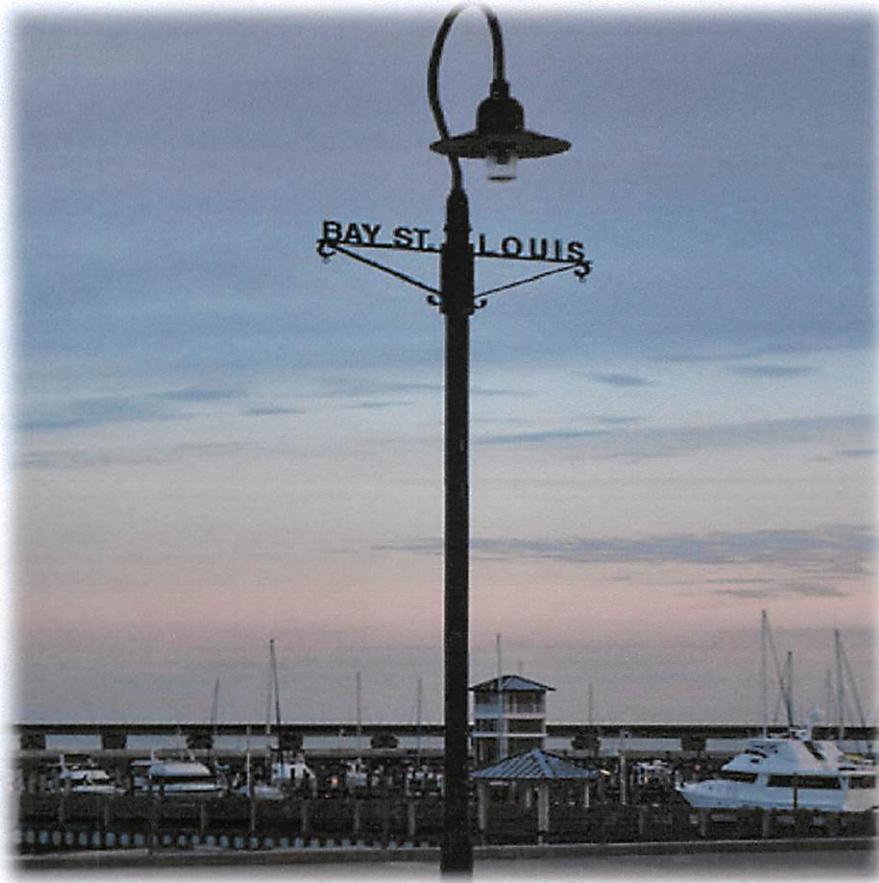


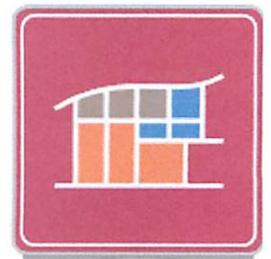
# BAY SAINT LOUIS

A PLACE APART



## Zoning Ordinance

Adopted - August 8, 2017



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**ORDINANCE NO. 618-08-2017**

***Zoning Ordinance of the City of Bay St. Louis***

An Ordinance Regulating the Use and Restricting the Height, Bulk, Number of Stories and Size of Buildings and Other Structures, the Percentage of Lot that Maybe Occupied, the Size of Yards, Courts, and Other Open Spaces, and Land for Trade, Industry, Residence and Other Purposes, Creating Districts for Said Purposes and Establishing the Boundaries Thereof, Defining Certain Terms used Herein; Providing for the Method of Administration and Amendment; Providing Penalties for Violation; Repealing Conflicting Ordinances, and for Other Purposes.

Be it ordained by the Mayor and City Council of the City of Bay St. Louis, Mississippi:

## **ARTICLE I PREAMBLE AND ENACTMENT CLAUSE**

In pursuance of the authority conferred by the Mississippi Code of 1942, inclusive as amended, and for the purposes of promoting health, safety, morals, and general welfare of the municipality lessening congestion in the streets; light and air; preventing the overcrowding of land; avoiding undue concentration of population; conserving the value of land and building; and facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements in accordance with a comprehensive plan, the ***MAYOR AND CITY COUNCIL OF THE CITY OF BAY ST. LOUIS, MISSISSIPPI, HEREBY ORDAIN AND ENACT INTO LAW THE FOLLOWING ARTICLES AND SECTIONS:***

## **ARTICLE II SHORT TITLE**

This ordinance shall be known and may be cited as “**The Zoning Ordinance of the City of Bay St. Louis, Mississippi.**”

## ARTICLE III INTERPRETATIONS AND DEFINITIONS OF TERMS IN THIS ORDINANCE

### SECTION 301: INTERPRETATIONS OF THE TERMS OF THIS ORDINANCE

For the purpose of interpreting this Zoning Ordinance, certain words or terms used herein shall be defined as follows:

Words used in the *present tense* include the *future tense*.

Words used in the *singular number* include the *plural*, and words used in the *plural* include the *singular*.

The word “*building*” includes the word “*structure*.”

The word “*shall*” is always *mandatory*, not merely directory.

The word “*used*” or “*occupied*” as applies to any land or buildings shall be construed to include the words “*intended*”, “*arranged*”, or “*designed to be used*”, or “*occupied*”.

### SECTION 302: DEFINITIONS OF THE TERMS OF THIS ORDINANCE

Except where specifically defined herein, all words used in this Zoning Ordinance shall carry their customary meaning.

**302.1 ABANDONMENT:** The discontinuance of a non-conforming use or structure, voluntarily for a period of twelve (12) months with intent to abandon.

**302.2 ABANDONED MOTOR VEHICLE:** A motor vehicle that is in a state of disrepair and incapable of moving under its own power and/or that does not bear a current license plate and a current state inspection sticker.

**302.3 ABUTTING:** Sharing a border with another property.

**302.4 ACCESSORY DETACHED DWELLING UNIT:** A dwelling unit that is accessory, supplementary and secondary to the principal dwelling. An accessory dwelling unit is detached from the principal dwelling, but may be a garage apartment if the garage is detached from the principal dwelling. An accessory dwelling unit may be placed on a legal recorded parcel of land of 15,000 square feet in size or larger.

**302.5 ACCESSORY USE OR STRUCTURE;** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use of a structure.

**302.6 ADJACENT:** Having a common border.

**302.7 ADJOIN:** To be in contact with another property.

**302.8 ALLEY:** A minor right-of-way, dedicated to the public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street.

**302.9 ASSISTED LIVING SERVICES:** A non-institutionalized facility in which people that are not able to live on their own, but do not yet need the level of continuous nursing care that a nursing home offers.

**302.10 AUTOMOBILE SERVICE STATION:** A building, or portion thereof, other than a private or storage garage, designed or used for servicing, repair, equipping, hiring, selling, or storing motor-driven vehicles.

**302.11 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.

**302.12 BILLBOARD:** See “Sign: Billboard / Outdoor Advertising / Off Premise”

**302.13 BOARDING OR ROOMING HOUSE:** A building other than a hotel, where for compensation and by prearrangement for a definite period of time, meals or meals and lodging, are provided.

**302.14 BUFFER AREA:** An area set aside to remain vacant or to be planted and landscaped to reduce the blighting effect of multi-family, commercial or industrial uses on adjacent residential property.

**302.15 BUILDABLE WIDTH:** Width of the building site left after the required yards have been provided.

**302.16 BUILDING:** Any structure having a roof and intended for shelter, housing or enclosure of persons, animals, or chattel.

**302.17 BUILDING AREA OF A LOT:** The portion of a lot bounded by the required rear and side yards and the building setback line, and the portion of the lot upon which a structure may be placed.

**302.18 BUILDING, HEIGHT OF:** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between plate and ridge of a gable, hip or gambrel roof.

**302.19 BUILDING OFFICIAL:** The individual, or his designee, designated by the Mayor of the City of Bay St. Louis to administer and enforce the regulations of this Ordinance.

**302.20 BUILDING PERMIT:** A certificate issued by the City of Bay St. Louis permitting the construction, erection, or placement of a dwelling unit upon a lot of record or any other building or structure constructed for the support, enclosure, shelter or protection of a person or persons, animals, chattels or property of any kind.

**302.21 BUILDING, PRINCIPAL:** A building in which is conducted the main principal use of the lot on which said building is situated.

**302.22 BUILDING SETBACK LINE:** The minimum distance, as prescribed by this Ordinance, between the property line of a lot or a parcel of land and any point on a building structure related thereto, exclusive of those architectural features permitted to extend there into.

**302.23 BULLETIN BOARDS:** Display announcements of meetings to be held on the premises on which the boards are located, not to exceed twelve (12) feet in area.

**302.24 CARPORT:** Space for housing or storage of motor vehicles and enclosed on not more than two sides by walls.

**302.25 CASINO:** A room or rooms in which legal gaming is conducted.

**302.26 CENTER LINE OF STREET:** The line surveyed and monumental by the governing body shall be the center line of the street, or if such center line has not been surveyed, it shall be that line running midway between the outside curbs or ditches of such street.

**302.27 CENTER LINE OF WATERWAY:** The centerline of the waterway refers to existing topographically defined channels. If not readily discernable, the centerline should be determined by the "low flow line" whenever possible; otherwise, it shall be determined by the centerline of the two-year flood.

**302.28 CERTIFICATE OF OCCUPANCY:** A certificate issued by the City indicating that the premises comply with all the provisions of the zoning ordinance and the building code.

**302.29 CHILD CARE FACILITY:** 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 or more hours of any part of a twenty-four hour day, whether such place be organized or operated for profit or not. The term "child care center" includes day care center, child care facility, kindergarten, nurseries or any other facility that falls within the scope of the definitions set forth above, regardless of auspices.

**302.30 CHURCH:** Any place of worship, including any church, synagogue, temple, mosque, or other building or facility, primarily engaged in religious worship. The term “church” may include uses, such as schools, day care or child care facilities, kindergartens, dormitories, or other facilities, for temporary or permanence residences which are connected or related to the church of principal buildings on site, or are located on the same site, even if curriculum or services offered as part of such use do not include religious services or training.

**302.31 CLUSTER DEVELOPMENT:** A residential development technique that concentrates buildings in specific areas of a site and allows the remaining portions to be retained as open space. In Bay St. Louis at least 30% of the site shall be left as open space in a cluster development.

**302.32 CONDOMINIUM:** A form of ownership of property under which units of improvement are subject to ownership by different owners and there is appurtenant to each in it as part thereof an undivided share in the common areas.

**302.33 CONFORMING USE:** Any lawful use of a building or lot which complies with the provisions of this Ordinance.

**302.34 CONTIGUOUS:** Lots which abut are adjacent or otherwise touch each other at more than one point along a common boundary.

**302.35 CONVENIENCE STORE:** A small commercial operation that offers for sale a limited line of groceries and household goods intended for the convenience of the neighborhood. Store may allow the sale of gasoline but shall not include automobile service stations or repairs.

**302.36 COUNTY HEALTH OFFICER:** The agency and person designated by Hancock County to administer the health regulations of Hancock County and the State of Mississippi.

**302.37 CUL-DE-SAC (Court):** Short streets having one end open to traffic and being permanently terminated by a vehicle turn-around.

**302.38 DEAD END STREET:** Any local street, other than a cul-de-sac, which has only one outlet.

**302.39 DEVELOPER:** Any person, entity or applicant engaged in developing or improving a lot or group of lots or structures thereon for use or occupancy.

**302.40 DEVELOPMENT:** The act of building structures or installing site improvements.

**302.41 DEVELOPMENT PLAN:** A proposal for development approval including such drawings, documents, and other information necessary to illustrate completely the proposed development; shall specifically include such information as required for Site Plan Review referenced in this Ordinance in Article XI, Site Plan Review.

**302.42 DISTRICT:** A section or sections of Bay St. Louis for which the regulations of governing the use or buildings and premises or the height and area of buildings are uniform as referenced in this Ordinance. (For example, R-1)

**302.43 DOCKSIDE GAMING ESTABLISHMENT:** Any premises wherein or whereon gaming is allowed pursuant to §75-75-1 et seq. MS. Code 1972 Annotated.

**302.44 DRAINAGE SYSTEM:** All streets, gutters, inlets, swales, storm sewers, channels, streams, or other pathways, either naturally occurring or man-made, which carry and convey storm water during rainfall events.

**302.45 DRIVE- THROUGH USE:** An establishment that by design, physical facility, service, or packaging procedures encourages or permits customers to receive services, to obtain goods, or to be entertained while remaining in their motor vehicles.

**302.46 DWELLING:** One or more rooms providing complete living facilities for one family, including kitchen facilities or equipment for cooking or provisions for the same, and includes a room or multiple rooms for living, sleeping, bathing and eating; also known as a “dwelling unit”.

**302.47 DWELLING UNIT, MULTI-FAMILY:** A detached or semi-detached building or portion thereof used or designed and intended as a residence of three (3) or more families living independently of each other, including apartment houses, apartment hotels, apartment, co-operatives, bungalow courts, flats, group houses, and condominiums.

**302.48 DWELLING UNIT, SINGLE-FAMILY:** A detached house or building designed and intended for or occupied exclusively by one (1) family and having no party wall or walls in common with an adjacent house or houses, building or buildings.

**302.49 DWELLING UNIT, TWO-FAMILY:** A building designed and intended for or occupied exclusively by two (2) families living independently of each other.

**302.50 EASEMENT:** A grant by the property owner to the public, a corporation or persons of the use of a strip of property for specific reasons.

**302.51 ERECT:** To construct, build, raise, assemble, place, attach, create, paint, draw, or in any other way bring into being or establish a building, sign, or other use or activity. For signs there is a provision for changing of advertising messages in off-premises outdoor advertising signs that does not constitute the erection of a new sign.

**302.52 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.

**302.53 FAMILY:** One or more persons occupying a dwelling and living as a single housekeeping unit.

**302.54 FARM:** Any parcel of land which is used for the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the riding academies, livery or boarding stables and dog kennels.

**302.55 FENCE:** A vertical structure having no connection to a roof, typically used to enclose an area, mark a boundary, control access, provide a visual barrier, or form a decorative element in landscaping or architecture. This shall include wire mesh, steel mesh, chain link, louvers, stakes, wood, masonry, concrete, wrought iron, stone, split rails, boards, and similar construction materials.

**302.56 FINAL PLAT:** A map of land subdivision prepared in a form suitable for filing of record with any necessary affidavits, dedications and acceptances, and with complete bearing and dimensions of all lines defining boundaries, lots and blocks, streets, alleys, public areas and other dimensions of land.

**302.57 FLEA MARKET:** Market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

**302.58 FLOOR AREA:** The sum of the gross area of all floors of a building exclusive of all porches, balconies, or garages. Such floor area shall not include floors used for parking in the same structure.

**302.59 FRONTAGE:** That distance where a property line is common with a street right-of-way line.

**302.60 GAMING:** Pursuant to §75-75-1 et seq. MS. Code 1972 Annotated, to risk, bet, wager, or gamble money or property on the outcome of a game, event, or uncertain situation.

**302.61 GARAGE, PRIVATE:** An accessory structure or portion of a main building used for vehicular storage. The term includes carport.

**302.62 GARAGE APARTMENT:** A dwelling unit erected above a detached private garage.

**302.63 GRADE, FINISHED:** The completed surface of lawns, walks, and roads, brought to grades as shown on official plans or designs relating thereto.

**302.64 HARBOR:** (See Marina)

**302.65 HOME OCCUPATION:** Any use conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part, which creates no additional traffic, requires no additional parking space, where only one other person is employed other than the residents, no electrical or mechanical equipment is used other than that necessary for domestic purposes, and where there is no indoor or outdoor storage of materials, equipment and/or supplies.

**302.66 HOSPITAL:** A building or portion thereof used for the treatment of the sick, injured or infirm persons and licensed by the State of Mississippi.

**302.67 HOTEL:** Any building or portion thereof containing living units to be used for transients but not including motels, mobile home parks, dormitories, fraternities, sororities, boarding houses or rooming houses. A hotel is a business use rather than a residential use.

**302.68 HOUSEHOLD SERVICES:** Services required building or maintaining a structure. These include such as services as carpentry, electrical services and plumbing.

**302.69 INDUSTRY:** The processing of products or raw materials. The definitions of the industrial districts are as followed:

I-1 Limited Industrial District: Those industries whose processing operations result in none of the above conditions and are conducted wholly within a building.

I-2 Planned Industrial District: Those industries whose processing operations result in the outdoor storage or processing of materials or products, the emission of any atmospheric pollution, visible light flashes or glare, odors, or noise or vibration which may be heard or felt off the premises, or those industries which constitute a fire or explosion hazard.

**302.70 JUNKYARDS:** Any outdoor area where there is the accumulation of debris, junk or trash, or the compiling of items of secondary use or the accumulation of inoperative equipment and/ or the accumulation of three or more inoperable vehicles.

**302.71 KENNEL:** The keeping or housing of more than six (6) dogs or other animals that are more than six (6) months old.

**302.72 LANDSCAPE MATERIALS:** Plants including, but not limited to, trees, shrubs, ground covers, grass, flowers and native plant materials, and also including, but not limited to, inorganic features such as planters, stone, brick and aggregate forms, water and other landscape elements.

**302.73 LANDSCAPED AREA:** The portion of land within the boundaries of a given lot which is devoted to and consists of plant material including but not limited to trees, shrubs, ground covers, grass, flowers and native plant materials, and also including, but not limited to, inorganic features such as planters, stone, brick and aggregate forms, water and other landscape elements; provided, however, that the use of such inorganic materials shall not predominate over the use of organic plant material. Artificial plants are not considered landscape material.

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

**302.75 LOCAL STREET (Minor Street):** A street designed primarily to provide access to abutting properties.

**302.76 LOT:** A parcel of land which is or may be occupied by a building, its accessory structures and uses customarily incident thereto, together with such yards or open spaces within the lot lines as may be required by this regulation, and fronting upon a public dedicated street.

**302.77 LOT AREA:** The total horizontal areas included within the lot lines.

**302.78 LOT, CORNER:** A lot located at the intersection of and abutting on two (2) or more streets.

**302.79 LOT DEPTH:** The average distance from the front property line to the rear lot line, measured along the side lines of the lot.

**302.80 LOT, DOUBLE FRONTAGE:** A lot which runs through a block from street to street, and has two opposite sides abutting two or more streets.

**302.81 LOT, INTERIOR:** A lot with only one frontage of a public or private street.

**302.82 LOT FRONTAGE:** That measurement of a lot abutting a public street, measured along the street right-of-way line from side lot to side lot line.

**302.83 LOT LINES:** The lines bounding a lot as defined herein.

**302.84 LOT LINES, FRONT:** In case of an interior lot, the line separating said lot from the street. In the case of a corner or double frontage lot, the line separating said lot from both streets.

**302.85 LOT LINES, REAR:** The lot boundary line opposite and most distant from the front lot line. In the case of a point or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

**302.86 LOT LINES, SIDE:** The side lot line is the property boundary line between the front and rear lines.

**302.87 LOT OF RECORD:** A lot, the plat or deed or act of sale which has been recorded in the office of the Chancery Clerk for Hancock County prior to the official adoption of this Zoning Ordinance.

**302.88 LOT WIDTH:** The width of a lot at the front building setback line, measured along the front setback line.

**302.89 MANUFACTURED HOME:** A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD), transportable in one or more sections, which when erected on site, is seven hundred and twenty (720) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and which includes plumbing, heating, air conditioning and electrical systems.

**302.90 MANUFACTURED HOME PARKS:** An area of land upon which ten (10) or more non-transient manufactured homes occupied for dwelling or sleeping purposes are located, either free of charge or for revenue purposes, or which is offered for such use. It includes any building, structure, vehicle, or enclosure used or intended to be used as part of the facilities or equipment of such Manufactured Home Park. The term "Manufactured Home Park" shall include such terms as "mobile home park," "trailer park," "trailer court", and similar terms.

**302.91 MARINA:** A boat basin, harbor, or dock with facilities for berthing and servicing boats which may include the provision of bait, ice, and fishing tackle and eating establishments.

**302.92 MEDICAL OFFICE BUILDING:** A place where professional services are rendered on an out-patient basis only.

**302.93 MINI-WAREHOUSES:** A storage enterprise dealing with the reception of goods and 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. Storage units range from closet size to bedroom size or larger. Each unit has its own door; each renter locks his own unit and keeps his own key. Each storage unit may be rented on a monthly or annual basis. Almost anything may be stored in the units with the exception of flammable materials, illegal goods and perishable foods.

**302.94 MOBILE HOME:** A manufactured single family dwelling that does not conform to U.S. Department of Housing and Urban Development Code (HUD Code), containing a kitchen and toilet which is designed for transportation after fabrication on streets and highways on its own wheels or on a flatbed to a site where it is to be occupied as a dwelling and at which site it arrived complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, located on a permanent foundation, connection to utilities and the like. Mobile homes are considered structures for the purpose of this ordinance when they are parked in a Manufactured Home Park. Small camp or weekend type trailers are not mobile homes and they are deemed vehicles but not dwellings or structures.

**302.95 MODULAR HOME:** A structure which is (i) transportable in one or more sections; (ii) designed to be used as a dwelling when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems with the home; and (iii) certified by its manufacturers as being constructed in accordance with a nationally recognized building code; and (iv) designed to be permanently installed at its final destination on an approved foundation constructed in compliance with a nationally recognized building code. The term “modular home” does not include manufactured housing as defined by the National manufactured Housing Construction and Safety Standards Act of 1974.

**302.96 MOTEL:** A building or group of buildings, comprising individual living quarters or dwelling units for the accommodation of transient guests, which is so designed that parking is on the same building site and is conveniently accessible from the living quarters without having to pass through any lobby or interior court. This definition includes auto courts, tourist courts, motor courts, motor hotels, but does not include accommodations for mobile homes. A motel is a business use rather than a residential use.

