35) percent of the total floor area of the principal dwelling unit.
2. Occupancy of the accessory apartment shall not exceed one person per four hundred (400) square feet of gross floor area.

**SECTION 508 FENCES, WALLS AND HEDGES**

508.1 Notwithstanding other provisions of this Ordinance, fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over three feet in height.

508.2 Notwithstanding other provisions of this Ordinance, privacy fences in residential districts shall not exceed six (6) feet in height in the rear and side yards of the structure and shall be reduced to three (3) feet in height from the front corner of the structure to the street or property line.

508.3 Any fence erected on a corner lot shall not obstruct the view from traffic in any direction.

508.4 Fences shall be required around swimming pools and shall be in compliance with the Building and Safety Code adopted by the City of Moss Point.

508.5 A fence can be composed of wire, mesh, steel mesh, chain link, louvered stake and similar materials, wood, wrought iron, stone or masonry. Vinyl or fiberglass composite materials may be utilized if the material is listed, designed and constructed for fencing materials. Roofing materials shall not be used as fencing material in any residential or commercial district.

**SECTION 509 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTUE ON A LOT**

In any district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were an individual lot.

**SECTION 510 EXCEPTIONS TO HEIGHT REGULATIONS**

The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

**SECTION 511 ALL STRUCTURES TO HAVE ACCESS**

Every building or structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street and all structures and buildings shall be located on lots to provide safe and convenient access for servicing, fire protection, and required off-street parking.

**SECTION 512 PARKING, STORAGE, OR USE OF MAJOR RECREATONAL EQUIPMENT**

Major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind the nearest portion of a building to a street, provided however that such equipment may be parked anywhere on residential premises cannot exceed twenty-four (24) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

**SECTION 513 PARKING AND STORAGE OF CERTAIN VEHICLES**

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

**SECTION 514 LAND USE AND CONTROL MEASURES IN SPECIAL FLOOD HAZARD AREAS**

Development in flood hazard areas of the City of Moss Point, as noted by the City Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA), shall be required to follow all rules and regulations as prescribed in the current Ordinance entitled “City of Moss Point, Mississippi, FLOOD HAZARD ORDINANCE.”

**ARTICLE VI  
ADMINISTRATION AND ENFORCEMENT**

**SECTION 600                    ADMINISTRATION AND ENFORCEMENT**

**600.1 ADMINISTRATION OF THE ZONING ORDINANCE**

An Administrative Official designated by the Mayor and Board of Aldermen shall administer and enforce this Ordinance. The Administrative Official may be assisted by other such persons as the Mayor and Board of Aldermen may direct.

**600.2 ENFORCEMENT OF THE ZONING ORDINANCE**

If the Administrative Official shall find that any of the provisions of this Ordinance are being violated, he shall:

1. Notify, *in writing*, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. If the written notification is delivered by mail, it must be sent as certified with return receipt, signature requested. If the written notification is delivered in person, a signature receipt, indicating date, time and signature of person delivering the notice and the signature of the recipient.
2. Order the discontinuance of illegal use of land, buildings, or structures; order the removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done.
3. Take any other action authorized by this Ordinance to ensure compliance with or to prevent violations of its provisions.

**SECTION 601                    BUILDING PERMIT REQUIRED**

601.1. It shall be unlawful to commence or proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, razing, or moving of any building or structure or any portion thereof without first having applied in writing to the Building Official for a building permit to do so and a building permit has been granted.

1. No development shall be undertaken in Special Flood Hazard Areas without a permit issued by the City Building Inspector.
2. No building permit shall be issued by the Building Inspector except in conformity with the provisions of this Ordinance, unless he receives a written order from the Board of Adjustment in the form of an administrative review, special exception or variance as provided by the Ordinance.

**SECTION 602                    APPLICATION FOR BUILDING PERMIT**

602.1 All applications for building permits shall be accompanied by plans in triplicate drawn to scale, as described below:

1. Plans shall be drawn to scale, showing the actual dimensions and shape of the work or of the lot to be built upon.
  - A. The exact sizes and locations on the lot of buildings already existing, if any;
  - B. The location and dimension of the proposed building or alteration; and
  - C. The location of floodways, streams, and other physical features.
2. All applications shall include other information as lawfully may be required by the Building Inspector and/or Administrative Official, including:
  - A. Existing or proposed building or alteration;
  - B. Existing or proposed uses of the building and land;

- C. The number of families, housekeeping units, or rental units the building is designed to accommodate;
  - D. Conditions existing on the lot;
  - E. Other such matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance.
3. One copy of the plans shall be returned to the applicant by the Building Inspector after he shall have marked such copy either as approved or disapproved, and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the Building Inspector.