**302.97 NON-CONFORMING USES:** A building, structure, or use of land existing at the time of enactment of this ordinance and which does not conform to the regulations of the district or zone in which it is situated.

**302.98 NURSERY:** Land or greenhouses used to raise flowers, shrubs, trees, grass and other plants for sale.

**302.99 NURSING HOME:** A licensed home for the aged or infirmed, in which three 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.

**302.100 OFFICE:** Space or rooms, clinics, suites, or building used for the conduct of business, such as administrative, clerical, professional, and similar uses. These offices shall include, but shall not necessarily be limited to, professional offices, medical (doctors and dentists), attorneys, accountants, real estate brokers, insurance agents, architects or engineers, but shall in no way be construed as permitting undertaking establishments, funeral homes, massage parlors, body piercing or tattoo locations, or living quarters.

**302.101 OFFICIAL ZONING MAP:** The map of all zoning districts, including but not limited to Overlay districts and Planned Unit Development “PUD” districts, which is on file with the City of Bay St. Louis City Clerk and the Bay St. Louis Building Official’s Office.

**302.102 OPEN SPACE:** An unoccupied space that is open to the sky on the same lot with a building.

**302.103 OUTDOOR STORAGE:** The keeping, housing, storing or accumulating in an unroofed area, of any goods, junk, material, or merchandise in the same place for more than twenty-four (24) hours.

**302.104 OVERLAY ZONING DISTRICT:** A district that is superimposed over one or more zoning districts or parts of districts and that imposes specified requirements in addition to those applicable in the underlying base zoning district.

**302.105 OWNER:** Any person or other entity who/which owns the premises, real property, or physical premises.

**302.106 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.

**302.107 PARKING SPACE:** The area used for temporary parking of a vehicle and consisting of two hundred (200) square feet in the shape of a rectangle ten by twenty feet, 10’ by 20’. Each parking space shall be designed to have a driveway or pathway for entry or exit.

**302.108 PARKING STRUCTURE:** An area or structure area used exclusively for the temporary storage of motor vehicles.

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

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

**302.111 PERSON:** Individual, firm, partnership, corporation, company, association, or governmental entity. The term includes a trustee, a receiver, an assignee, or a similar representative of any of them.

**302.112 PLANNED UNIT DEVELOPMENT:** A development constructed on a tract of minimum size under single ownership planned and developed as an integral unit and consisting of a combination of residential and/or non-residential uses on the land.

**302.113 PLANNING COMMISSION:** Shall mean the Planning and Zoning Commission of the City of Bay St. Louis.

**302.114 PORTABLE STORAGE CONTAINER:** A portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise. The term shall not include yard waste containers. Unless allowed by a conditional use permit, no portable storage container shall have dimensions greater than sixteen (16) feet in length, eight (8) feet in width or eight and one-half (8 ½) feet in height.

**302.115 PRELIMINARY PLAT:** A map of proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate suitability of the contemplated subdivision of land for the intended use.

**302.116 PRINCIPAL BUILDING:** A building or structure or, where the context so indicates, a group of buildings or structures, in which the principal use of a lot or parcel is conducted. This includes any buildings that are attached to the principal structure by a covered structure.

**302.117 PRINCIPAL USE:** The specific primary purpose for which land or building is intended to be used.

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

**302.119 PUBLIC UTILITIES:** Any person, firm, corporation, municipal department, or board duly authorized under state or municipal regulations to furnish such public services as electricity, gas, water, sewer, telephone, telegraph, transportation, or other public utility services to its subscribers or customers.

**302.120 QUARRY OR 'PIT':** A lot or parcel of land or part thereof used for the purpose of extracting stone, sand, gravel, or soil for sale.

**302.121 RECONSTRUCTION:** The act or process of reassembling, reproducing, or replacing by new construction the form, detail, and appearance of property, buildings or structures, and its setting as it appeared at a particular period of time by means of the removal of later work, by the replacement of missing earlier work or by the reuse of original materials.

**302.122 RECREATIONAL FACILITIES:** Public and private country clubs, riding stables, golf courses, swimming pools, playgrounds, recreation centers and other non-commercial recreation areas and facilities.

**302.123 RECREATIONAL VEHICLE:** A vehicular type unit primarily designed as temporary living quarters for recreation, camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. Examples include travel trailers, camping trailers and motor homes. No recreational vehicle shall be used as a dwelling. Recreational vehicles shall only be allowed for recreation and camping in a designated Recreational Vehicle Park. A recreational vehicle is only allowed to be stored on a parcel of land where there is a primary dwelling present.

**302.124 RECREATIONAL VEHICLE PARK:** A recreational vehicle park primarily occupied by recreational vehicles, including seasonal tourist facilities.

**302.125 RIGHT-OF-WAY:** Property that is publicly owned or upon which a governmental entity has an express or implied property interest (e.g., fee title or easement) held for a public purpose. Examples of such public purpose include, by way of example and not by limitation, a highway, a street, sidewalks, drainage facilities, a crosswalk, a railroad, a road, an electric transmission line, oil and gas pipeline, a water main, a sanitary or storm sewer, or for any other use.

**302.126 RIGHT-OF-WAY LINE:** The boundary line between a railroad or a street and abutting property.

**302.127 ROOF LINE:** In the case of a flat or pitched roof, the uppermost line of the roof of the building; in the case of a parapet, the uppermost height of the parapet.

**302.128 (RESERVED)**

**302.129 SCALE:** The relationship of a building or structure to its surroundings with regard to its size, height, bulk and /or intensity.

**302.130 SCHOOL:** An institution or place for instruction or education, such as kindergarten; elementary, middle or junior high school; high school; college; or university. A school may include a dormitory as an accessory use.

**302.131 SCREENING:** Vegetation, fence wall, berm, or a combination of any or all of these that partially or completely blocks the view of, and provides spatial separation of a portion or all of a site from an adjacent property or right-of-way.

**302.132 SETBACK LINE:** The distance from which a building or structure is separated from a designated reference point, such as a property line.

**SEXUALLY ORIENTED ACTIVITIES:**

**302.133 ADULT BOOKSTORE:** Any commercial establishment having as a substantial or significant portion of its stock in trade, whether for sales, display, rent, lease, or other use, books, magazines, other periodicals, motion pictures, paintings, photographs, pictures, laser discs, software, video cassettes, compact discs, DVDs or other depictions that are distinguished or characterized by their emphasis on matter depicting, describing or relating to actual or simulated specified sexual activities or specified anatomical areas, or an establishments with a segment or section of the premises, containing a minimum of twenty (20) different items or titles, devoted to sale, display, rental, lease or other use of such material. For purposes of this definition, duplicate copies of the same item or title shall be counted as one item or title.

**302.134 ADULT SHOW:** Any commercial establishments regularly used for the presentation of shows where persons display anatomical areas, or where persons perform acts of or acts which simulate specified sexual activities.

**302.135 ADULT THEATER:** Any commercial establishment, whether located in an enclosed building or open air, drive-in theater, regularly used for presenting for observation by patrons therein any film or plate negative, film or plate positive, film or tape, painting, photograph, picture, laser disc, software, or other depiction designed to be depicted, displayed, or projected on a screen for exhibition, or films, glass slides, or transparencies, either in negative or positive form, and which are designed for display, depiction, exhibition, or projection on a screen or monitor, or in any type of viewing booth, that is distinguished or characterized by an emphasis on matter depicting, describing, simulating or relating to specified sexual activities or specified anatomical areas.

**302.136 OFFER TO PROVIDE ACTS OF SEXUAL CONDUCT:** To offer, propose or solicit to provide sexual conduct to a patron. Such definitions shall include all advertisements and acts which would lead a reasonably prudent person to conclude that such acts were to be provided.

**302.137 SEXUAL CONDUCT:** Engaging in or the commission of an act of sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic region, buttock or female breast of a person for the purpose of arousing or gratifying sexual desire of another person.

**302.138 SEXUAL STIMULATION:** To excite or arouse the prurient interest or to offer or solicit acts of sexual conduct as defined under the expression “offer to provide acts of sexual conduct.”

**302.139 SEXUALLY ORIENTED BUSINESS:** An adult bookstores, adult shows and adult theaters.

**302.140 SPECIFIED ANATOMICAL AREAS:** Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**302.141 SPECIFIED SEXUAL ACTIVITIES:** The extent that such acts are not already prohibited by state law, or to the extent that the depictions of such acts are not obscene or do not violate the provisions of state law, specified sexual activities means any of the following;

- A. Human genitals in a state of or simulating sexual stimulation or arousal.
- B. Actual or simulated acts of human masturbation, sexual intercourse, or oral copulation, sodomy or bestiality.
- C. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast
- D. Excretory functions as a part of or in connection with any of the activities set forth in subsections (A), (B) and (C) of this definition.

**302.142 SHOPPING CENTER:** A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property.

**302.143 SHOPPING MALL:** An integrated grouping of commercial activity, primarily of a retail or personal service nature, in a single building complex, having the individual establishments joined by a common covered pedestrian mall.

**302.144 SIDEWALK:** That portion of a street or crosswalk-way, paved or otherwise surfaced and intended for pedestrian use only

**SIGNS and SIGNAGE:**

**302.145 SIGN:** A lettered, numbered, symbolic, pictorial, illuminated, visual, light or audio means of attracting and holding public attention out of doors and directly evident from a public way, to identify, announce, direct, inform or promote any condition, circumstance, event, enterprise or activity.

**302.146 SIGN, ACTIVITY:** The object of a sign.

**302.147 SIGN, BANNER:** A sign which is designated and intended for temporary use only and made or constructed of such lightweight material or materials so as to be considered temporary in nature or a sign which advertises or calls attention to some special event or promotion which is or will be occurring on the premises where the banner is located. Inflatable or “blow-up”, spinning and similar types of signs are considered to be banners.

**302.148 SIGN, BILLBOARD / OUTDOOR ADVERTISING/ OFF-PREMISES:**

The words “outdoor advertising sign” are reserved in this section for reference to signs of specified construction, spacing and other features, which area exclusively to advertise activities or events of any kind offered or taking place elsewhere than on the premises where the sign is located.

**302.149 SIGN, DESIGN ELEMENT:** A design element of a sign is a dimension, characteristic, or requirement of location.

**302.150 SIGN, DESIGNATION:** A sign identifying a commercial, industrial, residential, institutional or government development, park, district, subdivision, mall or campus.

**302.151 SIGN, DIRECTORY:** An off-premise sign composed of interchangeable placards of uniform size and shape indicating activities in a distinct locale such as a district or neighborhood. Directory signs utilize a permanent structure and interchangeable customized sections.

**302.152 SIGN, GROUND:** A sign supported by one or more uprights, posts, bases, or directly fixed in the ground and not attached to any part of the building.

**302.153 SIGN, MENU:** A sign solely for the drive through establishments designed and located to be viewed by patrons.

**302.154 SIGN, NAMEPLATE:** A sign not exceeding two (2) square feet in area and bearing only the name of the occupants or premises, address, or year of construction. A nameplate may be externally illuminated to an extent just sufficient to make out the information items shown if passing slowly along the public way nearest to the sign.

**302.155 SIGN, PORTABLE:** A stationary or mobile sign which is not permanently attached or designed to be permanently attached to the ground or at the building. All portable signs are considered temporary.

**302.156 SIGN, PROJECTING:** A sign attached to and projecting from the wall of a building, and not in the same plane as the wall.

**302.157 SIGN, ROOF:** A sign attached to a building above the level of the lower edge of a roof, and displayed above a flat roof or with a sloping roof as a background.

**302.158 SIGN, SANDWICH BOARD:** A two-sided A-Frame sign, which advertises food menus and other activities or specials related to the onsite business.

**302.159 SIGN, STREAMERS:** A pennant.

**302.160 SIGN, TEMPORARY:** A sign indicating a specific, individual, and distinct commercial, institutional, or public event, occasion, campaign and the like, which lasts for a brief interval, except as provided for off premises outdoor advertising signs.

**302.161 SIGN, WALL:** A sign painted on or attached to the wall of a building and in the same plane or a plane closely parallel to the plane of the wall.

**302.162 SIGN, WINDFEATHERED FLAG:** A vertical, temporary flag-like sign that tend to flap, wave, and produce a fluttering effect.

**302.163 SIGNABLE AREA:** An area of the roof or wall of the building which is free from architectural details on the façade of the building or part of the building in which the activities associated with the sign is located.

**302.164 SITE PLAN:** An accurately scaled plan for the development of a parcel that illustrates the existing and proposed conditions, including lot lines, streets, building sites, open spaces, major landscape features, walkways, means of ingress and egress, utility services, landscaping, structures, signs, lighting, screen devices, parking and any other information that reasonably may be required in order that an informed decision can be made.

**302.165 SPECIAL EXCEPTIONS:** A special exception is a use that would not be appropriate generally throughout a zoning district but which, if controlled as to number, area, locations, or relation to existing and permitted land use in a zoning district, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

**302.166 STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between floor and ceiling next above.

**302.167 STREET:** A public or private street, open to general public use and having a pavement or roadbed width of not less than twenty (20) feet which affords the principal means of access.

**302.168 STRUCTURE:** Any object, constructed or installed by any person, including but not limited to buildings, towers, smokestacks, windmills and flag poles.

**TELECOMMUNICATIONS INDUSTRY SPECIFIC:**

**302.169 ACCESSORY EQUIPMENT:** Any equipment serving or being used in conjunction with a telecommunications facility or support structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

**302.170 CARRIER ON WHEELS OR CELL ON WHEELS (“COW”):** A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

**302.171 COLLOCATION:** The act of siting telecommunication facilities in the same location on the same support structure as other telecommunication facilities. Collocation also means locating telecommunications facilities on an existing structure (for example; buildings, water tanks, towers, utility poles, etc.) without the need to construct a new support structure.

**302.172 COMMUNICATION SUPPORT STRUCTURE:** The tower, antenna, guy wires, footing and all other appurtenances and accessories to a structure erected, operated and maintained to aid in the transmitting and receiving of radio, electronic, telephonic, television and similar broadcast signals.

**302.173 COMMUNICATION SUPPORT STRUCTURE HEIGHT:** The distance measured from the average finished grade of the property upon which said structure is located to the top of the communication support structure.

**302.174 MODIFICATIONS (MAJOR):** Improvement to existing telecommunications facilities or support structures that result in a substantial change to the facility or structure. Collocation of new telecommunication facilities to an existing support structure without replacement of the structure shall not constitute a major modification. Major modifications include, but are not limited to, extending the height of the support structure by more than ten (10) feet and the replacement of the structure.

**302.175 MODIFICATIONS (MINOR):** Improvements to existing telecommunications facilities and support structures that result in some material change to the facility or support structure but of a level, quality, or intensity that is less than a “substantial” change. Such minor modifications include, but are not limited to, extending the height of the support structure by ten (10) feet or less than ten (10) feet and the expansion of the compound area for additional accessory equipment.

**302.176 MONOPOLE:** A single, freestanding pole-type structure supporting one or more antenna. For purposes of this Telecommunications Section of this Ordinance, a monopole is not a tower.

**302.177 ORDINARY MAINTENANCE:** Ensuring that telecommunications facilities and support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example the strengthening of a support structures foundation or of the support structures itself. Ordinary maintenance includes replacing antennas and accessory equipment on a like-for-like basis within an existing telecommunications facility and relocating the antennas of approved telecommunications facilities to different height levels on an existing monopole or tower upon which they are currently located. Ordinary maintenance does not include minor or major modifications.

**302.178 RADIO FREQUENCY TRANSMISSION:** 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 projection.

**302.179 REPLACEMENT:** Constructing a new Support Structure of proportions and of equal height or such other height as would be allowed under the definition of minor modification to a pre-existing support structure in order to support a telecommunications facility or to accommodate collocation and removing the pre-existing support structure.

**302.180 SUPPORT STRUCTURE(S):** A structure designed to support telecommunications facilities including, but not limited to, monopoles, towers, utility poles and other freestanding self-supporting structures.

**302.181 TELECOMMUNICATIONS FACILITY(IES):** Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A telecommunication facility can consist of one or more antennas and accessory equipment or one base station.

**302.182 TOWER:** A lattice-type structure, guyed or freestanding, that supports one or more antennas

**302.183 WIRELESS COMMUNICATION FACILITY:** Any staffed or unstaffed facility used for the transmission and/or reception of wireless communications, usually consisting of an antenna or group of antennas, transmission lines, ancillary appurtenances, and equipment closures, and may include an antenna supporting structures (including replacements and broadcast); collocated antennas; roof-mounted structures; surface-mounted antennas; stealth wireless communications facilities; and amateur radio facilities.

**302.184 TEMPORARY STRUCTURES:** Temporary structures include, by way of example, such things as stands, construction or sales offices, trailers, vehicles, tents and other portable or non-permanent types of structures.

**302.185 TOWNHOUSE:** A building that has single-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a firewall (to be constructed in accordance with city codes and ordinances), along the dividing lot line, and each such building being separated from any other building by space on all sides.

**302.186 TRAILER:** Any vehicle without motive power which is designed to be drawn by a motor vehicle and to be used for the conduct of any business, trade occupation or uses as a selling or advertising device, or used for storage or conveyance on highways and streets. Trailers are characteristically for a variety of temporary or intermittent types of uses.

**302.187 TRANSITIONAL HOME:** A residential facility differentiated from facilities that provide on-site, supervised lodging for individuals who are required to reside at the facility as a term of parole or who are under mandatory supervision.

**302.188 TREE, CALIPER OF:** The diameter of any tree trunk fifty-four (54) inches above ground level.

**302.189 TREE, DESTRUCTION OF:** Any intentional or negligent act which causes a tree to decline and die, including, but not limited to, such damage inflicted upon root system of the tree by the application of toxic substances, the operation of heavy equipment, the exchange of natural grade by excavation or filling the covered area or around the trunk of a tree, trenching, paving with concrete, asphalt or other impervious materials and damages from injury or from fire inflicted on trees which result in or permit pest infestation; cutting, grilling, injection, bulldozing and excessive pruning that result in the death of a tree are also considered destruction.

**302.190 TREE, DRIP LINE:** A vertical line running through the outermost portion of a tree crown extending to the ground.

**302.191 TREE, RESIDUAL DENSITY:** The number of natural trees growing on an existing lot or site that is expressed as the actual number of trees per square foot area.

**302.192 TREE, PROTECTED:** Any woody plant that is either: (1) a live oak (*quercus virginiana*) with a single trunk or multiple trunks with a total caliper trunk of at least twelve (12) inches or a circumference of at least thirty eight (38) inches; or (2) a southern magnolia (*magnolia grandiflora*), that has a single or multiple trunk with a total caliper trunk of eight (8) inches or a circumference of at least twenty-five (25) inches.

**302.193 TREE, PROTECTIVE BARRIER:** A physical structure limiting access to a protected tree composed of wood or other suitable materials, which assures compliance with the intent of this article.

**302.194 TREE, REPLACEMENT:** A tree of the same species as that of the protected tree having a minimum one and one-half (1 1/2) inch caliper nursery stock with a minimum height of seven (7) feet after planting.

**302.195 TREE, REMOVAL:** The displacement, removal, relocation, alteration or effective removal as a result damaging or destroying any protected tree.

**302.196 USE:** The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.

**302.197 USABLE OPEN SPACE:** That portion of a lot which is free of buildings, is not devoted to driveway and parking areas, is available and accessible to all the occupants of dwelling units on the lot, and is of reasonable dimension to allow its use for active or passive recreation or other outdoor activities. Useable open space may include play lots, gardens, sundecks, courts, courtyards, and other required yard areas.

**302.198 VARIANCE:** A variance is a minor adjustment of terms in this ordinance where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

**302.199 VEGETATION:** Any object of natural growth.

**302.200 WALL:** Any structure or device forming a physical barrier, which is so constructed that fifty (50) percent or more of the vertical surface is closed to prevent the passage of light, air, and vision throughout said surface in a horizontal plane. This shall include concrete, concrete block, wood, or other materials that are solids and are so assembled as to form a solid barrier.

**302.201 YARD:** A space on the same lot with the principal building, open, unoccupied and unobstructed by buildings or structures from ground to sky where encroachments and accessory structures are expressly permitted.

**302.202 FRONT YARD:** An open unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between street lines and the front line of the building projected to the side lines of the lot.

**302.203 REAR YARD:** An area extending the full width of a lot between the rear lot line and the nearest principal structure.

**302.204 SIDE YARD:** An area extending the depth of the lot from the front yard to the rear yard between the side lot line and the nearest principal structure.

**302.205 ZERO LOT LINE BUILDING:** The location of a building on a lot in such a manner that one or more of the building's sides rests directly on or immediately adjacent to the lot line.

**302.206 ZERO LOT LINE DEVELOPMENT:** Any subdivision or site plan in which a single-family detached dwelling unit is sited on a lot in such a manner that one or more of the building's sites rests directly on or immediately adjacent to the lot line.

**302.207 ZONING CHANGE:** A change in the zoning designation for a parcel or parcels from one zoning category to another.

## **ARTICLE IV GENERAL REGULATIONS**

### **SECTION 401: REGULATIONS FOR DEVELOPMENT**

#### **401.1 COORDINATION WITH COMPREHENSIVE PLAN**

The Zoning Ordinance is consistent with the adopted Comprehensive Plan. Any amendments to this ordinance, including, but not limited to, rezoning approval pursuant to Article XIV, Amendments, procedures of the Zoning Ordinance, and all development approvals, shall be consistent with the adopted comprehensive plan, as it may be amended from time to time, in effect at the time of the request for amendment.

An amendment to the text of the Zoning Ordinance is consistent and in accordance with the comprehensive plan if it complies with the goals, objectives, policies and strategies and any vision statement contained in the comprehensive plan.

#### **401.2 COORDINATION WITH SUBDIVISION REGULATIONS**

In all cases where the ownership of land is divided for the purpose of eventual development of lots of any kind – residential, commercial, or industrial – the provisions of the City Subdivision Regulations shall apply in addition to the provisions of this Zoning Ordinance.

#### **401.3 COORDINATION WITH HISTORIC PRESERVATION ORDINANCE**

In all cases where property is located within a City Designated Historic Preservation District, development of any kind shall be subject to the provisions of the City Historic Preservation Ordinance in addition to the provisions of this Zoning Ordinance.

#### **401.4 PRINCIPAL BUILDING REGULATIONS**

Unless a plat has been approved for a planned-development project, only one principal building and permitted accessory structure(s) may be erected on any lot of record or any conforming lot.

#### **401.5 USE**

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, and re-constructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located and for the general regulations of the use.

#### **401.6 BUILDING MUST COMPLY WITH PROVISIONS OF THIS ORDINANCE**

No building shall be moved into and placed within the city limits excepting such building conforming to the standards for new construction for dimensions, use and placement upon the lot, and requirements of this and other City Ordinances.

**401.7 APPROVED WATER SUPPLY AND SEWAGE DISPOSAL FOR BUILDINGS**

It shall be unlawful to construct any building or occupy any manufactured or mobile home without water-supply and sewage disposal facilities approved by the County Health Officer. Wherever water or sewer mains are accessible, buildings, manufactured, modular and mobile homes shall be connected to such mains. In every other case, individual water supply and sewage disposal must meet the requirements set by the County Health Officer and be in accordance with the City of Bay St. Louis' Subdivision Regulations. The County Health Officer's certificate approving proposed and completed water and sewage facilities must accompany application for zoning permits and certificates of occupancy.

**401.8 JUNKYARDS**

Junkyards are not designated as permitted uses in any district and are consequently non-conforming uses in all districts, unless specifically approved by the City Council in industrial areas. They shall conform to the section of this Ordinance prescribing regulations for nonconforming uses.

The City Council may authorize the enforcement officer to require that all existing junkyards shall maintain valid certificates of occupancy as non-conforming uses according to this Zoning Ordinance.

**401.9 MANUFACTURED HOME ON INDIVIDUAL LOT**

A manufactured home is permitted for temporary construction purposes or for emergency occupancy on a lot of record other than in a Manufactured Home Park in Emergency situations and that all other provisions of this and other city ordinances and the Mississippi Revised Statutes pertaining to manufactured homes are satisfied, and providing that they conform to all regulations established for principal buildings in those districts in which they are to be located. Such permission must be secured from the Building Department. A permit will be for thirty (30) days. A thirty (30) day extension can be requested. No extension can be granted beyond ninety (90) days unless a waiver of this requirement is granted by recommendation of the Planning and Zoning Commission and awarded by the City Council.

**401.10 BUILDING REQUIRED FOR COMMERCIAL USES**

In accordance with adopted and accepted building codes and practices, all commercial uses shall have a minimum of five hundred (500) square feet in heated and cooled floor area. The building shall contain plumbing facilities adequate to serve the needs of the customers and the employees of the commercial use.

**401.11 MINIMUM DWELLING SIZE REQUIRED FOR RESIDENTIAL USES**

In accordance with adopted and accepted building codes and practices, all dwellings shall have a minimum of seven hundred-fifty (750) square feet in heated and cooled "livable" floor area.

## **SECTION 402: PLANNED UNIT DEVELOPMENT PROJECTS**

A planned unit development project may be permitted in any district after an amendment to the zoning map. A planned unit development project may depart from literal conformance with individual lot dimension and area regulations. A planned unit development project may be under single or divided ownership. All planned unit development projects shall be subject to the following regulations:

### **402.1 PROCEDURE**

When a planned unit development project is proposed, the procedure for subdivision approval as set forth in the Subdivision Regulations shall be followed in its entirety even though the ownership of land may not be divided. A preliminary plat and final plat, both approved by the City Council, shall be required for every planned unit development project. The City Council may establish a schedule of reasonable fees to be charged for plat review. The project shall be developed according to the approved final plat. Zoning permits and certificates of occupancy shall be required for each building.

### **402.2 USES AND DENSITIES**

The uses and densities in a planned unit development project shall conform to the permitted uses and densities of the underlying zoning district. If the underlying zone is residential in character, then thirty percent (30%) of the uses proposed may be used in one of the commercial districts. If the underlying zone is commercial in character, then forty percent (40%) of the uses proposed may be used in the one of the residential districts. Public and semi-public uses may be permitted in any zone up to twenty-five percent (25%) of the development, unless the underlying zone has public and semi-public character, then one hundred (100%) of the development may be devoted to public and semi-public uses. Uses not permitted in any zone within this Zoning Ordinance will not be permitted in a planned development.

### **402.3 STANDARDS**

In any planned unit development project, although it is permissible to depart from literal conformance with the individual lot dimension and area regulations, there shall be no reduction in the total equivalent lot area, parking area, and loading and unloading area requirements that would be necessary for the equivalent amount of individual lot development in the zoning district where it is located.

Where mixed uses are applied to the property, the zone of each type of use will apply for that percentage of the development. Variance from the total equivalent lot area, parking area, and loading and unloading area requirements must be approved through the Planning and Zoning Commission and City Council.

#### **402.4 SPECIAL CONDITIONS**

The City Council shall attach reasonable special conditions to ensure that there shall be no departure from the intent of this Zoning Ordinance. The planned unit development project shall conform to all such conditions.

Since a planned unit development project is inherently more complex than individual lot development and since each such project must be tailored to the topography and neighboring uses, the standards for such projects must be flexible. In addition to imposing the standards for total area, parking area, and loading and unloading areas defined in Section 402.3 above, the City Council may attach special conditions based on the following standards:

- A. It is desirable that access points to all arterial streets shall be located no more frequently than once every one-eighth (1/8) to one-quarter (1/4) mile.
- B. Wherever there is an abrupt change in use – i.e. residential to commercial – a buffer of landscaped area, screening, open space or combination thereof shall be placed between them to protect each use from the undesirable effects of the other.
- C. Parking and other public areas used at night shall be adequately lighted. Private areas shall be protected from such lighting or any other lighting from public areas. Public streets may also require protection from excessive glare of lighted areas.
- D. The City Council may also attach any other reasonable special conditions as they deem necessary.

### **SECTION 403: REGULATIONS FOR NON-CONFORMING EXISTING USES AND STRUCTURES**

#### **403.1 PURPOSE**

If within the zones established by this Zoning Ordinance (or amendments that may be adopted later) there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, but which are prohibited under the terms of this Ordinance, such uses shall be termed non-conforming uses. Such uses are declared by this Ordinance to be incompatible with permitted uses in the zones involved.

- A. It is the intent of this Ordinance to permit these non-conformities to continue in their present condition.
- B. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, extended nor used as grounds for adding other structures or uses prohibited elsewhere in the same zone.

- C. A non-conforming use of a structure, a non-conforming use of land or a non-conforming use of structure and land, shall not be extended or enlarged after passage of this Ordinance by attachment of additional signs to a building, of the placement of additional signs or display devices on the land outside of the building, or by the addition of other uses, if such additions are of a nature which would be prohibited generally in the zone involved.
- D. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination and removal of existing structure in connection with such structure, provided that actual construction work is carried on until the completion of the building.

#### 403.2 EXPLANATION

When a lot, structure or use legally exists prior to the adoption of this Ordinance but does not meet the requirements of this Ordinance, it is permitted to continue within the limits set forth in this Section. Under such circumstances, it is said to have “non-conforming” status.

There are three types of non-conforming status:

- A. **Non-conforming land:** The lot or acreage is smaller than the minimum permitted in the zone in which it is located.
- B. **Non-conforming structure:** The structure comes closer to the lot lines, is taller than or otherwise violates the minimum or maximum space requirements established for the zone in which it is located.
- C. **Non-conforming use:** The use to which land and/or structures is being put is not a principal, accessory or conditional use permitted in the zone in which it is located, and is not otherwise permitted in this ordinance. Uses in existence at the time of the adoption of this ordinance which fall within the category of conditional use in the zone in which they are located are automatically conditional uses and have the same status as if they had been issued a permit from the Building Department for this use.

#### **403.3 NON-CONFORMING LOTS OF RECORD**

In any zone in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory structure may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership.

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 zone, provided that yard dimensions and other requirements (not involving the area or width of the lot) shall conform to the regulations for the district in which the lot is located. Variance of area or width requirements for other than the lot as a whole may be obtained only through action of the Planning and Zoning Commission in the usual manner.

If two or more lots or combination of lots and portions of lots with continuous frontage in a single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and are as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

#### **403.4 NON-CONFORMING STRUCTURES**

Non-conforming structures may be enlarged or modified, provided that the new construction wholly complies with the terms of this Ordinance, and provided that the structure's non-conformity is not increased.

#### **403.5 NON-CONFORMING USE OF LAND**

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. If any such non-conforming use of land ceases, or is discontinued, or abandoned for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which the land is located.

#### **403.6 NON-CONFORMING USE OF STRUCTURES**

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, which would not be allowed in the zone under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Any existing structure devoted to a use not permitted by this ordinance in the zone in which it is located shall not be enlarged, extended, constructed, reconstructed, and moved or structurally altered except in changing the use of the structure to a use permitted in the zone in which it is located.
- B. Any non-conforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of the adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- C. No non-conforming use may be changed to another non-conforming use.
- D. Where any non-conforming land, structure or use in part or whole is made to conform to the regulations for the zone in which it is located, the part or whole which has been made to conform may not thereafter be changed in such manner as would be non-conforming.

#### **403.7 REPAIRS**

Repairs, replacement and modernization are permitted on any building devoted in whole or in part to any non-conforming use. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any city official charged with protecting the public safety, upon order of such official.

#### **403.8 LOSS OF NON-CONFORMING STATUS**

Where a structure is non-conforming or where the use of a structure or of land has non-conforming status, such status shall be forfeited under any of the following circumstances and revert to the current zoning:

- A. If non-conforming land is legally joined under common ownership with other adjoining land so that the entirety is conforming.
- B. If a non-conforming use of land ceases for any reason for a period of twelve (12) months.
- C. If a non-conforming structure is made to conform.

- D. If a non-conforming use of a structure or of a structure and land in combination is discontinued or abandoned for twelve (12) consecutive months. (Note: as used herein the word “discontinued” means that the owner or party responsible for the use of the property cannot demonstrate that he had clear intent to continue using the property for the non-conforming purpose and that he had augmented that intent by making every reasonable effort to continue to have the property so used. A demonstration of intent would be reasonable continuous effort to have the property rented or sold for the non-conforming purpose.)
- E. The non-conforming use is changed to a conforming use no matter how short the period of time.
- F. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at time of destruction. Once forfeited, non-conformance may not again be used as a defense against prosecution for violation of the provisions of the Zoning Ordinance.

## **SECTION 404: EXISTING LOTS**

### **404.1. NON-CONFORMING LOTS OF RECORD**

Where the owner of a plot of land consisting of one or more adjacent lots which were legally established either prior to the effective date of this Ordinance or its subsequent amendment or prior to the annexation of the property, or his successor in title thereto, does not own sufficient land to enable him to meet minimum lot size requirements of this Ordinance, such plot of land may nevertheless be used as a building site. Yard and other space requirements for the district in which the lot is located must be met, unless a variance is granted in accordance with the provisions of Section 1305.3.

### **404.2 LOTS PLATTED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE**

- A. If two or more lots, or portions thereof with continuous frontage were legally platted prior to the effective date of this Ordinance or its subsequent amendment or prior to the annexation of the property, and are held in a single ownership, the parcel formed by these adjacent lots may be divided and used as building lots if all lots so created meet or exceed the average frontage or area of developed lots fronting on the same block.
- B. To calculate the averages referred to in this section, all lots fronting on the same street between the nearest intersecting developed streets shall be considered.

### **404.3 ADJOINING AND VACANT LOTS OF RECORD**

If two or more adjoining and vacant lots with continuous frontage are in a single ownership at any time after the effective date of this Ordinance or its subsequent amendment or prior to the annexation of the property and such lots individually are less than the lot width requirements for the zone in which they are located, such group of lots shall be considered as a single lot or several lots of minimum permitted size and the resulting lot or lots shall be subject to the dimensional requirements of this ordinance.

## **SECTION 405: REGULATIONS FOR GENERAL EXCEPTIONS TO SPACE REQUIREMENTS**

### **405.1 FRONT YARD**

#### **A. Measurement of Depth.**

1. The normal method of measurement is the shortest possible distance measured horizontally between any part of a main building and any part of the front lot line.
2. When the street right-of-way line describes a curve, an alternate method of measurement is herein provided and may be used at the option of the property owner or developer. The front yard may be measured at right angles to a chord extended between the points where the right-of-way intersects the side lot line.
3. When the average depth of existing front yards located within one hundred (100) feet of either side of a lot and within the same block and zone is less than that required in the zone, the minimum depth of the front yard required for any newly constructed building shall be the average front yard depth of the aforementioned lots on either side.

#### **B. Determination of Front Yard**

Where a lot extends from street to street and not fronting on a corner lot, the lot shall have two front yards, each fronting on the existing or the proposed streets.

### **405.2 REAR YARD**

- A. The normal method of measurement is the shortest possible distance measured horizontally between the rear lot line and between the rear most wall of the main building.
- B. When abutting an alley, the rear yard may be measured to the center line of the alley or canal.
- C. Where a lot is wedge-shaped or otherwise irregularly shaped in the rear yard, a rear yard of less than normal depth is permitted under the following conditions:
  1. The minimum depth is at least one-half (1/2) the normally required rear yard depth,
  2. The total area in the rear yard is not less than the total area in the rear yard of a rectangular shaped lot having the minimum width required for the zone in question.

3. The rear yard in such instances shall be computed by extending a line that intersects the side lot lines and intersects or coincides with the rear-most wall of the main building, and which line is parallel to the front property line or a chord extended across the curve of the property line. All the area enclosed by the aforementioned line, the side lot lines and the rear lot line(s) shall be computed as the rear yard area.
- D. In less restrictive zones and within one hundred (100) feet of a residential or business zone rear yards which abut the residential or business zone shall have a minimum depth equal to that required in the more restricted zone.

#### **405.3 SIDE YARD**

- A. In less restrictive zones and within one hundred (100) feet of a residential or business zone, side yards which abut the residential or business zone shall have a minimum width equal to that required in the more restricted zone, unless a greater width is required for the zone in which it is located.

#### **405.4 IRREGULAR YARD LINES**

Where a wall of a building is not parallel with the lot line or where the lot line is irregular, the required depth or width of any such yard may be taken as the average depth or width, provided, however, that the side yard shall not be narrower than six (6) feet at any point and the front yard not less than fifteen (15) feet at any point.

#### **405.5 COURTS**

- A. The width of an outer court is that “horizontal dimension” which is substantially parallel to the principal open end of such court. If the two sides of the court are not parallel, the width shall be the average distance between the two sides, (which usually can be measured along a line between the midpoints of the opposite sides).
- B. The depth of an outer court is the horizontal distance between the midpoint of the principal open end to the midpoint of the opposite end.
- C. The minimum space between two or more buildings in a group shall be fifty (50) feet if the buildings are located so that the front on one building faces either the front or rear of another building and twenty (20) feet when buildings are oriented in any other manner. (E.g. front to side).

#### **405.6 VISIBILITY AT INTERSECTIONS**

On a corner lot in any residential zone, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede visibility across the corner between a height of two and one-half (2 ½) feet and ten (10) feet above the centerline grades of the intersecting streets and within twenty (20) feet of the corner as measured at the property line.

#### **405.7 PROJECTIONS OF STRUCTURES**

- A. Cornices, coves, belt courses, ornamental features, and fire escapes may extend into the required yard area, a maximum of one and one-half (1-1/2) feet or one-third (1/3) the required yard depth, whichever is less, if the projection is at least seven (7) feet above ground level at the lowest point.
- B. Covered porches, terraces and enclosed vestibules or entryways, not over twelve (12) feet in width may extend five (5) feet into a required front or rear yard provided the nearest point of projection is at least ten (10) feet from the front or rear lot line.
- C. Chimneys, open stairways, eaves and gutters may extend two (2) feet into the required side yard or one-third (1/3) the required yard depth, whichever is less, providing that they do not occupy in the aggregate more than one-third (1/3) of the length of the building wall on which they are located.

#### **405.8 AREA CANNOT BE REDUCED**

- A. No lot, yard, court, parking area or other space shall be so reduced in area or dimension as to make said area or dimension less than the minimum required under the Zoning Ordinance. If already less than the minimum required, said area or dimension shall not be further reduced.
- B. No part of the space required about any building or group of buildings for the purpose of complying with the Zoning Ordinance shall be used as part of the required space for another building or group of buildings unless otherwise provided for in this Ordinance.

#### **405.9 YARD REQUIREMENTS FOR DWELLINGS**

The yard requirements of this Ordinance for proposed dwellings shall not apply to any lot where the average yard on developed lots, located wholly or in part within one hundred (100) feet of each side of each lot and within the same block, and zoning district fronting on the same street as such lot, is less than the minimum required yard. In such cases, the yard on such lots may be equal to the average of the existing yards on the adjoining developed lots. This shall apply to front, rear, and side yards.

Average yard distances for dwellings shall be calculated separately for each type of yard. Side yards may not be reduced to less than five (5) feet nor shall rear yards be reduced to less than ten (10) feet under this provision.

## **SECTION 406: FENCES**

### **406.1 FENCES MAY BE ERECTED ON ANY PORTION OF A LOT, SUBJECT TO THE FOLLOWING LIMITATIONS:**

- A. No fence may be constructed within twenty (20) feet of any intersection, measured at the property line.
- B. Fences in residential districts may not exceed six (6) feet in height.
- C. Fences in all other districts may not exceed eight (8) feet in height.
- D. Except as provided below, fences in all residential districts shall not extend beyond the front line of the residence or the applicable front yard setback line for said district, whichever is less restrictive. Where property extends from street to street, fences shall not extend beyond the front yard setback from each street, or beyond the front line of the residence, whichever is less restrictive.
- E. Exception: Fences not exceeding four (4) feet in height will be allowed beyond the front line of the residence or the applicable front yard setback line for said district, which is less restrictive, provided they do not hinder visibility for vehicles entering the street.
- F. Any commercial use or industrial use with outdoor storage of materials, equipment, etc. shall have an eight foot (8') opaque fence enclosing the entire storage area.
- G. Fences in non-residential districts shall comply with all setback requirements.

### **406.2. HEIGHT LIMITATIONS ON FENCES SHALL NOT APPLY IN THE FOLLOWING CIRCUMSTANCES:**

- A. To backdrops and similar protective barriers for recreation purposes, provided that clear visibility is allowed above the height limitation defined above; and
- B. Within the buildable area of a lot; however; fences within the buildable area shall conform to maximum building height requirements.
- C. Fences around Outdoor Pools
  - 1. All outdoor pools including swimming pools, wading pools, artificial pools, or other in-ground vessels exceeding sixteen (16) square feet in area and having a depth of twelve (12) inches or greater shall be completely surrounded by a fence, with a lockable gate, at least forty-eight (48) inches high.
  - 2. The fence shall be installed along with the initial construction of the swimming pool.

3. A fence surrounding the perimeter of the lot on which is located an outdoor pool should be sufficient to meet the requirements of this section, provided the fence is at least forty-eight (48) inches high.

#### **406.3 FENCE MATERIALS**

The use of razor wire shall not be allowed in residential districts.

### **SECTION 407: TEMPORARY AND PORTABLE BUILDINGS AND STRUCTURES**

#### **407.1 NO TEMPORARY BUILDINGS OR STRUCTURES FOR HABITATION, BUSINESS OR STORAGE ARE ALLOWED EXCEPT FOR THE FOLLOWING EXCEPTIONS:**

#### **407.2 TEMPORARY AND PORTABLE BUILDINGS AND STRUCTURES ALLOWED.**

- A. **Temporary Structures Used During Construction**  
A temporary or portable structure may be erected only in connection with the erection of a permanent building, street, utility, or other structure. A permit for the erection of any temporary structure shall be obtained from the Building Official after posting of sufficient bond to insure the removal of same within two (2) weeks after issuance of the certificate of occupancy on the permanent structure. A temporary or portable structure may be used for a temporary construction office and for housing tools, equipment, and materials.
- B. **Subdivision Sales Offices**  
Subdivision sales offices may be erected only after an approval by the City Council after a recommendation by the Planning and Zoning Commission, subject to such conditions as may be determined by the Commission to be necessary to insure termination of the use after a reasonable period by removal or conversion to a conforming use.
- C. **No trailers for dwelling, storage, or business shall be parked in any district, except upon approval by the City Council after a recommendation by the Planning and Zoning Commission in connection with a permanent building or construction project. Such approval shall be for a period of time not to exceed one (1) year, renewable for periods of six (6) months, stating the use for which approved. Upon completion of the project, the trailer shall be removed from the premises.**
- D. **Emergency occupancy of a trailer or mobile home as a residence, see Section 401.9, Manufactured Home on an Individual Lot.**

- E. Portable storage containers that are loaded with materials and used on a property for the purpose of storing materials are permitted in the zones subject to the following conditions:
1. A permit shall be obtained from the Building Official. The permit shall be valid for thirty (30) day permit shall cost twenty-five dollars (\$25.00).
  2. A thirty (30) day extension can be requested. No extension can be granted beyond ninety (90) days unless a waiver this requirement is granted by recommendation of the Planning and Zoning Commission and awarded by the City Council. A thirty (30) day extension shall cost an additional twenty-five dollars (\$25.00).
  3. The portable storage unit shall not be placed on the street or in the front yard of the property, but shall be allowed on the driveway at a point which is the farthest distance from the street;
  4. All locations in which the unit may be placed shall be paved off-street surfaces.
  5. Unless allowed by a special exception, no portable storage container shall have dimensions greater than sixteen (16') in length, eight (8') feet in width or eight and one-half (8 ½ ') feet in height.