602.2 Prime responsibility for securing the necessary permits shall be the property owner's. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person, or firm, hired to ensure that all required permits and approvals have been secured prior to any work being initiated.

602.3 No building permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

602.4 Building permits or certificates of zoning compliance issued on the bases of plans and applications approved by the Building Inspector and/or Administrative official authorize only the use, arrangement, and construction set for in such approved plans and application, and no other use, arrangement, or construction. Use arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Section 607 of this Ordinance.

602.5 Before a building permit is issued in any commercial or industrial district for any structure other than an accessory building or an addition to an existing building on the same lot, the owner or developer shall be required to improve one-half (1/2) of any City road which the property adjoins in accordance with application City road standards for commercial and industrial developments. The width of the traveling surface will be dictated by the City Major Thoroughfare Plan and installation of curb and gutter and proper drainage structures will be required. If such improvements are not constructed prior to the issuance of the building permit, the owner shall be required to execute an agreement that the improvements will be constructed prior to a final inspection of the building.

602.6 Blank forms shall be provided by the Building Official for the use of those applying for permits as provided in this Ordinance. Any permits issued by the Building Official shall be on standard forms for such purpose and furnished by the Mayor and Board of Aldermen

602.7 A careful record of all such applications, plans and permits shall be kept in the Office of the Building Official. Fees for the issuance of permits shall be established by the Governing Authority.

## **SECTION 603                    EXPIRATION OF BUILDING PERMIT**

**603.1** If the work described in any building permit has not begun with ninety (90) days from the date of issuance, said permit shall expire; it shall be canceled by the Building Inspector; and written notice thereof shall be given to the person affected.

603.2 If the work, described in any building permit has not been substantially completed within two (2) years of the date of issuance, said permit shall expire and be canceled by the Building Inspector, and written notice shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

## **SECTION 604                    CERTIFICATE OF ZONING COMPLIANCE**

604.1 It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall be issued by the Administrative Official stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

604.2 No nonconforming structure or use shall be renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the Administrative Official. The certificate of zoning compliance shall state specifically wherein the nonconforming uses differs from the provisions of this Ordinance.

604.3 No building permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

604.4 A temporary certificate of zoning compliance may be issued by the Administrative Official for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

604.5 The Administrative Official shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.

604.6 Failure to obtain a certificate of zoning compliance shall be a violation of the Ordinance and punishable under Section 607.

## **SECTION 605                    CERTIFICATE OF OCCUPANCY**

605.1 Subsequent to the effective date of the Ordinance, no change in the use or occupancy of land or any change of use or occupancy in an existing building, other than for single-family dwelling purpose shall be made, nor shall any new building be occupied until a certificate of occupancy has been issued by the Building Official.

605.2 Every certificate of occupancy shall state that the new occupancy complies with all provisions of this Ordinance.

605.3 No permit for excavation for or the erection of alterations of any building shall be issued before the application has been made and approved for a certificate of occupancy and certificate of zoning compliance has been issued.

605.4 A record of all certificates of occupancy shall be kept on file in the office of the Building Official and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or a building affected by such certificate of occupancy.

605.5 On new construction, the Final Inspection Report by the Building Official will serve as the certificate of occupancy, if such inspection indicated compliance with this Ordinance.

## **SECTION 606                    COMPLAINTS REGARDING VIOLATIONS**

606.1 Whenever a violation of this Ordinance occurs, or is alleged to have occurred, **any person may file a written complaint.** Such complaint stating fully the causes and basis thereof shall be filed with the Administrative Official. The Administrative Official shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

606.2 The Administrative Official shall respond in writing to the person reporting a violation as to the results of the investigation and any action that may or may not be to be taken.

## **SECTION 607                    PENALTIES FOR VIOLATION**

607.1 Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or special exceptions, shall constitute a misdemeanor.

607.2 Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case.

607.3 Each day such violation continues after notification shall be considered a separate offense. The owner or tenants of any building, structure, premises, or part thereof, and any architect, building, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

607.4 Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

**SECTION 608                    SCHEDULE OF FEES, CHARGES, AND EXPENSES**

608.1 The Mayor and Board of Aldermen shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, applications for amendments and other matters pertaining to this Ordinance.

608.2 The schedule of fees shall be posted in the Office of the Municipal Clerk and may be altered or amended only by action of the Mayor and Board of Aldermen.

608.3 No action shall be taken on any application or appeal until all applicable fees, charges and expenses have been paid in full.

**SECTION 609                    BURDEN OF PROOF**

The applicant(s) and/or owner(s) shall have the burden to present and adequately prove all necessary factors and matters in support of the application.