#### **SECTION 408: HEIGHT LIMITS EXEMPTIONS**

The height limits of this Ordinance shall not apply to church spires, belfries, monuments, water towers, flag poles, derricks, chimneys, cooling towers, fire towers, windmills and other structures not intended for human occupancy. However, all height limits shall apply in the Airport Flight Zone.

#### **SECTION 409: PROHIBITION OF SALES OF MISCELLANEOUS ITEMS**

The miscellaneous sale of goods, wares and other merchandise in any Highway Commercial (C-3) zone is prohibited unless authorized by a valid business privilege license.

## ARTICLE V ESTABLISHMENT OF DISTRICTS

### SECTION 501: DIVISIONS INTO DISTRICTS

For the purposes of this Ordinance, the City of Bay St. Louis is hereby divided into sixteen (16) districts and two overlay districts designated as follows:

- R-1 Low Density Residential Single-Family District
- R-1A Medium Density Residential Single-Family District
- R-2 Medium Density Residential Two Family District
- R-3 High Density Multi-Family/Townhouse/Zero Lot Line Residential District
- R-4 Residential Beach Front District
- R-5 Open Beaches District
- C-1 Central Business District
- C-2 Neighborhood Commercial District
- C-3 Highway Commercial District
- CD Casino District
- RD Resort District
- OC Office/Clinic District
- I-1 Limited Industrial District
- I-2 Planned Industrial District
- S-1 Special Use District
- WF-1 Waterfront District
- WF-2 Waterfront District
- AO Airport Overlay District
- H Historic District as governed by BSL Ordinance 509, the Beach Boulevard  
Historic Preservation District

### SECTION 502: BOUNDARIES

The boundaries of districts as listed in Section 501 of the Ordinance are as shown upon the map on file in the office of the City Clerk of the City of Bay St. Louis, and designated as the “**Zoning Map, City of Bay St. Louis, Mississippi,**” dated and certified by the City Clerk and also referred to herein as the Official Zoning Map. The said map and all notations, references, and other things shown thereon shall be and hereby are made a part of this Ordinance by reference as fully though set forth herein detail.

#### 502.1 AMENDMENTS TO THE OFFICIAL ZONING MAP

All amendments and changes to the Official Zoning Map shall be recorded by the City Clerk and with the Building Officer not later than forty-eight (48) hours after such amendment becomes effective. All amendments and changes to the Official Zoning Map shall be recorded at the end of each fiscal year upon a new copy of the “**Zoning Map of the City of Bay St. Louis, Mississippi.**”

**502.2 REVISIONS OF THE OFFICIAL ZONING MAP**

The City Council may from time to time order the revision of the Official Zoning Map so as to include all changes to date and take the place of the original map which is a part of this Ordinance. No changes shall be made upon such revised map that has not been made in the regular form by the City Council of the City of Bay St. Louis, MS.

**502.3 LOCATION OF THE OFFICIAL ZONING MAP**

Regardless of the existence of purported copies of the "**Zoning Map of the City of Bay St. Louis, Mississippi,**" which may from time to time be made or published, the Official Zoning Map in the office of the City Clerk shall be the final authority for zoning districts in the City of Bay St. Louis. A copy of said map shall be in the office of the Building Officer for his use.

**SECTION 503: INTERPRETATIONS OF DISTRICT BOUNDARIES**

Where any uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following rules shall apply:

**503.1** Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

**503.2** Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

**503.3** Where district boundaries are so indicated that they are approximately parallel to the center lines of the street lines or streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distances there from as indicated on the Official Zoning Map. If no distance is given, such distance shall be determined by the use of the scale on the Official Zoning Map.

**503.4** Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

**503.5** Where property lies in two or more zoning districts, zoning for frontage of the property shall prevail except that within a point two hundred (200) feet of a street frontage in a more restricted zoning district, regulations governing development in such a district shall prevail. The Major Site Plan Review process applies to all properties with more than one zoning category.

**503.6** Where frontage of property lies in two or more zoning districts, the property shall be governed by the district with the most restrictions, provided area and height requirements as established elsewhere in this Ordinance (Article VII, Area, Yard, and Height Requirements) are met. The Major Site Plan Review process applies to all properties with more than one zoning category.

**503.7** Boundaries indicated as following shorelines shall be construed to follow the legally established shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

**503.8** Along the Bay of St. Louis, Jourdan River, and the Mississippi Sound, upland zoning in residential districts adjacent thereto shall extend out into the waters to the corporate limits of the City except where R-5 (Open Beach) Districts exist, in which case, the R-5 District zoning shall extend out to the corporate limits; provided, however, that where no beach actually exists in any R-5 District, the upland zoning shall extend out to the corporate limits.

Along the Bay of St. Louis, Jourdan River, and the Mississippi Sound, upland zoning in all districts adjacent thereto, other than residential districts, shall extend out into the waters to the corporate limits of the City.

#### **SECTION 504: VACATION OF STREETS**

Whenever any street, alley or other public way is vacated by official action of the City of Bay St. Louis City Council, the zoning district adjoining each side of such street, alley, or public way shall be, unless otherwise indicated, automatically extended to center of same, and all area included therein shall then and henceforth be subjected to all appropriate regulations of the extended districts.

#### **SECTION 505: REPLACEMENT**

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 City may by resolution adopt a new Official Zoning Map which will supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk and bearing the seal of the town under the following words:

“This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map (date of adoption of map being replaced).”

## ARTICLE VI DISTRICT REGULATIONS

### SECTION 601: DISTRICT REGULATIONS

No Building or premises shall be used and no building shall hereafter be erected or altered for any purpose other than that allowed in the district in which such building or premises is located.

### SECTION 602: ANY USES NOT LISTED ELSEWHERE

For any use not specifically listed, the Planning and Zoning Commission shall make a determination of the district or districts in which said use shall be permitted, shall be permitted by special exception or shall be prohibited. Any such determination shall be based on the subject's uses similarity in nature, intensity of land use, impact and general character to other uses listed in the various districts.

### SECTION 603: R-1, LOW-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT USES

Within Residential District R-1 as shown on the "*Zoning Map, City of Bay St. Louis, Mississippi*," the following use provisions shall apply:

#### 603.1 PURPOSE

The R-1 District is intended to provide for low density residential neighborhoods, with appropriate urban services, characterized by single family, detached dwellings on large lots with supporting community facilities. This district is appropriate for established parts of the City where it serves to preserve low-density environments.

#### 603.2 USES PERMITTED

These uses are listed in the Chart of Uses attached at the end of this Article.

#### 603.3 SPECIAL EXCEPTIONS

Uses identified in the Chart of Uses and designated with a "S" may be permitted, if approved by the City Council after a recommendation from the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in Section 1305.2, provided such special exceptions shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Ordinance.

**SECTION 604: R-1A, MEDIUM-DENSITY SINGLE-FAMILY  
RESIDENTIAL DISTRICT USES**

Within Residential District R-1A as shown on the “*Zoning Map, City of Bay St. Louis, Mississippi*,” the following use provisions shall apply:

**604.1 PURPOSE**

The R-1A District is intended to provide for medium density residential neighborhoods with single family characteristics, while also allowing considerable latitude in the physical design of housing. Generally, the district will permit single family detached and attached residential and townhomes. Additionally, duplexes may be allowable on collector roadways identified in the City of Bay St. Louis Comprehensive Plan and subsequent updates by special exception. This district is intended to permit community structures and public facilities installations which are necessary and specifically service the residents of this district, or which are benefitted by and compatible with a residential environment.

**604.2 USES PERMITTED**

These uses are listed in the Chart of Uses attached at the end of this Article.

**604.3 SPECIAL EXCEPTIONS**

Uses identified in the Chart of Uses and designated with a “S” may be permitted, if approved by the City Council after a recommendation from the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in Section 1305.2, provided such special exceptions shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Ordinance.

## **SECTION 605: R-2, MEDIUM-DENSITY TWO-FAMILY RESIDENTIAL DISTRICT USES**

Within Residential District R-2 as shown on the “*Zoning Map, City of Bay St. Louis, Mississippi*,” the following use provisions shall apply:

### **605.1 PURPOSE**

The R-2 District is intended to provide for medium density residential neighborhoods with single family characteristics, but also allowing duplex residential units, while also allowing considerable latitude in the physical design of housing. Generally, the district will permit single family detached and attached residential and townhomes.

Additionally, duplex residential units are allowable within this district. This district is intended, also to permit community structures and public facilities installations which are necessary and do service specifically the residents of this district, or which are benefitted by and compatible with a residential environment.

### **605.2 USES PERMITTED**

These uses are listed in the Chart of Uses attached at the end of this Article.

### **605.3 SPECIAL EXCEPTIONS**

Uses identified in the Chart of Uses and designated with a “S” may be permitted, if approved by the City Council after a recommendation from the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in Section 1305.2, provided such special exceptions shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Ordinance.

## **SECTION 606: R-3, HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT USES**

Within Residential District R-3 as shown on the “Zoning Map, City of Bay St. Louis, Mississippi,” the following use provisions shall apply:

### **606.1 PURPOSE**

The R-3 District is intended to provide locations for high density, multiple family housing, while still allowing for other types of housing to exist within the residential neighborhoods. This district applies to areas in which there is a mix of single-family and multiple family housing in which a unified urban neighborhood is created; to transitional areas between lower and higher intensity uses; and in developing areas of multiple-family housing where sufficient urban facilities are available or where such facilities will be available prior to development. This district is intended, also to permit community structures and public facilities installations which are necessary and do service specifically the residents of this district, or which are benefitted by and compatible with a residential environment.

### **606.2 USES PERMITTED**

These uses are listed in the Chart of Uses attached at the end of this Article.

### **606.3 SPECIAL EXCEPTIONS**

Uses identified in the Chart of Uses and designated with a “S” may be permitted, if approved by the City Council after a recommendation from the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in Section 1305.2, provided such special exceptions shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Ordinance.

**SECTION 607: R-4, RESIDENTIAL BEACH FRONT DISTRICT USES**

Within Residential District R-4 as shown on the “*Zoning Map, City of Bay St. Louis, Mississippi*,” the following use provisions shall apply:

**607.1 PURPOSE**

The R-4 District is intended to provide for low density residential neighborhoods, with appropriate urban services, characterized by single family, detached dwellings on large lots. These lots face the Mississippi Sound, and therefore have large front yard setbacks to protect structures from wind, wave and water damage from periods of tropical and stormy weather. This district is appropriate for established parts of the City where it serves to preserve low-density environments.

**607.2 USES PERMITTED**

These uses are listed in the Chart of Uses attached at the end of this Article.

**607.3 SPECIAL EXCEPTIONS**

Uses identified in the Chart of Uses and designated with a “S” may be permitted, if approved by the City Council after a recommendation from the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in Section 1305.2, provided such special exceptions shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Ordinance.

**SECTION 608: R-5, OPEN BEACH DISTRICT USES**

Within Residential District R-5 as shown on the “Zoning Map, City of Bay St. Louis, Mississippi,” the following use provisions shall apply:

**608.1 PURPOSE**

The purpose of the R-5 District is to preserve the sand beach and the lands located to the south of the seawall protective barrier.

**608.2 SPECIAL EXCEPTIONS**

No Special Exceptions are permitted within this district.

**SECTION 609: R-5A, LIMITED OPEN BEACH DISTRICT USES**

Within Residential District R-5A as shown on the “Zoning Map, City of Bay St. Louis, Mississippi,” the following use provisions shall apply:

**609.1 USES PERMITTED**

To allow the use of fences, gazebos, piers and non-habitable structures that may be permitted as a “Special Exception Use” if found to be appropriate, in harmony and compatible with the adjacent properties and surrounding neighborhood. The effected properties are located on the beach side of Beach Boulevard from 618 North Beach Boulevard to 612 South Beach Boulevard.

## **SECTION 610: C-1, CENTRAL BUSINESS DISTRICT USES**

Within Commercial District C-1 as shown on the “Zoning Map, City of Bay St. Louis, Mississippi,” the following use provisions shall apply:

### **610.1 PURPOSE**

The purpose of the C-1 District is to protect and to improve older business districts located in proximity to neighborhoods. These districts have an identified character which draws people from through the City and the region to shop or dine in the district. Residences may exist as part of commercial use or in limited cases, detached from a commercial use. The density of structures within this district tends to be higher than in all other commercial areas, however, the scale of the structures is not as large as those that typically exist in a C-3 District.

### **610.2 USES PERMITTED**

Uses permitted within this district are listed in the Chart of Uses attached at the end of this Article.

### **610.3 SPECIAL EXCEPTIONS**

Uses identified in the Chart of Uses and designated with a “S” may be permitted, if approved by the City Council after a recommendation from the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in Section 1305.2, provided such special exceptions shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Ordinance.

## **SECTION 611: C-2, NEIGHBORHOOD COMMERCIAL DISTRICT USES**

Within Commercial C-2 as shown on the “Zoning Map, City of Bay St. Louis, Mississippi,” the following use provisions shall apply:

### **611.1 PURPOSE**

The purpose of the C-2 district is to provide for retail shopping for everyday needs and personal services to serve the surrounding residential areas. The height of buildings will not adversely affect nearby residences. Generally, the districts are located at the intersections of major streets within residential areas.

### **611.2 USES PERMITTED**

Uses permitted within this district are listed in the **Chart of Uses** attached at the end of this Article.

### **611.3 SPECIAL EXCEPTIONS**

Uses identified in the **Chart of Uses** and designated with a “S” may be permitted, if approved by the City Council after a recommendation from the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in Section 1305.2, provided such special exceptions shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Ordinance.

**SECTION 612: C-3, HIGHWAY COMMERCIAL DISTRICT USES**

Within Commercial C-3 as shown on the “**Zoning Map, City of Bay St. Louis, Mississippi,**” the following use provisions shall apply:

**612.1 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 located along heavily travelled state and federal highways.

**612.2 USES PERMITTED**

Uses permitted within this district are listed in the **Chart of Uses** attached at the end of this Article.

**612.3 SPECIAL EXCEPTIONS**

Uses identified in the **Chart of Uses** and designated with a “S” may be permitted, if approved by the City Council after a recommendation from the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in Section 1305.2, provided such special exceptions shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Ordinance.

## **SECTION 613: OC, OFFICE/CLINIC DISTRICT USE REQUIREMENTS**

Within the Office/Clinic District OC as shown on the “**Zoning Map, City of Bay St. Louis, Mississippi,**” the following use provisions shall apply:

### **613.1 PURPOSE**

The purpose of this district is to permit offices, including administrative, executive, professional and research uses, as well as offices of practitioners of medical arts which should be located near the hospital. Clinics providing for dialysis, medical testing and medical treatments may also be located within this district. Limited commercial uses may exist in areas located near major roadways, other commercial districts or large businesses. This district may be utilized as a buffer between residential and non-residential uses.

### **613.2 USES PERMITTED**

Uses permitted within this district are listed in the **Chart of Uses** attached at the end of this Article.

### **613.3 SPECIAL EXCEPTIONS**

Uses identified in the **Chart of Uses** and designated with a “S” may be permitted, if approved by the City Council after a recommendation from the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in Section 1305.2, provided such special exceptions shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Ordinance.

### **613.4 SPECIAL PROVISIONS**

- A. All structures shall be reasonably compatible with customary residential construction appearances, and shall have the following features:
  - 1. Pitched roofs; flat or singly sloped roofs are not permitted.
  - 2. No more than two thousand five hundred (2,500) square feet are allowed under a single, unbroken roof structure. Where larger areas are required under one roof structure, the building shall be divided into wings, or the roofline shall be broken into smaller areas by additional gables or pitches.
  - 3. Exteriors of sheet metal panels or unadorned concrete blocks are not permitted.
- B. Signs. One ground, wall, or projecting sign shall not be permitted, not to exceed nine (9) square feet in area for each profession, office or clinic.
- C. Fence. A six foot (6’) solid wood, masonry, or other type opaque fence shall be erected and maintained on any lot or part thereof, bordering a residential lot.
- D. Wheel Guards. Vehicle restraints shall be placed a minimum of five (5) feet from adjoining lot lines.

**SECTION 614: I-1, LIGHT INDUSTRIAL DISTRICT USES**

Within the Limited Industrial District I-1 as shown on the “Zoning Map, City of Bay St. Louis, Mississippi,” the following use provisions shall apply:

**614.1 PURPOSE**

The purpose of this district is to provide for a limited amount of small scale manufacturing & retail business establishments.

**614.2 USES PERMITTED**

No uses are permitted by right.

**614.3 USES ALLOWED BY SPECIAL EXCEPTION WHEN MEETING ALL THE REQUIREMENTS FOR A SPECIAL EXCEPTION, AS PUT FORTH IN THIS ORDINANCE**

Uses identified in the Chart of Uses and designated with a “S” may be permitted, if approved by the City Council after a recommendation from the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in Section 1305.2, provided such special exceptions shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Ordinance. No uses shall be approved or allowed if the use or proposed operation will create any obnoxious, offensive or detrimental effects upon neighboring properties due to smoke or other particulate matter, noise, odor, fire or explosive hazard, gases, heat vibration, water pollution, and other factors produced by the use or activity on the site.

## **SECTION 615: I-2, PLANNED INDUSTRIAL DISTRICT USES**

Within the Planned Industrial District I-2 as shown on the “**Zoning Map, City of Bay St. Louis, Mississippi,**” the following use provisions shall apply:

### **615.1 PURPOSE**

The purpose of this district is to provide for a wide variety of manufacturing establishments including assembling, processing, storing, and distributing activities. No new residential development would be permitted except for watchman and caretaker dwelling units. This district should adjoin good highway and have good access. There should be adequate land area and buffering so that offensive noise, vibrations, dust, heat, smoke, odor, glare or other objectionable influences other than the minimum amount do not affect the use of neighborhood districts.

### **615.2 USES PERMITTED**

No uses are permitted by right.

### **615.3 USES ALLOWED BY SPECIAL EXCEPTION WHEN MEETING ALL THE REQUIREMENTS FOR A SPECIAL EXCEPTION, AS PUT FORTH IN THIS ORDINANCE**

Uses identified in the Chart of Uses and designated with a “S” may be permitted, if approved by the City Council after a recommendation from the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in Section 1305.2, provided such special exceptions shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Ordinance. Further, any industrial use may be considered for approval by City Council upon recommendation by the Planning and Zoning Commission provided no nuisance will result with regard to excessive smoke or other particulate matter, noise, odor, fire or explosive hazard, gases, heat vibration, water pollution, and other factors detrimental to the health, safety and welfare of the area.

## **SECTION 616: CD, CASINO DISTRICT USES**

Within the Casino District CD as shown on the “**Zoning Map, City of Bay St. Louis, Mississippi,**” the following use provisions shall apply:

### **616.1 PURPOSE**

This district is intended to provide for gaming establishments and their associated uses. Casino districts have a sufficient impact on all adjacent uses and should be granted only after submission of a Master Plan.

### **616.2 USES PERMITTED**

Uses permitted within this district are listed in the **Chart of Uses** attached at the end of this Article.

### **616.3 USES PERMITTED AS ACCESSORY USES**

The following uses may be permitted as accessory uses within this district.

- A. Candy Store
- B. Convenience Store
- C. Dry Goods Store
- D. Gift Shop
- E. Jewelry Store
- F. Clothing Store
- G. Dry Cleaning
- H. Laundry Facilities
- I. Bakery
- J. Water Related Uses
- K. Walking Trails
- L. Fountains
- M. Any other accessory use similar to the above and customarily associated with a casino or resort type area.

### **616.4 SPECIAL EXCEPTIONS**

Uses identified in the **Chart of Uses** and designated with a “S” may be permitted, if approved by the City Council after a recommendation from the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in Section 1305.2, provided such special exceptions shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Ordinance.

### **616.5 SPECIAL PROVISIONS**

The following provisions are in addition to any other requirement within this Ordinance and where in conflict with another section in this Ordinance, the most restrictive interpretation will be used.

- A. Any granting of a Casino District shall be conditional until all requirements of this Ordinance have been met. Failure to complete all requirements shall void any change in zoning.
- B. A Casino District shall include a marina and the legal dockside gaming establishment(s) shall be located in said marina. Said marina water area, excluding water access, shall be a minimum of fourteen (14) acres.
- C. All permitted uses and special exceptions shall be located within three hundred feet (300') of the marina bulkhead.
- D. Dockside gaming establishments are generators of large commercial uses that create excessive vehicle traffic, noise and pedestrian congestion. To ensure the character of Bay St. Louis as a historical, quaint community, Casino Districts shall be prohibited from locating adjacent to any residential district.
- E. When a Casino District is located on an inland waterway, said waterway shall not be considered as part of the marina. Therefore, no dockside gaming establishments shall be located on the waterway leading to or from the marina.
- F. Due to heavy traffic and noise associated with a Casino operation, the Planning and Zoning Commission shall have the right to require a minimum buffer area based on use and size of development. Said buffer shall be of a reasonable size to assure harmony with adjacent land uses.
- G. Casino Districts shall conform to all of the requirements of site plan review for major developments.

## **SECTION 617: RD, RESORT DISTRICT USES**

Within the Resort District **RD** as shown on the “**Zoning Map, City of Bay St. Louis, Mississippi,**” the following use provisions shall apply:

### **617.1 PURPOSE**

Resort District includes a combination of commercial and related residential uses which support the delivery of services and attractions, which promote the tourism industry and desired economic development. Such uses may include hotels/motels, golf courses, water related activities, condominiums, detached housing and other accessory uses.

### **617.2 USES PERMITTED**

Uses permitted within this district are listed in the **Chart of Uses** attached at the end of this Article.

### **617.3 USES PERMITTED AS ACCESSORY USES**

The following uses may be permitted as accessory uses within this district.

- A. Childcare Facilities
- B. Arts and Crafts Stores
- C. Gift Shops
- D. Toy Stores
- E. Bakeries
- F. Jewelry Store
- G. Clothing Store
- H. Warehouse
- I. Dry Goods Store
- J. Laundry
- K. Water Novelty Craft
- L. Fuel Dock
- M. Marine Supplies
- N. Transportation Facilities
- O. Any other accessory use similar to the above and customarily associated with a resort or casino type area.

### **617.4 SPECIAL EXCEPTIONS**

Uses identified in the **Chart of Uses** and designated with a “S” may be permitted, if approved by the City Council after a recommendation from the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in Section 1305.2, provided such special exceptions shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Ordinance.

### **617.5 SPECIAL PROVISIONS**

The following provisions are in addition to any other requirement within this Ordinance and where in conflict with another section in this Ordinance, the most restrictive interpretation will be used.

- A. The minimum acreage requirement for a Resort District shall be fifty (50) acres.
- B. The intent of a Resort District is to offer a variety of tourism related uses in a well-planned project. Developments that would serve primarily the local community shall not be considered a Resort District. Such developments shall be treated as a single use project and meet the appropriate zoning classification and requirements.
- C. If the City grants a special exception for a marina in a Resort District, the marina shall not be used for any dockside gaming establishment. It is not the intent of a Resort District to permit casino uses.
- D. Resort Districts by their nature will have major impact on adjacent property. Due to this potential impact on surrounding properties, a minimum buffer area of one hundred (100) feet shall be provided when a non-residential use is adjacent to any residential zoning district.  
  
If an approved structure exceeds one hundred (100) feet in height, the setback shall be increased one (1) foot for every additional two (2) feet of height. All buffer areas required by this sub-section shall be landscaped as approved by the City Council after recommendation by the Planning and Zoning Commission. Said landscaped areas shall be of a design to limit the adverse effect of lighting and noise.
- E. All signage to be used in a Resort District shall be approved by the City Council after recommendation by the Planning and Zoning Commission for size and location. A master signage plan shall be provided prior to final approval.
- F. Resort Districts shall conform to all of the requirements of site plan review for major developments.

## **SECTION 618: WF-1, WATERFRONT DISTRICT USES**

Within the Waterfront District -1, WF-1 as shown on the “**Zoning Map, City of Bay St. Louis, Mississippi,**” the following use provisions shall apply:

### **618.1 PURPOSE**

The WF-1 District includes a mixed use of land uses intended to promote a vibrant waterfront. Uses include primary and secondary residences, as well as tourism and recreational uses, but exclude casinos. Height and density within this district respect adjacent residential neighborhoods.

### **618.2 USES PERMITTED**

Uses permitted within this district are listed in the **Chart of Uses** attached at the end of this Article.

### **618.3 SPECIAL EXCEPTIONS**

Uses identified in the **Chart of Uses** and designated with a “S” may be permitted, if approved by the City Council after a recommendation from the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in Section 1305.2, provided such special exceptions shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Ordinance.

### **618.4 SPECIAL PROVISIONS**

The following provisions are in addition to any other requirement within this Ordinance and where in conflict with another section in this Ordinance, the most restrictive interpretation will be used.

- A. The minimum acreage requirement for a WF-1 development shall be not less than three (3) acres.
- B. The intent of a WF-1 District is to offer a variety of mixed uses along the waterfront to allow for enjoyment of the area. These uses include residential uses, commercial uses, and public access uses. Developments that would serve primarily the only one use and exclude public access shall not be considered a WF-1 District. Such developments shall be treated as a single use project and meet the appropriate zoning classification and requirements.
- C. If the City grants a special exception for a marina in a Waterfront District, the marina shall not be used for any dockside gaming establishment. It is not the intent of a WF-1 District to permit casino uses.

- D. WF-1 Districts by their nature will have major impact on adjacent property. Due to this potential impact on surrounding properties, a minimum buffer area of one hundred (100) feet shall be provided when a non-residential use is adjacent to any residential zoning district.

All buffer areas required by this sub-section shall be landscaped as approved by the City Council after recommendation by the Planning and Zoning Commission. Said landscaped areas shall be of a design to limit the adverse effect of lighting and noise.

- E. All signage to be used in a WF-1 District shall be approved by the City Council after recommendation by the Planning and Zoning Commission for size and location. A master signage plan shall be provided prior to final approval.
- F. Commercial businesses within these developments shall be limited to a floor area of one-thousand five hundred (1,500) square feet for one story structures and commercial development for multi-story buildings shall be allowed to be five thousand (5,000) square feet on the first floor.
- G. WF-1 Districts shall conform to all of the requirements of Site Plan Review for Major Development.
- H. Public amenities shall encompass a minimum of five percent (5%) Public amenities shall include the following when required in this district:
1. Boat launches using the most current specifications of the Mississippi Department of marine Resources. Boat launches shall include five (5) parking spaces. No overnight parking of boats or recreational vehicles shall be allowed in these spaces. A minimum of fifty percent (50%) of the required parking spaces must be in tandem spaces to allow for the parking of vehicles with boat trailers.
  2. Boardwalks and/or piers which shall be Americans with Disabilities Act (ADA) accessible and regularly maintained. They shall be made of durable, permanent materials that meet all American National Standards Institute (ANSI) specifications. Boardwalks and piers shall be lit and designed so that all public safety and security issues are adequately addressed.
  3. Recreational facilities shall conform to standards set forth by their respective associations (i.e. tennis facilities shall meet United States Tennis Association guidelines). All passive recreation, if surfaced in permanent materials, such as asphalt or concrete, pathways shall be ADA compliant.

4. Sculpture or Fountain Gardens shall have ADA compliant access and be adequately lit. Landscaped and hardscaped areas shall be designed so that all public safety and security issues are addressed. There shall be no areas within public gardens where individuals can hide from view. Only sculptures made of durable permanent materials shall be placed in public gardens. If the sculpture contains any dangerous or hazardous edges or points, it shall be located a safe distance from the public's reach. Construction drawing for all public fountains shall be approved by the City prior to their installation. Once installed, all fountains must be regularly maintained and meet public health standards.
5. Botanical gardens shall not include any species considered invasive to the Southern Mississippi region. Any pathways or walks provided in the public garden shall be ADA compliant. Species that include non-edible, poisonous fruit, thorns or prickles shall not be utilized.

## **SECTION 619: WF-2, WATERFRONT DISTRICT USES**

Within the Waterfront District WF-2 as shown on the “**Zoning Map, City of Bay St. Louis, Mississippi,**” the following use provisions shall apply:

### **619.1 PURPOSE**

The WF-2 District seeks to create a vibrant mixed use community on the waterfront which includes development amenities for the preservation and conservation of sensitive natural areas. Flexible design methods can be utilized to work with the natural constraints of the site, and yet meet the demands for secondary and primary residential development, commercial uses to support the residential development, and public access to waterfront and recreational areas. Uses include primary and secondary residences, as well as tourism and recreational uses, but exclude casinos.

### **619.2 USES PERMITTED**

Uses permitted within this district are listed in the **Chart of Uses** attached at the end of this Article.

### **619.3 SPECIAL EXCEPTIONS**

Uses identified in the **Chart of Uses** and designated with a “S” may be permitted, if approved by the City Council after a recommendation from the Planning and Zoning Commission, in accordance with the procedures and under the conditions set forth in Section 1305.2, provided such special exceptions shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Ordinance.

### **619.4 CLUSTER DEVELOPMENT**

The following provisions are in addition to any other requirement within this Ordinance and where in conflict with another section in this Ordinance, the most restrictive interpretation will be used. This district shall be treated as a special use district.

#### **A. Applicability**

1. A residential cluster development can be permitted in the WF-2 District.
  - a. All principal and accessory uses authorized in the applicable district shall be allowed in the cluster development. In addition multi-family dwellings, duplexes, and townhouses may be permitted for in a cluster development within this district. Additionally, small businesses may also be allowed within this district to create a mixed use village environment.
  - b. Maximum lot coverage, floor area ratios, building height and parking requirements for the applicable zoning district shall apply to the cluster development. Maximum lot coverage, floor area ratios, and parking requirements, however, shall be applied to the entire site rather than to any individual lot.

2. The following provisions shall apply to any residential cluster development:
  - a. The minimum area of the cluster development shall be five acres.
  - b. No minimum width or depth of the lot shall apply.
  - c. A minimum separation of ten (10) feet shall be provided between all principal buildings and structures.
  - d. A minimum yard or common open space of at least twenty-five (25) feet in depth shall be provided, as measured from all public streets and from the side and rear lot lines of the entire cluster development.
  - e. Each lot shall have a minimum access of twelve (12) feet to a public or private streets, such access may be shared with other lots.
  - f. Not less than thirty percent (30%) of the site shall be conveyed as common open space in a manner consistent with this section. Where the site contains coastal or freshwater wetlands, not less than fifty (50) percent of such wetlands shall be included in calculating the common open space.

**B. Site Plan Information**

1. The preliminary and final site plan for a residential cluster development shall include, but shall not be limited to, the following information:
  - a. The maximum number and type of dwelling units proposed.
  - b. The areas of the site on which the dwelling units are to be constructed or are currently located and their size.
  - c. The calculations for the permitted number of dwelling units, derived pursuant to Section 618.4 (C) below.
  - d. The areas of the site on which other proposed principal and accessory uses may be located and their size.
  - e. The areas of the site designated for common open space and their size including designations for wetlands and floodplain areas.
  - f. The areas of the site designated for parking and loading and the size of individual spaces.
  - g. The location of sidewalks, trails and bike paths.
  - h. The number of acres that are proposed to be conveyed as common open space.
  - i. Design standards compliant with the Subdivision regulations.
  - j. Design and review standards contained in the Site Plan Review section of this Ordinance.

- C. Calculation of Permitted Number of Dwelling Units; Density Bonuses
1. Except as provided in paragraph (3) below, the maximum number of dwelling units proposed for a residential cluster development shall not exceed the number of dwelling units otherwise permitted for the residential zoning district in which the parcel is located.
  2. Except as provided in paragraph (3) below, the number of permitted dwelling units on a site shall be calculated in the following manner.
    - a. Measure the gross area of the proposed cluster development site in acres and tenths of an acre.
    - b. Subtract from the gross area determined in subparagraph (a) the area of public and private streets and other publically dedicated improvements, measured in acres and tenths of an acre, excluding common open space. The remainder shall be the net buildable area;
    - c. Convert the net buildable area from acres to square feet, using the equivalency of 43,560 sf = 1 acre; and
    - d. Divide the net buildable area by the smallest minimum lot size (in square feet) per unit for a dwelling unit permitted in the zoning district. This figure shall be rounded to the nearest lower number to establish the maximum number of dwelling units to be permitted in the cluster development.
  3. The City Council may approve an increase of up to twenty-five (25) percent of the maximum number of dwelling units in the cluster development, as calculated in paragraph (2) above if the percent of density bonus is no greater than the percent of the gross area of the cluster development that is both:
    - a. set aside and conveyed as common open space pursuant to Section G below and
    - b. set aside to the public.
- D. Procedures for Review
- The City Council shall review and approve a residential cluster development and any amendments thereto as a land development project in the manner provided for in the Section 618.4, together with any ordinances and regulations adopted pursuant thereto and appearing in the City of Bay St. Louis Zoning Ordinance and Subdivision Regulations.

E. Review Criteria

1. In reviewing a residential cluster development, the City Council shall determine whether:
  - a. The site plan satisfies the requirements of Sections A, B and C above;
  - b. The buildings and structures are adequately grouped so at least twenty-five (25) percent of the total area of the site is set aside as common open space. To the greatest degree practicable, common open space shall be designed as a single block and not divided into unconnected small parcels located in various parts of the development;
  - c. Pedestrians can easily access common space;
  - d. The site plan established, where applicable, an upland buffer of vegetation of at least fifty (50) feet in depth adjacent to wetlands and surface waters, including streams, springs, lakes and ponds;
  - e. Individual lots, buildings, structures, streets and parking areas are situated to minimize the alteration of natural features, natural vegetation and topography;
  - f. Existing scenic views or vistas are permitted to remain unobstructed, especially from public streets;
  - g. The site plan accommodated and preserved any features of historic, cultural or archaeological value;
  - h. Floodplains, wetlands and areas with slopes in excess of twenty-five percent (25%) are protected from development.
  - i. The cluster development advances the purposes of this ordinance as stated in Section 618.1.
2. The City Council may in its opinion, apply such special conditions or stipulations to its approval of a residential cluster development as may be required to maintain harmony with neighboring uses and to promote the objectives and purposes of the comprehensive plan and the zoning and subdivision ordinances.
3. If the City Council finds that the requirements in paragraph (1) above are satisfied, it shall approve the residential cluster development, subject to any special conditions or stipulations pursuant to paragraph (2) above, any density bonus pursuant to Section C above, or any reductions or waivers pursuant to Section F below.

- F. Reduction of Certain Physical Design requirements
1. In approving a residential cluster development, the City Council may reduce the pavement width of any public or private streets that would otherwise be required by the subdivision regulations to twenty-two (22) feet.
  2. An applicant who wants the reduction of pavement width of public or private streets as provided for in paragraph (1) above shall submit a statement of justification for the reduction along with the final site plan.
- G. Conveyance of Open Space
1. Common Open space provided by a residential cluster development shall be conveyed as follows:
    - a. To the City of Bay St. Louis and accepted by it for park, open space, agricultural or other specified use or uses, provided that the conveyance is approved by the City Council and is in a form approved by the city attorney; or
    - b. To a nonprofit organization whose principal purpose is the conservation of open space, to a corporation or trust owned or to be owned by the owners of lots or dwelling units within the residential cluster development, or to owners of shared within a cooperative development. If such a corporation or trust is used, ownership shall pass with the conveyances of the lots or dwelling units. The conveyance shall be approved by the City Council and shall be in a form approved the City Attorney.
  2. In any case, where common open space in a residential cluster development is conveyed pursuant to subparagraph (1) (b) above, a deed restriction enforceable by the City of Bay St. Louis shall be recorded that provides that the common open space shall:
    - a. Be kept in the authorized conditions; and
    - b. Not be developed for principal uses, accessory uses or roadways.

**619.5 SPECIAL PROVISIONS**

- A. Waterfront Districts by their nature will have major impact on adjacent property. Due to this potential impact on surrounding properties, a minimum buffer area of one hundred (100) feet shall be provided when a non-residential use is adjacent to any residential zoning district.

If an approved structure exceeds one hundred (100) feet in height, the setback shall be increased one (1) foot for every additional two (2) feet of height. All buffer areas required by this sub-section shall be landscaped as approved by the Council after review by the Planning Commission. Said landscaped areas shall be of a design to limit the adverse effect of lighting and noise.

- B. All signage to be used in a Waterfront District shall be approved by the City Council after recommendation by the Planning and Zoning Commission for size and location. A master signage plan shall be provided prior to final approval.
- C. Waterfront Districts shall conform to all of the requirements of Major Site Plan Review for all developments.

**SECTION 620: WF-3, WATERFRONT YACHT CLUB DISTRICT**

Within the Waterfront District, WF-3 as shown on the “**Zoning Map, City of Bay St. Louis, Mississippi,**” the following use provisions shall apply:

**620.1 PURPOSE**

The land shall be used for water front yacht club use only. The land shall not be used for any dockside gambling establishment. It is not the intent of this district to permit casino uses.

## **SECTION 621: S-1, SPECIAL USE DISTRICT USES**

Special Use Districts S-1 shall be shown on the “**Zoning Map, City of Bay St. Louis, Mississippi,**” if a Special Use District is applied for based upon the following procedures and receives approval from the City Council, upon the recommendation of the Planning and Zoning Commission. The following use provisions shall apply:

### **621.1 PURPOSE**

The purpose of a Special Use District is to enable the Planning and Zoning Commission and City of Bay St. Louis, Mississippi to establish zoning districts for mixed uses of land in accordance with the following procedures and regulations:

### **621.2 ESTABLISHMENT OF DISTRICT**

The establishment of a Special Use District shall adhere to the regulations imposed for like categories or functions under this Zoning Ordinance.

### **621.3 TYPES OF DISTRICTS**

The types of Special Use District which could be established shall include, but not be limited to such districts as:

#### **A. Medical Complex District**

To include activities such as hospitals, public health centers, nurses training facilities, pathology laboratories, doctors’ clinics and offices, extended care and nursing facilities, dental clinics and offices, and other closely related and compatible uses.

#### **B. Recreational District**

To include active and passive activities such as neighborhood centers, parks and playgrounds, swimming pools, picnic areas, and other closely related and compatible uses.

#### **C. Educational Institutional District**

To include activities such as grade schools, secondary schools and colleges, auditoriums, libraries, recreational facilities, and other closely related and compatible uses.

#### **D. Central Business District**

To include retail and wholesale activities, light Industrial uses, high density residential uses, and uses outlined in the following Public District.

#### **E. Public District**

To include municipal functions and services such as city hall, county courthouse, public utilities, public parking complexes, and other closely related and compatible uses.

#### **F. Housing District**

To include such residential uses as single and two-family residences, garden apartments, townhouses, high density, and cluster development.

- G. **Special Residential District**  
To include Bed & Breakfast or small “boutique” hotels.
- H. Any use, service, or function (for example, as related to the Educational District-bookstore, grill, post office, washateria, etc) directly related to the specific intent of the Special Use district will be permitted, provided, in the opinion of the City Council after recommendation by the Planning and Zoning Commission, there are no existing services or functions conveniently located and adequate to serve the proposed development.

#### **621.4 GENERAL PROCEDURES**

In applying for a Special Use district, or an amendment to such a district, an overall development plan shall be submitted to the Planning and Zoning Commission along with a report showing the need for such a district and its effect on adjacent and surrounding uses. This overall development plan shall include, but not be limited to:

- A. Plans showing location and design of structures, delivery points, loading and storage areas, walls, fences, screening, landscaping, signs, lighting devices, and pedestrian walks.
- B. Plans illustrating adequate off-street parking according to standards established in this Ordinance.
- C. Plans showing entrance and exits to the area and the traffic routing system so designed as to minimize nuisance effects due to the generation of traffic to and from the area.
- D. Any other information the Planning and Zoning Commission may need to adequately consider the effect the proposed uses may have upon the cost of providing adequate services to the area.
- E. The City Council after recommendation by the Planning and Zoning Commission may attach reasonable special conditions to the approval of such district or amendments to insure there will be no departure from the intent of this Zoning Ordinance.
- F. All proposed Special Use Districts shall follow the procedures for subdivision approval even though the ownership of land may not be divided, and follow the procedures for Site Plan Review.
  - 1. Developments shall follow the Site Plan Review Process.
  - 2. A preliminary and final plat, both approved by the City Council, upon a recommendation from the Planning and Zoning Commission, shall be required for each Special Use District.

3. The district shall be developed according to the approval of the final plat.
4. Building permits and certificate of occupancy shall be required for each building according to the existing codes and regulations.

#### **621.5 GENERAL REGULATIONS**

All Special Use Districts shall:

- A. Contain a minimum of five (5) acres, except for an expansion of an existing Special Use District. If the Special Use District does not contain five (5) acres, then the additional acreage shall contain at least the amount needed to bring the whole land area to five (5) acres.
- B. Be compatible with adjacent land use, if not, adequate buffers and screening shall be required.
- C. Start construction within one (1) year after approval of the final plat. If initial construction (for example: footings, foundations, etc) does not begin within one (1) year all land shall revert to its original zoning.
- D. Conform to established regulations. Even though this district will have mixed uses, each separate use will meet the requirements of similar uses in other districts.

For example, all commercial uses in this district will comply with the applicable commercial regulations as set forth in the Zoning Ordinance.

- E. Since a mixture of uses are permitted within the district, no building, structure, land, or premises shall be used and no building or structure shall be hereinafter erected, constructed, reconstructed, or altered until such use, erection, construction, reconstruction, or alteration has been specifically authorized by the City Council after study and recommendation by the Planning and Zoning Commission.
- F. Be binding upon the applicant(s), their successor(s) and assign(s), and shall limit the development to all conditions and limitations established in such plans.
- G. Proposed expansions or revisions to any originally approved Special Use District shall be submitted to the Planning and Zoning Commission. Upon receiving this request, the Planning and Zoning Commission shall follow the general procedures and regulations as set forth in herein.

**SECTION 622: AO, AIRPORT OVERLAY DISTRICT USES**

**622.1 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 John C. Stennis International Airport by creating certain airport zones within the zoned districts.

**622.2 AIRPORT ZONES ESTABLISHED AND DEFINED**

A. There is created within the City of Bay St. Louis 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 of the City of Bay St. Louis, Mississippi**”, 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.

B. Definitions:

<b><i>ZONE</i></b>	<b><i>DEFINITION</i></b>	<b><i>HEIGHT</i></b>
Instrument Approach Zone	An instrument approach zone at each end of the instrument runways for instrument landings 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 five hundred (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.

<b><i>ZONE</i></b>	<b><i>DEFINITION</i></b>	<b><i>HEIGHT</i></b>
<p>Transition Zone</p>	<p>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 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>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 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>
<p>Horizontal Zone</p>	<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.</p>

<i><b>ZONE</b></i>	<i><b>DEFINITION</b></i>	<i><b>HEIGHT</b></i>
Conical Zone	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.	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.

**622.3 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 section 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.

**622.4 USE RESTRICTIONS**

No use may be made of land within any zone established by Sec. 620 in such as manner as to:

- A. Create electrical interference with radio communication between the airport and aircraft.
- B. Make it difficult for flyers to distinguish between airport lights and other lights;
- C. Result in glare in the eyes of flyers using the airport;
- D. Impair visibility in the vicinity of the airport; or
- E. Otherwise endanger the landing, taking off, or maneuvering of aircraft.

**622.5 REGULATIONS TO BE CONSIDERED IN REVIEW OF ZONING APPLICATIONS AND APPROVAL OF APPLICATIONS**

This section in its entirety shall be considered by the Building Official 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 section 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.