## **ARTICLE VII ZONING BOARD OF ADJUSTMENT**

### **SECTION 700                    CREATION AND APPOINTMENT**

The five-member Board of Adjustment created by the Mayor and Board under Section 701 of the City's former Zoning Ordinance shall be continued under this Ordinance. Each member of the Board shall be appointed for a three (3) years. Members of the Board of Adjustment may be removed from office by the Mayor and Board for cause upon written charges and after public hearing. Vacancies shall be filled by resolution by the Mayor and Board for the unexpired term of the member affected.

### **SECTION 701                    POWERS AND DUTIES**

The Zoning Board of Adjustment shall have the following powers and duties:

701.1 *Administrative Review* – To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Administrative Official in the enforcement of this Ordinance. Findings and decisions of such appeals by the Board shall be referred to the Mayor and Board of Aldermen for final action.

701.2 *Advisory* – To hear and advise the Mayor and Board of Aldermen and the Board of Adjustment, on petitions for amendment to this Ordinance. Findings and decision on such amendments shall be referred to the Board of Adjustment and the Mayor and Board of Aldermen for final disposition.

701.3 *Special Exception* – To hear, decide and recommend to the Mayor and Board of Aldermen for final consideration and action, such Special Exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance; to consider such questions as are involved in determining whether Special Exceptions should be granted, and to recommend Special Exceptions with the conditions and safeguards as are appropriate under this Ordinance or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance. A condition use shall not be considered by the Board of Adjustment unless and until:

1. *Application:* A written application for a special exception is submitted indicating the section of this Ordinance under which the Special Exception is sought and stating the grounds on which it is requested.
2. *Notice:* A public hearing shall be scheduled and notice shall be given at least fifteen (15) days in advance of public hearing in an official paper of paper of general circulation in the city specifying a time and place for said hearing. Notice of such hearing shall be posted on the property for which the Special Exception is sought, at the City Hall and in one other public place at least fifteen (15) days prior to the public hearing.
3. *Public Hearing:* The public hearing shall be held and conducted by the Board of Adjustment. Any party may appear in person, or by agent or attorney.
4. *Recommendations:* The Board of Adjustment shall make a finding that it is empowered under the section of this Ordinance described in the application to recommend the granting of the Special Exception and that granting of the condition use will not adversely affect the public interest; or the Board of Adjustment may recommend denial.
5. *Certifications:* Before any Special Exception shall be recommended to be granted, the Board shall make written findings certifying compliance with the



specific rules governing Special Exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable:

- A. Ingress to and egress from property and proposed structures there on with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- B. Off-street parking and loading area where required.
- C. The economic, noise, glare, dust, odors, or other harmful effects of the Special Exception on adjoining properties and properties generally in the district.
  - 1. Refuse and service areas.
  - 2. Screening and buffering with reference to type, dimensions, and character.
  - 3. Utilities, with reference to locations and adequacy.
  - 4. Required yards and other open space.
- D. General compatibility with adjacent properties and other property in the district.
- E. District standards for design.

701.4 Variances – To hear, decide and recommend to the Mayor and Board for final consideration and action, a variance from the terms of this Ordinance as defined in Section 201 of this Ordinance. A variance from the terms of this Ordinance shall not be considered, except in the case of Planned Unit Development, submitted in accordance with the provision of Section 415 of this Ordinance, by the Board of Adjustment unless and until:

- 1. *Application:* A written application for a variance is submitted demonstrating:
  - A. 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.
  - B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
  - C. That the special conditions and circumstances do not result from the actions of the applicant
- 2. *Notice:* A public hearing shall be scheduled (except as allowed by Section 701.4.f) and notice shall be given at least fifteen (15) days in advance of public hearing in an official paper or paper of general circulation in the city specifying a time and place for said hearing. Notice of such hearing shall be posted on the property for which the variance is sought, at the City Hall, and in one other public place at least fifteen (15) days prior to the public hearing.
- 3. *Hearing:* The public hearing shall be held and conducted by the Board of Adjustment. Any party may appear in person, or by agent or by attorney.
- 4. *Findings:* The Board of Adjustments shall make findings that the requirements for the written application for a variance have been met by the applicant; that the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure; and that the granting of the variance will be in harmony with the general purpose and interest of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
- 5. *Recommendations:* In recommending the granting of any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 607 of this Ordinance.

6. *Minor Variances:* Certain variances, defined as “minor variances” and hereinafter identified, may be granted by the Board of Adjustments, without a public hearing under the following procedures;

A. Only the following variances may be considered and granted without a public hearing: A variance for height, area and size of a structure, yards and open spaces (specifically excepting and not including lot width and area) that do not exceed the requirements set out in the various zones in this Zoning Ordinance by more than thirty-three percent (33%).