**A. Conditions on Variances**

Except as provided in the succeeding sub-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 City Council upon the recommendation of the Planning and Zoning Commission, acting with the advice and recommendation of the FAA.

**B. Applications to Pre-existing 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 June 30, 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 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, 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 applicant.

- C. **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 623: CHART OF USES FOR ALL ZONING DISTRICTS

### 623.1 USES PERMITTED BY RIGHT

Uses allowed by right are specified in the Chart of Uses by an “R” in the Chart.

### 623.2 USES REQUIRING SPECIAL EXCEPTIONS

Uses listed in the chart may be permitted upon approval by the City Council after a recommendation from the Planning Commission. These uses may be allowed as Special Exceptions and are designated in the Chart of Uses by an “S”. Special Exceptions must meet the criteria defined in Section 1305.2 to be approved.

### 623.3 USES NOT ALLOWED

Uses designated with a blank box in the Chart of Uses are not allowed within the specified zoning district.

Chart of Uses																		
<b>(R) Allowed by Right</b>																		
<b>(S) May be allowed by Special Exception with Approval of City Council</b>																		
<b>( ) or blank Not Allowed</b>																		
Use/ Activity	R-1	R-1 A	R-2	R-3	R-4	R-5	R-5A	C-1	C-2	C-3	OC	I-1	I-2	CD	RD	W-1	W-2	W-3
Single Family Dwelling	R	R	R	R	R			R	R	R	R				S	R	R	
Duplex or Two-plex		S	R (1)	R				R	R	R	S				S	R	R	
Multi-Family Dwelling				R				R	R	R	S					S	S	
Condominiums				R				R	R	R				R	R	R	R	
Townhome or Row House		S	S (1)	S				R	R	R	S			R	R	R	R	
Zero Lot Line Subdivision not infill		S	S (1)	S				R	R	R	S					R	R	
Manufactured Home Park										S								
Assisted Living or Skilled Nursing Services				S				S	S	S	S							
Transitional Home								S	S	S	S							
Accessory structures	R	R	R	R	R			R		R	R	S	S	R	R	R	R	
Accessory Dwelling Unit/ Detached	S (2)	S (2)	S (2)	S (2)	S (2)			S (2)	S (2)	S (2)	S (2)					R	R	

Chart of Uses																		
(R) Allowed by Right																		
(S) May be allowed by Special Exception with Approval of City Council																		
( ) or blank Not Allowed																		
Use/ Activity	R-1	R-1 A	R-2	R-3	R-4	R-5	R-5A	C-1	C-2	C-3	OC	I-1	I-2	CD	RD	W-1	W-2	W-3
Home Occupations- General	R	R	R	R	R			R	S	R	R					R	R	
Adult Day Care	S	S	S	S	S			R	R	S	R					S	S	
Ambulance Service										R	R							
Amphitheatre								S										
Antique Stores								R	R	R	S	S	S			R	R	
Art Galleries								R	R	R	R	S	S	R	R	R	R	
Auditorium/ Conference Center								S		S	S		S	S	S	S	S	
Auto Repair										R (3)			S (3)					
Automobile and Truck Sales, ATV and Motorcycle Sales								S		R (3)	S		S (3)					
Auto Wrecking & Salvage													S					
Automobile Service Station								S (7)	S (7)	R (7)	S (7)		S (7)			S (7)	S (7)	
Bakery								R	R	R	R	S	S	R	S	R	R	
Barber Shops, Beauty Shops & Other Personal Service Establishments such as manicures & pedicures								R	R	R	R	S	S	R	R	R	R	
Bars, Taverns, Nightclubs & Lounges								R	S	R	S		S	R	R	S	S	
Bait Shop (live bait)								S	S	R			S			R	R	
Bed and Breakfast	S	S	S	S	S			S	S	S					R	R	R	

Chart of Uses																		
<b>(R) Allowed by Right</b>																		
<b>(S) May be allowed by Special Exception with Approval of City Council</b>																		
<b>( ) or blank Not Allowed</b>																		
Use/ Activity	R-1	R-1 A	R-2	R-3	R-4	R-5	R-5A	C-1	C-2	C-3	OC	I-1	I-2	CD	RD	W-1	W-2	W-3
Bicycle Shop, Sales, Rental Dealers & Repair Services (Note 10)								R		R		S	S			R	R	
Boats, for Sale, Rental & Repair								S		R			S	R	R	S	R	
Bowling, Billiards/ Pool								S	S	R				R	R	S	S	
Building Material Yard								S		R		S	S					
Building Specialty Stores with Limited Storage								S		R		S	S					
Bulk Petroleum Storage													S					
Bus Terminal or Service Facility								S		R	S		S	R	S			
Campgrounds														S	S	S	S	
Car Parts, Accessories and Tire Stores- No onsite installation								S		R			S					
Car Rental and Leasing								S		R	S	S	S	R	R			
Car Wash (manual and automatic)								S		R	S		S					
Catering								R	R	R	R			R	R	R	R	
Cemetery	S	S	S	S	S			S		S								
Charter Bus Service										S			S					
Child Care Center	S	S	S	S	S			R	R	S	R			S	S	S	R	

Chart of Uses																		
<b>(R) Allowed by Right</b>																		
<b>(S) May be allowed by Special Exception with Approval of City Council</b>																		
<b>( ) or blank Not Allowed</b>																		
Use/ Activity	R-1	R-1 A	R-2	R-3	R-4	R-5	R-5A	C-1	C-2	C-3	OC	I-1	I-2	CD	RD	W-1	W-2	W-3
Church, Temples, Synagogues, Mosques and Places of Worship	R	R	R	R	R			R	R	R	R					R	R	
Collection, storage and transport of used oil products										S			S					
Commercial Service Truck Route Center										S			S					
Computer & Electronic Hardware & Software Repair/ Sales								R (6)	R (6)	R	R	S	S			R	R	
Contractor's Storage or Contractor's Yard with limited storage of equipment which is fenced and unable to be seen from any adjacent property.										S			S					
Convenience Store with Gasoline Pumps								S (7)	S (7)	R (7)	S (7)		S (7)		R (7)	S (7)	S (7)	
Convention Center										S				R	S	S	S	
Covered Surface Parking								R		R	R		S	R				
Crating & Express Hauling or Storage										S			S					
Department Store								R	S	R	S							
Dialysis Center								S	S	R	R							
Drive Through Facility								S	S	R (4)	R (4)		S					

<b>Chart of Uses</b>																		
<b>(R) Allowed by Right</b>																		
<b>(S) May be allowed by Special Exception with Approval of City Council</b>																		
<b>( ) or blank Not Allowed</b>																		
Use/ Activity	R-1	R-1 A	R-2	R-3	R-4	R-5	R-5A	C-1	C-2	C-3	OC	I-1	I-2	CD	RD	W-1	W-2	W-3
Drug Store/ Pharmacy								R	R	R	R		S			R	R	
Dry Cleaning/ Laundry Pick Up Station								R	R	R	R	S	S	R	R	R	R	
Dry Cleaning & Pressing On Premises										R			S					
Farmer's Market								R	R	R	R	S	S			R	R	
Farm Implements and Heavy Equipment Sales										R			S					
Feed Stores including Accessory Storage of Liquid or Solid Fertilizers										R			S					
Financial Institutions with Drive Through Facility								R	S	R	R		S			S	R	
Financial Institutions without Drive Through Facilities								R	S	R	R		S	R	R	R	R	
Flea Markets- Indoor								R	S	R								
Flea Markets- Outdoor								S	S	S			S	S	S	S	S	
Florist Shops								R	R	R	R	S	S	R	R	R	R	
Freight Depot- Rail or Truck													S					
Fruit and Vegetable Wholesale Sales								S		R			S					
Furniture Repair, Upholstery & Refinishing								R	S	R		S	S					

Chart of Uses																		
<b>(R) Allowed by Right</b>																		
<b>(S) May be allowed by Special Exception with Approval of City Council</b>																		
<b>( ) or blank Not Allowed</b>																		
Use/ Activity	R-1	R-1 A	R-2	R-3	R-4	R-5	R-5A	C-1	C-2	C-3	OC	I-1	I-2	CD	RD	W-1	W-2	W-3
Gaming or Dockside Gaming Facility														R				
Gas or Electric Power Generation Facility													S					
Golf Cart & Scooter Shops, Sales, Rental & Repair (Note 10)								R	S	R						R	R	
Golf Courses & Country Clubs	S	S	S	S	S					S	S				R	S	R	
Small Grocery Store limited to 10,000 square feet								R	R	R						S	R	
County, State & US Government Buildings								R	R	R	R					S	S	
Health Club, Gymnasium, Health Spa								R	R	R	R			R	R	R	R	
Hospital										R	R							
Hotel/ Motel								R	S	R	R			R	R	S	S (9)	
Incinerator, Composting or similar use													S					
Lab- Medical, Dental or Optical (non-hazardous)								R	R	R	R		S					
Landscape/ Garden Sales								S	S	R			S					
Laundry-Self-Service								S	R	R					R	S	S	
Leasing of Trucks, Trailers & RVs										S			S					

<b>Chart of Uses</b>																		
<b>(R) Allowed by Right</b>																		
<b>(S) May be allowed by Special Exception with Approval of City Council</b>																		
<b>( ) or blank Not Allowed</b>																		
Use/ Activity	R-1	R-1 A	R-2	R-3	R-4	R-5	R-5A	C-1	C-2	C-3	OC	I-1	I-2	CD	RD	W-1	W-2	W-3
Library	R	R	R	R	R			R	R	R	R					R	R	
Junkyard													S					
Machine Shop										S		S	S					
Light or small-scale manufacturing operations not obnoxious, offensive, or detrimental to neighboring property by reason of dust, smoke, odor vibrations, noise, or effluents.												S	S					
All Other Manufacturing, warehousing, Distribution & Industrial Uses													S					
Manufactured Homes Sales and Service										R			S					
Marina-Concessions/ Restaurant								S		R				R	R	R	R	
Marina- Fueling Docks								S		R				R	R	R	R	
Marina-Restrooms								S		R				R	R	R	R	
Marine Retail & Supplies								S		R			S	R	R	R	R	
Marine Supply with Boat or Marine Craft Sales								S		R			S	R	R	S	R	
Marine Craft Rental with Boats Stored in Marina								S		R					R	S	R	
Massage Therapist								R	S	R	R			R	R	R	R	

Chart of Uses																		
<b>(R) Allowed by Right</b>																		
<b>(S) May be allowed by Special Exception with Approval of City Council</b>																		
<b>( ) or blank Not Allowed</b>																		
Use/ Activity	R-1	R-1 A	R-2	R-3	R-4	R-5	R-5A	C-1	C-2	C-3	OC	I-1	I-2	CD	RD	W-1	W-2	W-3
Medical Clinic								R	R	R	R							R
Medical Supplies- Retail								R	R	R	R		S					
Medical Supplies- Wholesale								S	S	R	R		S					
Miniature Golf Course								S		R				R	R	S	R	
Mini- storage/ Warehouse								S	S	R			S					
Mortuaries/ Funeral Homes								S	S	R	S		S		S			
Movie Theatre								R	S	R				R	R	S	R	
Movie Theatre- Drive-In										R				R	R		S	
Municipal Building								R	R	R	R					R	R	
Museums								R	R	R	R		S	S	S	S	R	
Newspaper Offices								R		R	R		S					
Nursery- Wholesale Commercial Growers & Wholesale										R			S					
Office Buildings								R	R	R	R		S			R	R	
Office Building with Drive Through Facility								R	R	R	R		S					
Office Supply Store								R	R	R	R		S					
Optical Goods- Wholesale								R	S	R	R		S					
Outdoor Stage								S		S				S	S	S	S	
Paint Stores								R (5)	R (5)	R			S					

Chart of Uses																		
<b>(R) Allowed by Right</b>																		
<b>(S) May be allowed by Special Exception with Approval of City Council</b>																		
<b>( ) or blank Not Allowed</b>																		
Use/ Activity	R-1	R-1 A	R-2	R-3	R-4	R-5	R-5A	C-1	C-2	C-3	OC	I-1	I-2	CD	RD	W-1	W-2	W-3
Parking Lots				R (8)				R (8)	R (8)	R (8)	R (8)			R (8)	R (8)	R (8)	R (8)	
Parking Structures								R	S	R	R		S	R	R	S	R	
Pawn Shops										R								
Performance Theatre								R	S	R	S			R			R	
Pet Grooming								R	R	R	R							
Plumbing Supply								S	R	R			S					
Private Clubs & Lodges except those in which the conduct of commercial affairs plays a major role								R	S	R	S		S			S	R	
Public Parks/ Playgrounds	R	R	R	R	R			R	R	R	R				R	R	R	
Racetrack										S			S					
Non-commercial radio, television towers, wind turbines, for residential use, exceeding 35 feet in height	S	S	S	S	S			S	S	S	S		S	S	S	S	S	
Railroad Terminal								S	S	S	S		S	S	S			
Reception Hall								S	S	R								
Recreation Center								S	S	R				R	R		S	
Recreational Vehicle Parks										S				R	R	S	S	
Recreational Vehicle Sales & Servicing										R			S					
Repair to Radios, Television & Appliances								S	S	R			S					
Restaurants (Alcohol is incidental to food)								R	R	R	R		S	R	R	R	R	

Chart of Uses																		
<b>(R) Allowed by Right</b>																		
<b>(S) May be allowed by Special Exception with Approval of City Council</b>																		
<b>( ) or blank Not Allowed</b>																		
Use/ Activity	R-1	R-1 A	R-2	R-3	R-4	R-5	R-5A	C-1	C-2	C-3	OC	I-1	I-2	CD	RD	W-1	W-2	W-3
Restaurants with Drive- In or Drive Through Facilities								S	S	R	R		S			S	R	
Restaurant Supply Sales								S	S	R			S					
Retail Shops								R	R	R	R		S	R	R	R	R	
Retail Fish Markets								R	S	R	S		S	R	R	R	R	
Rooming or Boarding House				S				R	S	R								
Sand /Gravel Storage Yard										S			S					
Public or Private Elementary Middle & High Schools Offering General Education Classes	R	R	R	R	R			R	R	R	R						S	
School Bus Parking Yards										R			S					
Servicing of Heavy Trucks										S			S					
Sewage Disposal Lagoons or Treatment Plants													S					
Sexually Oriented Businesses													S					
Sexually Oriented Retail										S			S					
Shoe Repair Shops								R	R	R	R		S					
Shop or Store with Drive Through Facility								S	S	R	S						S	

**Chart of Uses**

**(R) Allowed by Right**  
**(S) May be allowed by Special Exception with Approval of City Council**  
**( ) or blank Not Allowed**

Use/ Activity	R-1	R-1 A	R-2	R-3	R-4	R-5	R-5A	C-1	C-2	C-3	OC	I-1	I-2	CD	RD	W-1	W-2	W-3
Shopping Center										R						S	S (9)	
Shopping Mall										R							S (9)	
Skating Rink								S	S	R				R	R	S	S (9)	
Skateboard Park										S				S	S	S	S (9)	
Small Animal Clinic with or without Boarding								S	S	R	S		S					
Studio for Professional Work or Teaching of Fine Arts	S	S	S	S	S			R	S	R	S		S			R	R	
Studio for Professional Work or Teaching of Dance or Music								S	S	S	S		S			S	S	
Supermarket								R	S	R	R					S	S (9)	
Super Store/ Warehouse Store										R							S (9)	
Tailor Shop and Alterations								R	R	R	R					R	R	
Tattoo Parlors										R								
Taxi and Limousine Service								S	S	R	S		S	R	S			
Telecommunication Towers & Towers exceeding 35 feet in height	S	S	S	S	S			S	S	S	S		S	S	S	S	S	
Tire Stores with Installation & Repair										R (7)			S (7)					
Tobacco Stores								R	R	R	R		S					

Chart of Uses																		
<b>(R) Allowed by Right</b>																		
<b>(S) May be allowed by Special Exception with Approval of City Council</b>																		
<b>( ) or blank Not Allowed</b>																		
Use/ Activity	R-1	R-1 A	R-2	R-3	R-4	R-5	R-5A	C-1	C-2	C-3	OC	I-1	I-2	CD	RD	W-1	W-2	W-3
Towing and Road Service										R			S					
Trade School								S	S	R	S		S	S				
Trailer Sales										R			S					
Veterinary Hospitals (Large Animal)										R			S					
Video Rental								R	R	R	R	S	S	R	R	R	R	
Water Park-Commercial										S				S	S		S <sup>(9)</sup>	
Wine and Liquor Store (Off premise Consumption of Alcohol)								R	S	R	R			R	R	S	R	

**CHART OF USES NOTES:**

(1) Only two units under one roof are allowed per parcel.

(2) A single family dwelling unit is the principal use, and one accessory detached dwelling unit is allowed for each lot over 15,000 square feet.

(3) All operations shall be (a) conducted within an enclosed building, (b) provided further that if the building is located within fifty (50) feet of a lot in a residential zone with no intervening street, the wall of the building nearest such zone shall have no openings other than doors or stationary windows; and (c) that such doors shall be permitted only if the building is adjacent to any alley and they may be opened only at intervals necessary for ingress and egress,

(4) Subject to specific regulations in Article XI, Site Plan Review.

(5) Not to allow painting of automobiles or boats on site.

(6) Computer and other electronic hardware/software establishments, research and development establishments, provided no operations are obnoxious, offensive, or detrimental to neighboring property by reason of dust, smoke, vibrations, noise, odor, or effluents.

(7) Subject to the following restrictions (a) any tube or tire repairing, storage of merchandise and supplies shall be conducted wholly within buildings, (b) no provision of this paragraph shall be interpreted to permit general automobile repairing, painting, body and fender work or steam cleaning, (c) any structure, such as a grease rack or automobile washing apparatus, gasoline pumps, buildings and underground storage tanks, including principal use signs shall be set back not less than twenty-five (25) feet from any property line, (d) such areas between property lines and any service station will be kept free from trash and rubbish and no part therein shall serve as a collection point for waste material, (e) the means of access or egress shall be provided no less than twenty (20) feet from any residential district boundary line, (f) access and egress shall be so arranged and designed so as to minimize the interference with the flow of traffic through the intersection, and (g) lighting shall be so arranged so as not to shine and reflect upon any adjacent premises.

(8) Parking lots shall be paved so to provide a durable and dustless surface to dispose of all surface water accumulations and lighted to illuminate the parking area, but also to reflect any light away from adjacent properties and premises.

(9) Listed use is permitted by right (R) in Waterfront 2 (WF2) in the area between Interstate 10 and Bayou Lacroix, but is allowed only as a Special Exception (S) in all other WF2 areas.

(10) Any outdoor service area shall have a six foot opaque fence enclosing the entire service area and if this is inside the Historic District, it would need to meet the opaque fence standards for the Historic District.

## **ARTICLE VII AREA, YARD AND HEIGHT REQUIREMENTS**

### **SECTION 701: AREA, YARD AND HEIGHT REQUIREMENTS SET FORTH**

The area, yard, and height requirements for each district shall be the same and are hereby fixed and established as hereinafter set forth:

### **SECTION 702: R-1, LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT REQUIREMENTS**

The following dimensions shall apply to uses within this district:

- |                                      |   |
|--------------------------------------|---|
| <b>702.1 MINIMUM LOT AREA</b>        | 12,000 square feet, except all lots facing South Beach Boulevard or North Beach Boulevard shall be 15,000 square feet.  |
| <b>702.2 MINIMUM LOT WIDTH</b>       | One hundred (100) feet  |
| <b>702.3 MINIMUM FRONT YARD</b>      | Twenty-five (25) feet, except that all lots facing South Beach Boulevard or North Beach Boulevard shall have a setback of fifty (50) feet.  |
| <b>702.4 MINIMUM SIDE YARD</b>       | Eight (8) feet  |
| <b>702.5 MINIMUM REAR YARD</b>       | Twenty (20) feet, except that all primary structures located in residential zoning districts that abut a canal or river shall have a minimum rear yard of ten (10) feet.  |
| <b>702.6 MAXIMUM LOT COVERAGE</b>    | Forty-five percent (45%)  |
| <b>702.7 MAXIMUM BUILDING HEIGHT</b> | Thirty-five (35) feet, except that all specified building heights may be increased by the difference between the actual lot elevations and the base flood elevations required by the applicable Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate Maps (DFIRMS), provided that all buildings in the Special Flood Hazard Areas (SFHA) shall be constructed in accordance with current Flood Damage Prevention Ordinance of the City of Bay St. Louis. |
| <b>702.8 ACCESSORY STRUCTURES</b>    | Governed Section 1002   |

**SECTION 703: R-1A, MEDIUM DENSITY SINGLE-FAMILY  
RESIDENTIAL DISTRICT REQUIREMENTS**

The following dimensions shall apply to uses within this district:

- |                                      |   |
|--------------------------------------|---|
| <b>703.1 MINIMUM LOT AREA</b>        | Five thousand (5,000) square feet   |
| <b>703.2 MINIMUM LOT WIDTH</b>       | Fifty (50) Feet   |
| <b>703.3 MINIMUM FRONT YARD</b>      | Twenty-five (25) feet   |
| <b>703.4 MINIMUM SIDE YARD</b>       | Eight (8) feet  |
| <b>703.5 MINIMUM REAR YARD</b>       | Twenty (20) feet, except that all primary structures located in residential zoning districts that abut a canal or river shall have a minimum rear yard of ten (10) feet.  |
| <b>703.6 MAXIMUM LOT COVERAGE</b>    | Forty-five percent (45%)  |
| <b>703.7 MAXIMUM BUILDING HEIGHT</b> | Thirty-five (35) feet, except that all specified building heights may be increased by the difference between the actual lot elevations and the base flood elevations required by the applicable Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate Maps (DFIRMS), provided that all buildings in the Special Flood Hazard Areas (SFHA) shall be constructed in accordance with current Flood Damage Prevention Ordinance of the City of Bay St. Louis. |
| <b>703.8 ACCESSORY STRUCTURES</b>    | Governed by Section 1002  |

**SECTION 704: R-2, MEDIUM DENSITY TWO-FAMILY RESIDENTIAL DISTRICT REQUIREMENTS**

The following dimensions shall apply to uses within this district:

- 704.1 MINIMUM LOT AREA** 10,500 square feet  
Single Family 10,500 square feet per unit lot  
Two Family 10,500 square feet for two unit lot  
All lots facing South Beach Blvd or North Beach Boulevard shall be 15,000 sq.ft.
- 704.2 MINIMUM LOT WIDTH** Seventy-five (75) feet  
Single Family Seventy-five (75) feet  
Two-Family Seventy- five (75) feet
- 704.3 MINIMUM FRONT YARD** Twenty-five (25) feet  
Single Family Twenty-five (25) feet  
Two-Family Twenty-five (25) feet  
All lots facing South Beach Blvd or North Beach Boulevard shall have a setback distance of at least 50 feet.
- 704.4 MINIMUM SIDE YARD** Eight (8) feet  
Single Family Eight (8) feet  
Two-Family Eight (8) feet
- 704.5 MINIMUM REAR YARD**  
Single Family Twenty (20) feet  
Two-Family Twenty (20) feet  
All primary structures located in residential zoning districts that abut a canal or river shall have a minimum rear yard of ten (10) feet.
- 704.6 MAXIMUM LOT COVERAGE** Forty-five percent (45%)  
Single Family Forty-five percent (45%)  
Two-Family Forty-five percent (45%)
- 704.7 MAXIMUM BUILDING HEIGHT** Thirty-five (35) feet, except that all specified building heights may be increased by the difference between the actual lot elevations and the base flood elevations required by the applicable Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate Maps (DFIRMS), provided that all buildings in the Special Flood Hazard Areas (SFHA) shall be constructed in accordance with current Flood Damage Prevention Ordinance of the City of Bay St. Louis.
- 704.8 ACCESSORY STRUCTURE** Governed by Section 1002

**SECTION 705: R-3, HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT REQUIREMENTS**

The following dimensions shall apply to uses within this district:

- 705.1 MINIMUM LOT AREA** 7,500 square feet for one family unit and two thousand square feet for each additional residential unit.  
Single Family 7,500 square feet per unit lot  
Two Family 9,500 square feet for two unit lot  
Multi-Family 7,500 square feet for the first unit lot and 2,000 square feet for each subsequent unit

All lots facing South Beach Boulevard or North Beach Boulevard shall be 15,000 sq ft.