B. Upon the Building Official receiving a properly completed application for a variance as identified in subparagraph (1) above, he shall satisfy himself that the request is proper and meets the requirements for allowing a variance. The Building Official shall then mail a notice by first class mail with official receipt of mailing to all property owners as shown on the official city tax records within a distance of one hundred sixty (160) feet of the property involved in the application, that a variance has been requested, giving the details of such application. For the purpose of mailing notices as provided herein, the applicant shall provide the building official with the names and address of such property owners within one hundred sixty (160) feet of the subject property.

These notices shall be mailed to the addresses for such property owners as shown on said tax rolls. Also, each member of the Board of Adjustment and the Mayor and Board of Aldermen shall be mailed to the addresses for such property owner within said one hundred sixty (160) feet shall, within twelve (12) days of the postmark date of said notice, file any objection, in writing, with the building official to the granting of the variance requested.

C. If no objection is filed with the building official within said twelve-day (12) period, the variance shall stand approved and any required building permit issued. The Board of Adjustment shall record and ratify such approvals at its next meeting.

D. If an objection is filed by any person to the granting of said variance, the Board of Adjustment shall hold a public hearing thereon.

E. Notwithstanding the provisions of the above Section 701.4, the Board of Adjustment on its own motion, or when directed by the Mayor and Board of Aldermen, may hold a public hearing on any variance that comes within the terms of said Section 701.4, whether or not an objection is filed. If a public hearing is timely called for by either the Board of Adjustment or the Mayor and Board of Aldermen, a variance shall not be granted under the provisions of Section 701.4 of this subsection, until after said public hearing and after consideration and recommendation by the Board of Adjustment and final action by the Mayor and Board of Aldermen.

A public hearing must be called for by the Board of Adjustment or by the Mayor and Board of Aldermen with said twelve-day (12) period.

7. All variances granted under there terms of Section 701.4 shall be reported in writing, to the Mayor and Board of Aldermen for their record and ratification.

**SECTION 702                    PROCEEDINGS OF THE BOARD**

The Zoning Board of Adjustment shall elect a chairman and vice chairman from its membership and shall prescribe rules, in keeping with the provisions of this Ordinance, for the conduct of its affairs.

Meetings of the Zoning Board of Adjustment shall be held at the call of the chairman and at such other times as the Board may determine. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question of if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Board.

**SECTION 703                    BURDEN OF PROOF**

The applicant(s) and/or owner(s) shall have the burden to present and adequately prove all necessary factors and matters in support of the application.

## **ARTICLE VIII APPEALS**

### **SECTION 800            APPEALS FROM DECISIONS OF ADMINISTRATIVE OFFICIALS**

Any person or persons, or any board, taxpayer, department or bureau of the city aggrieved by any order, requirements, decision or determination made by the Administrative Official and/or Building Inspector in the enforcement of this Ordinance may appeal such order, requirement, decision or determination to the Zoning Board of Adjustment. The Zoning Board of Adjustment may, by majority vote, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as out to be made, and to that end shall have the powers of the Administrative Official from whom the appeal is taken.

### **SECTION 801            APPEALS FROM DECISIONS OF ZONING BOARD OF ADJUSTMENT**

Any person or persons, or any board, taxpayer, department, or bureau of the city aggrieved by any order, requirement, decision, or determination made by the Zoning Board of Adjustment in the enforcement of this Ordinance may appeal such order, requirement decision, or determination to the Mayor and Board of Aldermen. The Mayor and Board may, by majority vote, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have the power of the Zoning Board of Appeal from whom the appeal is taken.

### **SECTION 802            APPEALS FROM THE DECISIONS OF THE MAYOR AND BOARD**

Any person or persons, or any board, taxpayer, department, or bureau of the city aggrieved by nay order, requirements, decision, or determination made by the Mayor and Board in the enforcement of this Ordinance may appeal such order, requirement, or determination to the circuit court in accordance with the provisions of this Ordinance and State Law.

### **SECTION 803            PROCEDURES FOR APPEALS**

Appeals to the Zoning Board of Adjustment or the Mayor and Board of Aldermen shall be taken within a reasonable time, not to exceed thirty (30) days, by filing with the Administrative Official and with the Zoning Board of Adjustments or the Mayor and Board of Aldermen, as the case may be, a written notice of appeal specifying the grounds thereof. The Administrative Official shall forthwith transmit to the Board of Adjustment or to the Mayor and Board as the case may be all papers constituting the record upon which the action appealed from was taken.