- 705.2 MINIMUM LOT WIDTH** Sixty (60) feet  
Single Family Sixty (60) feet  
Two-Family Sixty (60) feet  
Multi-Family Sixty (60) feet

- 705.3 MINIMUM FRONT YARD** Twenty-five (25) feet  
Single Family Twenty-five (25) feet  
Two-Family Twenty-five (25) feet  
Multi-Family Twenty-five (25) feet

All lots facing South Beach Blvd or North Beach Boulevard shall have a setback distance of at least 50 feet.

- 705.4 MINIMUM SIDE YARD** Eight (8) feet  
Single Family Eight (8) feet  
Two-Family Eight (8) feet  
Multi-Family Eight (8) feet

- 705.5 MINIMUM REAR YARD** Twenty (20) feet  
Single Family Twenty (20) feet  
Two-Family Twenty (20) feet  
Multi-Family Twenty (20) feet

All primary structures located in residential zoning districts that abut a canal or river shall have a minimum rear yard of ten (10) feet.

- 705.6 MAXIMUM LOT COVERAGE** Forty-five percent (45%)

- 705.7 MAXIMUM BUILDING HEIGHT** Thirty-five (35) feet, except that all specified building heights may be increased by the difference between the actual lot elevations and the base flood elevations required by the applicable Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate Maps (DFIRMS), provided that all buildings in the Special Flood Hazard Areas (SFHA) shall be constructed in accordance with current Flood Damage Prevention Ordinance of the City of Bay St. Louis.

- 705.8 ACCESSORY STRUCTURE** Governed by Section 1002

**SECTION 706: R-4, BEACH FRONT RESIDENTIAL DISTRICT  
REQUIREMENTS**

The following dimensions shall apply to uses within this district:

- 706.1 MINIMUM LOT AREA** 15,000 square feet  
All lots facing South Beach Boulevard or North Beach Boulevard shall be 15,000 sq.ft.
- 706.2 MINIMUM LOT WIDTH** One hundred (100) feet
- 706.3 MINIMUM FRONT YARD** Fifty (50) Feet  
All lots facing South Beach Blvd or North Beach Boulevard shall have a setback distance of at least 50 feet.
- 706.4 MINIMUM SIDE YARD** Eight (8) feet
- 706.5 MINIMUM REAR YARD** Twenty (20) feet  
All primary structures located in residential zoning districts that abut a canal or river shall have a minimum rear yard of ten (10) feet.
- 706.6 MAXIMUM LOT COVERAGE** Forty-five Percent (45%)
- 706.7 MAXIMUM BUILDING HEIGHT** Thirty-five (35) feet, except that all specified building heights may be increased by the difference between the actual lot elevations and the base flood elevations required by the applicable Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate Maps (DFIRMS), provided that all buildings in the Special Flood Hazard Areas (SFHA) shall be constructed in accordance with current Flood Damage Prevention Ordinance of the City of Bay St. Louis.
- 706.8 ACCESSORY STRUCTURE** Governed by Section 1002

**SECTION 707: R-5, OPEN BEACH DISTRICT REQUIREMENTS**

<b>707.1 MINIMUM LOT AREA</b>	None Allowed
<b>707.2 MINIMUM LOT WIDTH</b>	None Allowed
<b>707.3 MINIMUM FRONT YARD</b>	None Allowed
<b>707.4 MINIMUM SIDE YARD</b>	None Allowed
<b>707.5 MINIMUM REAR YARD</b>	None Allowed
<b>707.6 MAXIMUM LOT COVERAGE</b>	None Allowed
<b>707.7 MAXIMUM BUILDING HEIGHT</b>	None Allowed
<b>707.8 ACCESSORY STRUCTURE</b>	None Allowed

**SECTION 708: R-5A, LIMITED OPEN BEACH DISTRICT REQUIREMENTS**

To allow the use of fences, gazebos, piers and non-habitable structures that may be permitted as a Special Exception Use if found to be appropriate, in harmony and compatible with the adjacent properties and surrounding neighborhood. The affected properties are located on the beach side of Beach Boulevard from 618 North Beach to 612 South Beach.

**SECTION 709: C-1, CENTRAL BUSINESS DISTRICT REQUIREMENTS**

The following dimensions shall apply to uses within this district:

- 709.1 MINIMUM LOT AREA** Not Applicable
- 709.2 MINIMUM LOT WIDTH** Twenty-five (25) feet
- 709.3 MINIMUM FRONT YARD** Twenty-five (25) feet, or, the average of the nearest developed properties, whichever is less. Also, both sides of Main Street and Beach Boulevard shall have front yard setbacks of zero (0) feet.
- 709.4 MINIMUM SIDE YARD** 0 Feet
- A. If a side yard is provided, it shall be a minimum of five (5) feet, to promote the formation of an alley.
  - B. If the commercial parcel abuts a residential property, the side yard setback for the commercial parcel shall be the same as required in the residential district to which the side of the property in this district adjoins, with an opaque fence of six (6) feet in height as a buffer between the commercial property and the residential property.
- 709.5 MINIMUM REAR YARD** 0 Feet
- A. If a rear yard is provided, it shall be a minimum of five (5) feet, to promote the formation of an alley.
  - B. If the commercial parcel abuts a residential property, the rear yard setback for the commercial parcel shall be the same as required in the residential district to which the rear of the property in this district adjoins, with an opaque fence of six (6) feet in height as a buffer between the commercial property and the residential property.
- 709.6 MAXIMUM LOT COVERAGE** One Hundred (100) Percent
- 709.7 MAXIMUM BUILDING HEIGHT** Fifty (50) feet, except that all specified building heights may be increased by the difference between the actual lot elevations and the base flood elevations required by the applicable Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate Maps (DFIRMS), provided that all buildings in the Special Flood Hazard Areas (SFHA) shall be constructed in accordance with current Flood Damage Prevention Ordinance of the City of Bay St. Louis. All buildings in excess of thirty-five (35) feet shall receive the written approval of the Chief of the Bay St. Louis Fire Department.
- 709.8 ACCESSORY STRUCTURE** Governed by Section 1002

## **SECTION 710: C-2, NEIGHBORHOOD COMMERCIAL DISTRICT REQUIREMENTS**

The following dimensions shall apply to uses within this district:

- 710.1 MINIMUM LOT AREA** Ten thousand (10,000) Square feet
- 710.2 MINIMUM LOT WIDTH** Seventy-five (75) feet
- 710.3 MINIMUM FRONT YARD** Twenty-five (25) feet or, the average of the nearest developed properties, whichever is less.
- 710.4 MINIMUM SIDE YARD** 0 Feet
- A. If a side yard is provided, it shall be a minimum of five (5) feet, to promote the formation of an alley.
- B. If the commercial parcel abuts a residential property, the side yard setback for the commercial parcel shall be the same as required in the residential district to which the side of the property in this district adjoins, with an opaque fence of six (6) feet in height as a buffer between the commercial property and the residential property.
- 710.5 MINIMUM REAR YARD** 0 Feet
- A. If a rear yard is provided, it shall be a minimum of five (5) feet, to promote the formation of an alley.
- B. If the commercial parcel abuts a residential property, the rear yard setback for the commercial parcel shall be the same as required in the residential district to which the rear of the property in this district adjoins, with an opaque fence of six (6) feet in height as a buffer between the commercial property and the residential property.
- 710.6 MAXIMUM LOT COVERAGE** Seventy-five (75) Percent
- 710.7 MAXIMUM BUILDING HEIGHT** Fifty (50) feet, except that all specified building heights may be increased by the difference between the actual lot elevations and the base flood elevations required by the applicable Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate Maps (DFIRMS), provided that all buildings in the Special Flood Hazard Areas (SFHA) shall be constructed in accordance with current Flood Damage Prevention Ordinance of the City of Bay St. Louis. All buildings in excess of thirty-five (35) feet shall receive the written approval of the Chief of the Bay St. Louis Fire Department.
- 710.8 ACCESSORY STRUCTURE** Governed by Section 1002

## **SECTION 711: C-3, HIGHWAY COMMERCIAL DISTRICT REQUIREMENTS**

The following dimensions shall apply to uses within this district:

- 711.1 MINIMUM LOT AREA** Ten thousand (10,000) Square Feet
- 711.2 MINIMUM LOT WIDTH** Seventy-five (75) Feet
- 711.3 MINIMUM FRONT YARD** 25 Feet or the average of the nearest developed properties, whichever is less.
- 711.4 MINIMUM SIDE YARD** 0 Feet
- A. If a side yard is provided, it shall be a minimum of five (5) feet, to promote the formation of an alley.
- B. If the commercial parcel abuts a residential property, the side yard setback for the commercial parcel shall be the same as required in the residential district to which the side of the property in this district adjoins, with an opaque fence of six (6) feet in height as a buffer between the commercial property and the residential property.
- 711.5 MINIMUM REAR YARD** 0 Feet
- A. If a rear yard is provided, it shall be a minimum of five (5) feet, to promote the formation of an alley.
- B. If the commercial parcel abuts a residential property, the rear yard setback for the commercial parcel shall be the same as required in the residential district to which the rear of the property in this district adjoins, with an opaque fence of six (6) feet in height as a buffer between the commercial property and the residential property.
- 711.6 MAXIMUM LOT COVERAGE** Seventy-five (75) percent
- 711.7 MAXIMUM BUILDING HEIGHT** Fifty (50) feet, except that all specified building heights may be increased by the difference between the actual lot elevations and the base flood elevations required by the applicable Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate Maps (DFIRMS), provided that all buildings in the Special Flood Hazard Areas (SFHA) shall be constructed in accordance with current Flood Damage Prevention Ordinance of the City of Bay St. Louis. All buildings in excess of thirty-five (35) feet shall receive the written approval of the Chief of the Bay St. Louis Fire Department.
- 711.8 ACCESSORY STRUCTURE** Governed by Section 1002

**SECTION 712: OC, OFFICE / CLINIC DISTRICT REQUIREMENTS**

The following dimensions shall apply to uses within this district:

- 712.1 MINIMUM LOT AREA** Ten thousand (10,000) Square feet
- 712.2 MINIMUM LOT WIDTH** Seventy-five (75) feet
- 712.3 MINIMUM FRONT YARD** Twenty-five (25) Feet
- 712.4 MINIMUM SIDE YARD** Ten (10) feet  
Except that all requirements relative to the side and rear yards shall be the same as required in the residential district to which the side or rear of the property in this District adjoins.
- 712.5 MINIMUM REAR YARD** Twenty (20) feet  
Except that all requirements relative to the side and rear yards shall be the same as required in the residential district to which the side or rear of the property in this District adjoins.
- 712.6 MAXIMUM LOT COVERAGE** Fifty (50) percent
- 712.7 MAXIMUM BUILDING HEIGHT** Fifty (50) feet, except that all specified building heights may be increased by the difference between the actual lot elevations and the base flood elevations required by the applicable Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate Maps (DFIRMS), provided that all buildings in the Special Flood Hazard Areas (SFHA) shall be constructed in accordance with current Flood Damage Prevention Ordinance of the City of Bay St. Louis.  
All buildings in excess of thirty-five (35) feet shall receive the written approval of the Chief of the Bay St. Louis Fire Department.
- 712.8 ACCESSORY STRUCTURE** Governed by Section 1002

**SECTION 713: I-1, LIMITED INDUSTRIAL DISTRICT  
REQUIREMENTS**

The following dimensions shall apply to uses within this district:

**713.1 MINIMUM LOT AREA** One (1) acre

**713.2 MINIMUM LOT WIDTH** One hundred (100) Feet

**713.3 MINIMUM FRONT YARD** Twenty-five (25) Feet

**713.4 MINIMUM SIDE YARD** Twenty-five (25) Feet

Such space shall be screened from an abutting residential district by walls, or by fences or by other screening no less than eight (8) feet in height in a manner acceptable to the City Council.

In all cases where a building is to be serviced from the rear or where this district abuts a residential district, there shall be provided an alleyway, service court, rear yard or combination thereof not less than fifty (25) feet. If this district use abuts a residential district, such space shall be screened from the abutting residential district by walls or fences or by other screening not less than eight (8) feet in height in a manner acceptable to the City Council.

**713.5 MINIMUM REAR YARD** Twenty-five (25) Feet

Such space shall be screened from the abutting residential district by walls, or by fences or by other screening not less than eight (8) feet in height in a manner acceptable to the City Council.

In all cases where a building is to be serviced from the rear or where this district abuts a residential district, there shall be provided an alleyway, service court, rear yard or combination thereof not less than fifty (25) feet. If this district use abuts a residential district, such space shall be screened from the abutting residential district by walls or fences or by other screening not less than eight (8) feet in height in a manner acceptable to the City Council.

**713.6 MAXIMUM LOT COVERAGE** Seventy-five (75) percent

**713.7 MAXIMUM BUILDING HEIGHT** No limit

All buildings in excess of thirty-five (35) feet shall receive written approval from the Chief of the Bay St. Louis Fire Department to ensure public safety. And, all buildings within one hundred and fifty (150) feet of a residential district shall be limited to fifty (50) feet.

**713.8 ACCESSORY STRUCTURE** Governed by Section 1002

**SECTION 714: I-2, PLANNED INDUSTRIAL DISTRICT  
REQUIREMENTS**

The following dimensions shall apply to uses within this district:

**714.1 MINIMUM LOT AREA** Three (3) acres

**714.2 MINIMUM LOT WIDTH** One Hundred (100) Feet

**714.3 MINIMUM FRONT YARD** One Hundred (100) Feet

**714.4 MINIMUM SIDE YARD** Twenty-five (25) Feet

Such space shall be screened from an abutting residential district by walls, or by fences or by other screening no less than eight (8) feet in height in a manner acceptable to the City Council.

In all cases where a building is to be serviced from the rear or where this district abuts a residential district, there shall be provided an alleyway, service court, rear yard or combination thereof not less than fifty (25) feet. If this district use abuts a residential district, such space shall be screened from the abutting residential district by walls or fences or by other screening not less than eight (8) feet in height in a manner acceptable to the City Council.

**714.5 MINIMUM REAR YARD** Twenty-five (25) Feet

Such space shall be screened from the abutting residential district by walls, or by fences or by other screening not less than eight (8) feet in height in a manner acceptable to the City Council.

In all cases where a building is to be serviced from the rear or where this district abuts a residential district, there shall be provided an alleyway, service court, rear yard or combination thereof not less than fifty (25) feet. If this district use abuts a residential district, such space shall be screened from the abutting residential district by walls or fences or by other screening not less than eight (8) feet in height in a manner acceptable to the City Council.

**714.6 MAXIMUM LOT COVERAGE** Seventy-five (75) percent

**714.7 MAXIMUM BUILDING HEIGHTS**

There shall be no height limit within this district, except that all buildings in excess of thirty-five (35) feet shall receive written approval from the Chief of the Bay St. Louis Fire Department to ensure public safety. And, all buildings within one hundred and fifty (150) feet of a residential district shall be limited to fifty (50) feet.

**714.8 ACCESSORY STRUCTURES** Governed by Section 1002

## **SECTION 715: CD, CASINO DISTRICT REQUIREMENTS**

The following dimensions shall apply to uses within this district:

### **715.1 MINIMUM LOT AREA**

There is a fifty (50) acre minimum size for this district; and, the marina water area, including water access, shall be a minimum of fourteen (14) acres.

**715.2 MINIMUM LOT WIDTH:** Individual lots shall be a minimum of fifty (50) feet wide

**715.3 MINIMUM FRONT YARD:** Buffer requirements shall apply.

**715.4 MINIMUM SIDE YARD:** Buffer requirements shall apply.

**715.5 MINIMUM REAR YARD** Buffer requirements shall apply.

**715.6 MAXIMUM LOT COVERAGE** Fifty percent (50%)

**715.7 MAXIMUM BUILDING HEIGHT** One hundred fifty (150) feet

All buildings in excess of thirty-five (35) feet shall receive written approval from the Chief of the Bay St. Louis Fire Department to ensure public safety. And, all buildings within one hundred and fifty (150) feet of a residential district shall be limited to fifty (50) feet.

### **715.8 PERMITTED AND SPECIAL EXCEPTION LOCATION**

All permitted and special exception uses shall be located within three hundred (300) feet of the marina bulkhead.

### **715.9 BUFFER REQUIREMENTS**

Due to heavy traffic and noise associated with a Casino operation, the City Council shall have the right to require a minimum buffer area based upon use and size of the development. This buffer area shall be of a reasonable size to assure harmony with adjacent land uses.

## **SECTION 716: RD, RESORT DISTRICT REQUIREMENTS**

The following dimensions shall apply to uses within this district:

### **716.1 MINIMUM LOT AREA**

Not Applicable for individual sites within the Resort District. However, the minimum acreage for a Resort District shall be fifty (50) acres.

**716.2 MINIMUM LOT WIDTH:** Individual lots shall be a minimum of fifty (50) feet wide

**716.3 MINIMUM FRONT YARD:** Buffer requirements shall apply.

**716.4 MINIMUM SIDE YARD:** Buffer requirements shall apply.

**716.5 MINIMUM REAR YARD:** Buffer requirements shall apply.

**716.6 MAXIMUM LOT COVERAGE:** Seventy-five (75) percent.

**716.7 MAXIMUM BUILDING HEIGHT:** One hundred (100) feet

All buildings in excess of thirty-five (35) feet shall receive written approval from the Chief of the Bay St. Louis Fire Department to ensure public safety. And, all buildings within one hundred and fifty (150) feet of a residential district shall be limited to fifty (50) feet.

### **716.8 BUFFER REQUIREMENTS**

- A. A minimum buffer area of one hundred (100) feet shall be provided when a non-residential use is adjacent to any residential zoning district.
- B. If an approved structure exceeds one hundred (100) feet in height, the setback shall be increased one (1) foot for every two (2) feet of height.
- C. The buffer areas shall be landscaped to limit the adverse effect of lighting and noise.
- D. All buffer areas required by this sub-section shall be approved by the City Council, upon recommendation by the Planning and Zoning Commission.

## **SECTION 717: WF-1, WATERFRONT 1 DISTRICT REQUIREMENTS**

The following dimensions shall apply to uses within this district:

- 717.1 MINIMUM LOT AREA** Three (3) Acres.
- 717.2 MINIMUM LOT WIDTH** Two hundred (200) feet
- 717.3 MINIMUM FRONT YARD** Twenty (20) feet from the property line unless a non-residential use on site is adjacent to a residential district then the front yard shall be fifty (50) feet.
- 717.4 MINIMUM SIDE YARD** Twenty (20) feet from the property line unless a non-residential use on site is adjacent to a residential district then the side yard shall be fifty (50) feet.
- 717.5 MINIMUM REAR YARD** Twenty (20) feet from the property line unless a non-residential use on site is adjacent to a residential district then the rear yard shall be fifty (50) feet.
- 717.6 MAXIMUM LOT COVERAGE** Forty-five Percent (45%)
- 717.7 MAXIMUM BUILDING HEIGHTS**  
The height limit for any use allowed in the WF-1 District shall be forty (40) feet above base flood elevation for mixed use and multi-family buildings and thirty-five (35) feet above base flood elevation single family homes and approved by the Fire Chief or his representative. Any enclosed structure proposed within this district must be approved through the Site Plan Process for Major Development.
- 717.8 BUFFER REQUIREMENTS**
- A. A minimum buffer area of one hundred fifty (150) feet shall be provided when a non-residential use is adjacent to any residential zoning district.
  - B. The buffer areas shall be landscaped to limit the adverse effect of lighting and noise.
- 717.9 INTERNAL YARD REQUIREMENTS**
- A. Buildings must be set back ten (10) feet from all trails and pedestrian pathways.
  - B. Buildings on the same site must be setback from other buildings by a height equal to the height of the building.
  - C. Parking lots shall be set back a minimum of fifteen feet from all buildings, and shall be within the setbacks of the property line.