The Zoning Board of Adjustment or the Mayor and Board of Aldermen, as the case may be, shall fix a reasonable time for the hearing of appeal, give at last fifteen (15) days notice thereof in a newspaper of general circulation in the City specifying a time and place for said hearing, and decide the appeal within a reasonable time. At the hearing, any party may appeal in person or by agent or attorney.

Appeals to the circuit court shall be taken within ten (10) days in accordance with the provision of State Law.

**SECTION 804                    STAY OF PROCEEDINGS**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Official certifies to the Mayor and Board of Aldermen or Zoning Board of Adjustment, as the case may be, after notice of the appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Mayor and Board of Aldermen or by court of record on application, on notice to the Administrative Official from whom the appeal is taken on due cause shown.

**SECTION 805                    BURDEN OF PROOF**

The appellant(s) shall have the burden to present and adequately prove all necessary factors and matters in support of the appeal.

## **ARTICLE IX AMENDMENTS**

### **SECTION 900            GENERAL**

The regulations, restrictions and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed by the Mayor and Board of Aldermen in accordance with the provisions of this Ordinance and State Law. Applications for amendment to this Ordinance may be submitted by any citizen or clients, or any board, taxpayer, department or bureau of the city.

When a proposed amendment affects the zoning classification of property, and in case a protest against such change is signed by the owners of thirty (30) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred and sixty (160) feet there from, or those directly opposite thereto extending one hundred and sixty (160) feet from the street frontage of such opposite lots, then such amendment shall not become effective except by a favorable vote of two-thirds (2/3) of the Mayor and Board of Aldermen.

In granting an amendment that affects the zoning classification of property, the Mayor and Board of Aldermen may prescribe appropriate conditions and safeguards in conformity with the provisions of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the amendment is granted, shall be deemed a violation of this Ordinance and punishable under Section 607 of this Ordinance.

### **SECTION 901            PROCEDURES**

An amendment to this Ordinance shall not be passed by the Mayor and Board unless and until:

901.1 Application – A written application for such amendment is submitted to the Administrative official indicating the exact nature of the proposed change, the grounds on which it is requested, and other such information as may be required to determine the merits of the application. When a proposed amendment affects the zoning classification of property, the application for such amendment shall be accompanied by a petition bearing the names of the owners of all lots included in the proposed change and within one hundred and sixty (160) feet in all directions thereto, and the signature of all said lot owners that favor the proposed amendment.

901.2 Hearing – A hearing on the proposed amendment shall be held before the Moss Point Board of Adjustment. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the city.

901.3 Recommendations - The Board of Adjustment shall, within thirty (30) calendar days of the hearing, make recommendations to the Mayor and Board of Aldermen concerning disposition of the proposed amendment. If the Commission has taken no action within this period, or a sixty (60) day extension of this period as provided hereafter, the proposed amendment shall be deemed as wholly disapproved.

901.4 After receiving the Board of Adjustment's recommendation and all records of the proposed amendment, the Mayor and Board of Aldermen shall hear the application. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation of the city.

901.5 Within a reasonable time after said hearing, such time not to exceed thirty (30) calendar days, the Mayor and Board of Aldermen shall approve or deny, wholly or partly, or may modify the proposed amendment. If the Mayor and Board of Aldermen have made no determination on disposition of the proposed amendment within 30 calendar days after the hearing, such amendment shall be considered to be wholly denied.

Nothing in this section shall, however, be construed as preventing the Mayor and Board from making amendments to this Ordinance on its own motion, and provided however, that the Board of Adjustment shall have reviewed such amendments in accordance with the preceding procedures. In the event that insufficient information is available for the Board of Adjustment or Mayor and Board of Aldermen to evaluate the merits of a proposed amendment, nothing in this section shall be construed as preventing them from delaying action on the matter for an additional sixty (60) days to collect additional information.

The Board of Adjustment and the Mayor and Board of Aldermen may prescribe the rules for hearings and for considering applications for amendments.

## **SECTION 902 BURDEN OF PROOF**

The applicant(s) and/or owners shall have the burden to present and adequately prove all necessary factors and matters in support of the application.

**ARTICLE X**  
**INTERPRETATION, CONFLICT AND VALIDITY**

**SECTION 1000            INTERPRETATION**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

**SECTION 1001            VALIDITY**

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

**SECTION 1002            REPEAL OF CONFLICTING ORDINANCES**

Ordinance No. 752 of the City of Moss Point, dated November 1997, titled "Zoning Ordinance and Flood Hazard Ordinance" as related to zoning; Ordinance No. 892, dated May 2001, and all amendments thereto are hereby repealed. This Ordinance shall become effective 30 days after adoption of this ordinance.