## **SECTION 718: WF-2, WATERFRONT 2 DISTRICT REQUIREMENTS**

The following dimensions shall apply to uses within this district:

- 718.1 MINIMUM LOT AREA** Ten (10) acres or 435,600 square feet.
- 718.2 MINIMUM LOT WIDTH**  
Not applicable. However, each structure shall have a minimum access to a public or private street of twelve (12) feet. Any structure proposed within this district must be approved through the Site Plan Process.
- 718.3 MINIMUM FRONT YARD**  
Any enclosed structure proposed within this district must be approved through the Major Site Plan Process.
- 718.4 MINIMUM SIDE YARD**  
A minimum separation of ten (10) feet is required between all buildings. Any enclosed structure proposed within this district must be approved through the Major Site Plan Process.
- 718.5 MINIMUM REAR YARD**  
Any enclosed structure proposed within this district must be approved through the Major Site Plan Process.
- 718.6 MAXIMUM LOT COVERAGE**  
Any enclosed structure proposed within this district must be approved through the Major Site Plan Process.
- 718.7 MAXIMUM BUILDING HEIGHTS**  
The height limit for any use allowed in the WF-2 District shall be forty (40) feet above base flood elevation for mixed use and multi-family buildings and thirty-five (35) feet above base flood elevation single family homes and approved by the Fire Chief or his representative. Any enclosed structure proposed within this district must be approved through the Site Plan Process for Major Development.  
Any enclosed structure proposed within this district must be approved through the Major Site Plan Process.
- 718.8 BUFFER REQUIREMENTS**  
Buffers and screening shall be required if the uses are not compatible with adjacent land uses.
- 718.9 ACCESSORY STRUCTURES** Governed by Section 1002

**SECTION 719: WF-3, WATERFRONT YACHT CLUB DISTRICT**

**Requirements**

The following dimensions shall apply to uses within this district:

**719.1 MINIMUM LOT AREA** (3) acres or 130,680 square feet.

**719.2 MINIMUM LOT WIDTH**  
Not applicable. However, each structure shall have a minimum access to a public or private street of twelve (12) feet. Any structure proposed within this district must be approved through the Site Plan Process.

**719.3 MINIMUM FRONT YARD**  
Any enclosed structure proposed within this district must be approved through the Major Site Plan Process.

**719.4 MINIMUM SIDE YARD**  
A minimum separation of ten (10) feet is required between all buildings. Any enclosed structure proposed within this district must be approved through the Major Site Plan Process.

**719.5 MINIMUM REAR YARD**  
Any enclosed structure proposed within this district must be approved through the Major Site Plan Process.

**719.6 MAXIMUM LOT COVERAGE**  
Any enclosed structure proposed within this district must be approved through the Major Site Plan Process.

**719.7 MAXIMUM BUILDING HEIGHTS**  
The height limit for allowed in the WF-3 District shall be forty (40) feet above base flood elevation and approved by the Fire Chief or his representative. Any enclosed structure proposed within this district must be approved through the Site Plan Process for Major Development. Any enclosed structure proposed within this district must be approved through the Major Site Plan Process.

**719.8 BUFFER REQUIREMENTS**  
Buffers and screening shall be required if the uses are not compatible with adjacent land uses.

**719.9 ACCESSORY STRUCTURES** Governed by Section 1002

## **SECTION 720: S-1, SPECIAL USE DISTRICT REQUIREMENTS**

The following dimensions shall apply to uses within this district:

**720.1 MINIMUM LOT AREA** Five (5) acres or 217,800 square feet.

### **720.2 MINIMUM LOT WIDTH**

All area, yard and height requirements for this district, except for the minimum lot area, shall comply with each applicable land use category. For example, since different uses will be within this district, the residential portion will apply to the appropriate residential requirements as previously set forth in this Ordinance. Any enclosed structure proposed in S-1 areas must be approved through the Site Plan Process.

### **720.3 MINIMUM FRONT YARD**

All area, yard and height requirements for this district, except for the minimum lot area, shall comply with each applicable land use category. For example, since different uses will be within this district, the residential portion will apply to the appropriate residential requirements as previously set forth in this Ordinance. Any enclosed structure proposed in S-1 areas must be approved through the Site Plan Process.

### **720.4 MINIMUM SIDE YARD**

All area, yard and height requirements for this district, except for the minimum lot area, shall comply with each applicable land use category. For example, since different uses will be within this district, the residential portion will apply to the appropriate residential requirements as previously set forth in this Ordinance. Any enclosed structure proposed in S-1 areas must be approved through the Site Plan Process.

### **720.5 MINIMUM REAR YARD**

All area, yard and height requirements for this district, except for the minimum lot area, shall comply with each applicable land use category. For example, since different uses will be within this district, the residential portion will apply to the appropriate residential requirements as previously set forth in this Ordinance. Any enclosed structure proposed in S-1 areas must be approved through the Site Plan Process.

### **720.6 MAXIMUM LOT COVERAGE**

All area, yard and height requirements for this district, except for the minimum lot area, shall comply with each applicable land use category. For example, since different uses will be within this district, the residential portion will apply to the appropriate residential requirements as previously set forth in this Ordinance. Any enclosed structure proposed in S-1 areas must be approved through the Site Plan Process.

### **720.7 MAXIMUM BUILDING HEIGHTS**

All area, yard and height requirements for this district, except for the minimum lot area, shall comply with each applicable land use category. For example, since different uses will be within this district, the residential portion will apply to the appropriate residential requirements as previously set forth in this Ordinance. Any enclosed structure proposed in S-1 areas must be approved through the Site Plan Process.

### **720.8 BUFFER REQUIREMENTS**

Buffers and screening shall be required if the Special Use District is not compatible with adjacent land uses.

**720.9 ACCESSORY STRUCTURES** Governed by Section 1002

**Article VII, Chart 1 Area, Yard, and Height Requirements**

The area, yard, and height requirements for each district shall be the same and are hereby fixed and established as hereinafter set forth:

	R-1	R-1A	R-2	R-3	R-4	R-5
<b>Primary Use</b>	Single Family	Single Family	Two-Family (Duplex)	Multi Family	Residential Beach Front	Open Beach
<b>Min. Lot Area (Sq. Ft.)</b>	12,000 Note A	5,000	10,500 Note A Note C	7,500 Note A Note D	15,000 Note A	None allowed.
<b>Max. Lot Coverage</b>	45%	45%	45%	45%	45%	None allowed.
<b>Min. Front Yard (Ft.)</b>	25ft Note B	25ft	25ft Note B	25ft Note B	50ft Note B	None allowed.
<b>Min. Side Yard (Ft.)</b>	8ft	8ft	8ft	8ft	8ft	None allowed.
<b>Min. Rear Yard (Ft.)</b>	20ft	20ft	20ft	20ft	20ft	None allowed.
<b>Max. Building Height</b>	35ft Note L	None allowed.				
<b>Min. Lot Width (Ft.)</b>	100ft	50ft	75ft	60ft	100ft	None allowed.
<b>Accessory Structures Rear &amp; Side Setback (Ft.)</b>	5ft Note J Note K See Section 1002	None allowed.				

### Article VII, Chart 2 Area, Yard, and Height Requirements

The area, yard, and height requirements for each district shall be the same and are hereby fixed and established as hereinafter set forth:

	C-1	C-2	C-3	OC	I-1	I-2
<b>Primary Use</b>	Central Business District	Neighborhood Commercial	Highway Commercial	Office /Clinic	Industrial	Industrial
<b>Min. Lot Area (Sq. Ft.)</b>	N/A	10,000 sq.ft.	10,000 sq.ft.	10,000 sq.ft.	1	3 Acres
<b>Max. Lot Coverage</b>	100%	75%	75%	50%	75%	75%
<b>Min. Front Yard (Ft.)</b>	25ft Note P Note Q	25ft Note Q	25ft Note Q	25ft	25ft	100ft
<b>Min. Side Yard (Ft.)</b>	0 Note F Note G	0 Note F Note G	0 Note F Note G	10ft Note G	25ft Note H	25ft Note H
<b>Min. Rear Yard (Ft.)</b>	0 Note F Note G	0 Note F Note G	0 Note F Note G	20ft Note G	25ft Note H	25ft Note H
<b>Max. Building Height</b>	50 ft. Note E Note R	Note E	Note E			
<b>Min. Lot Width (Ft.)</b>	25ft	75ft	75ft	75ft	100ft	100ft
<b>Accessory Structure Rear/Side Setback (Ft.)</b>	Note G See Section 1002					

### Article VII, Chart 3 Area, Yard, and Height Requirements

The area, yard, and height requirements for each district shall be the same and are hereby fixed and established as hereinafter set forth:

	CD	RD	WF-1	WF-2	S-1
<b>Primary Use</b>	Casino District	Resort District	Water-front Resort	Water-front Resort	Special Use District Note I
<b>Min. Lot Area (Sq. Ft.)</b>	50 Acres	50 Acres	3 Acres	10 Acres	5 Acres
<b>Max. Lot Coverage</b>	50%	75%	45%	See Section 717	Note I
<b>Min. Front Yard (Ft.)</b>	Note M	Note N	20ft Note S	See Section 717	Note I
<b>Min. Side Yard (Ft.)</b>	Note M	Note N	20ft Note S	See Section 717	Note I
<b>Min. Rear Yard (Ft.)</b>	Note M	Note N	20ft Note S	See Section 717	Note I
<b>Max. Building Height</b>	150 ft. Note E	100 ft. Note E	40 feet for multi-family and mixed-use buildings 35 feet for single family homes  Note R	See Section 717	Note I
<b>Min. Lot Width (Ft.)</b>	50ft	50ft	200ft	See Section 717	Note I
<b>Accessory Structure Rear/Side Setback (Ft.)</b>	N/A	N/A	See Section 716 See Section 1002	See Section 717	Note I

**Notes:**

- A. All lots facing on South or North Beach Boulevard shall have a lot area of at least 15,000 square feet.
- B. All lots facing on South or North Beach Boulevard shall have a setback distance of at least 50 feet.
- C. One or Two family dwellings.
- D. Add 2,000 square feet for each additional family.
- E. All buildings in excess of thirty-five (35) feet shall receive the written approval of the Chief of the Bay St. Louis Fire Department and buildings within one hundred and fifty (150) feet of an R District shall be limited in height to fifty (50) feet.
- F. If a side yard or rear yard is provided, it shall be a minimum of five (5) feet to promote the formation of an alley.
- G. All requirements relative to side and rear yards shall be the same as required in the residential district to which the side or rear of property in a C-1, C-2, C-3, and OC District adjoins; with an opaque fence of six (6) feet in height as a buffer between the commercial property and the residential property. No side or rear yards shall be required on a side of such property adjacent to a non-residential district. Whenever a residential use is permitted in any area classified as commercial, such residential use shall comply with the minimum area, yard, and height requirements provided in a residential classification. Where a commercial property abuts a residential property, the accessory structure shall be no closer than ten (10) feet from the side or rear property line abutting the residential district, and there shall be placed an opaque fence six (6) feet in height to buffer the accessory structure from the residential property.
- H. In instances where this district abuts a residential district, a minimum side yard of twenty-five (25) feet shall be provided on the side adjacent to the residential district. Such space shall be screened from the abutting residential district by walls, or by fences or by other screening no less than eight (8) feet in height, in a manner acceptable to the City Council.

In all cases where a building is to be serviced from the rear or where this district abuts a residential district, there shall be provided an alleyway, service court, rear yard or combination thereof not less than fifty (25) feet. If this district use abuts a residential district, such space shall be screened from the abutting residential district by walls or fences or by other screening not less than eight (8) feet in height in a manner acceptable to the City Council.

- I. All area, yard and height requirements for this district, except for the minimum lot area, shall comply with each applicable land use category. For example, since different uses will be within this district, the residential portion will apply to the appropriate residential requirements as previously set forth in this Ordinance. Any enclosed structure proposed in S-1 areas must be approved by the City Council upon recommendation of the Planning and Zoning Commission prior to the issuance of a building permit.
- J. Accessory structures shall not be located beyond the front yard setback line in any district. Where property extends from street to street, accessory structures shall not be located beyond the front yard setback line for each street. Where property is located on a corner, accessory structures shall not be located in the front yard or the side yard facing the public road.
- K. Detached accessory dwelling are permitted only in residential districts on lots of 15,000 square feet or more, where a residential principal structure already exists. The accessory dwelling unit will meet the same setbacks as the principal residence.
- L. Thirty-five (35) feet, except that all specified building heights may be increased by the difference between the actual lot elevations and the base flood elevations required by the applicable Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate Maps (DFIRMS), provided that all buildings in the Special Flood Hazard Areas (SFHA) shall be constructed in accordance with current Flood Damage Prevention Ordinance of the City of Bay St. Louis.
- M. Buffer requirements shall apply. Due to heavy traffic and noise associated with non-residential uses, the City Council shall have the right to require a minimum buffer area based upon use and size of the development. The buffer shall be of a reasonable size to assure harmony with adjacent land uses.
- N. Buffer areas shall apply, and if an approved structure exceeds one hundred (100) feet in height, the setback shall be increased one (1) foot for every two (2) feet of height.
- O. This letter intentionally left out for clarity from zero (0).
- P. Both sides of Main Street and Beachfront Boulevard shall be approved for a zero (0) feet front setback.
- Q. Front setback of 25' is required, OR, the average of the nearest developed properties, whichever is less.
- R. All specified building heights may be increased by the difference between the actual lot elevations and the base flood elevations required by the applicable Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate Maps (DFIRMS), provided that all buildings in the Special Flood Hazard Areas (SFHA) shall be constructed in accordance with current Flood Damage Prevention Ordinance of the City of Bay St. Louis.
- S. Twenty (20) feet from the property line unless a non-residential use on site is adjacent to a residential district then the front, side and/or rear yard setback shall be fifty (50) feet.

## **ARTICLE VIII REGULATIONS FOR OFF-STREET PARKING AND LOADING AREAS**

### **SECTION 801: SITE PLAN REVIEW REQUIRED**

Plans for any parking area hereafter designed or altered for the purpose of providing off-street parking space for one (1) or more automotive vehicles and/or plans for decreasing existing parking areas for one (1) or more vehicles must be submitted to the Building Department. If the Building Department finds that the plans conform to the requirements established by this Ordinance, they shall recommend approval of the plans as submitted. If the plans do not conform to this Ordinance, the Building Department shall mark the plans "rejected", and return the plans to the applicant with a statement indicating the reasons for the rejection.

### **SECTION 802: AMOUNT OF SPACE REQUIRED FOR OFF STREET PARKING**

#### **802.1 PROVISION OF OFF STREET PARKING REQUIRED**

In all zones, regarding every use, sufficient off-street parking spaces shall be provided to accomplish the principles set forth in this ordinance and to meet the parking demands generated by residents, employees, company officials, company vehicles, and customers.

#### **802.2 DETERMINATION OF PARKING FOR SEVERAL USES IN A SINGLE STRUCTURE**

Where there is more than one use in a single structure on a site (e.g. doctor, attorney and retail grocery) or two or more separate instances of the same use (e.g. two doctor's offices), off-street parking requirements shall be the sum of the requirements for the various uses. Off-street parking required for one occupant of a structure shall not be considered as satisfying the required parking facilities for another occupant of the structure unless otherwise provided in this ordinance.

#### **802.3. NUMBER OF REQUIRED PARKING SPACES**

The minimum number of required spaces shall be determined by the following criteria.

##### **A. Calculating the Number of Parking Spaces Required**

The following table indicates the minimum number of parking spaces required by use.

1. When parking requirement is stated in terms of employees, it means the maximum number of employees who will be at the site at one time either on a single shift or an overlap of shifts.
2. Whenever the term "floor area" is used in this section as a basis for requiring off-street parking for any structure, it shall be assumed that , unless otherwise stated, said floor area not only applies to the ground floor area, but also to any additional stories or basement of said structure.

USE	Minimum Number of Parking Spaces Required
<b>Dwellings and Lodgings</b>	
Single-family dwellings & two-family dwellings.	Two (2) parking spaces per dwelling unit.
Bed & Breakfasts & Church rectories	One (1) parking space per sleeping room, plus one (1) space for each employee, plus one (1) space for visitor parking.
Multiple family dwellings and other places containing dwelling units.	Two (2) parking spaces per dwelling unit plus one (1) additional space for each eight (8) spaces for visitors.
Motels, hotels, rooming houses and other structures containing sleeping rooms other than or in addition to dwelling units.	One (1) parking space per sleeping room.
Manufactured Home Parks and Recreational Vehicle Parks.	Two (2) parking spaces for each manufactured home or RV, of which at least one space shall be adjacent to the manufactured home or RV.
<b>Public and Semi-Public</b>	
Mortuaries and funeral homes.	Twenty (20) parking spaces or one space for each fifty (50) square feet of gross floor area up to a maximum of seventy-five (75) spaces, whichever is greater.
Churches, theaters, auditoriums.	One (1) parking space for each (5) seats in the principal place of assembly.
Municipal buildings, public utilities buildings, community centers, public libraries, art galleries, museums, etc., post office.	One (1) parking space for each employee plus one (1) space for each official vehicle, plus one (1) space of visitor parking for each five hundred (500) square feet of office or display space.
Assembly, fraternal and exhibition halls.	One (1) parking space for each employee plus one (1) space for each fifty (50) square feet of floor area used for assembly, exhibition, dancing, or dining.
Vocational and music schools, dance studios, and other private schools and colleges for non-academic instruction.	One (1) parking space for each instructor plus one-half (1/2) space for each student, based upon the maximum number of students attending class at one time.
Hospitals, sanitariums, nursing and rest homes.	One (1) parking space for each employee, intern, and nurse, plus one-half (1/2) space for each resident and staff doctor, plus one (1) space for each institutional vehicle, and one space for every five (5) beds.
Child Care	One (1) parking space for each staff member and employee plus one (1) space for each one thousand (1,000) square feet of gross floor area.
<b>Offices</b>	
Office buildings, banks, and similar institutions.	One (1) space for each employee plus one (1) space for each five hundred (500) square feet of gross floor area.
Medical office buildings.	Two (2) parking spaces for each office, plus one (1) space for each employee, plus one (1) space for each three hundred (300) square feet of gross floor area.
<b>Entertainment &amp; Services</b>	
Pool halls, billiard parlors.	One (1) parking space for each employee, plus one (1) space for every 50 square feet of customer floor area.
Bowling alleys.	Six (6) parking spaces for each alley.
Restaurants, cafes, soda fountains, eating and drinking places, etc.	One (1) parking space for each employee plus one (1) space for each five (5) seats.
Beauty and barbershops	One (1) parking space for each employee, plus one (1) space for each chair, manicure table, and tanning bed.

Laundry and dry-cleaning and pick-up stations.	One (1) parking space for each employee plus two (2) spaces.
Self-service laundry establishment	One (1) parking space per four washing machines and/or dry cleaning machines.
Household services and trade such as carpentering, electrical servicing, plumbing and heating shops, paper hanging painting, furniture upholstering, decorating shops and other similar service establishments.	One (1) parking space for each employee plus one (1) space for each company vehicle plus one (1) space for each five hundred (500) square feet of floor area.
Automobile service stations.	One (1) parking space per employee plus three (3) spaces per grease rack or working bay.
<b>Commercial</b>	
Grocery store, delicatessen, drug store, or pharmacy.	One (1) parking space for each employee plus one (1) space for each company vehicle plus one (1) space for each two-hundred (200) square feet of gross floor area.
Nurseries and greenhouses.	One (1) parking space for each employee not living on the premises plus five (5) parking spaces for customer parking.
Retail and wholesale stores or convenience store.	One (1) parking space for each employee plus one (1) space for each company vehicle plus one space for each 1,000 square feet of gross floor space.
Wholesale, retail and commercial storage.	One (1) parking space for each employee plus one (1) parking space for each company vehicle plus (2) spaces, but a total of no less than four (4) spaces.
<b>Industry</b>	
Manufacturing industries	One (1) parking space for each employee on the maximum employee shift, plus one (1) space for each company vehicle. An additional parking lot or reserved space shall be provided for visitor parking equal to five (5) percent of the employee parking spaces but not less than three (3) spaces.
Printing, publishing and allied industries, welding and blacksmith shops, manufacturing, bakeries, dry cleaning and dyeing plants.	One (1) parking space for each employee on the maximum employee shift plus one (1) space for each company vehicle.
Trucking terminals, storage yards, building contractors, lumber yards, etc.	One (1) parking space for each employee plus one (1) space for each company vehicle, truck, tractor, or trailer stored at the site when not in use.
Veterinarian offices, dog hospitals, clinics and kennels.	One (1) parking space for each doctor and employee plus two (2) parking spaces for visitors.

**B. Calculating Parking for Uses Not Otherwise Specified**

In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the number of parking spaces required for such use shall be the same as for a similar use which is mentioned herein.

**C. How to Figure Fractional Spaces**

When units or measurements determine the number of required off-street parking and off-street loading spaces result in a requirement of a fractional space, any fraction up to one-half (1/2) shall be disregarded, and fraction of one-half (1/2) or more shall require one (1) off-street parking or off-street loading space.

**D Determining Parking Requirements When Uses Change**

Additional off-street parking spaces shall be provided whenever in any structure there is a change in use, or an increase in floor area or in the number of employees or other unit of measurement in this ordinance, if such change creates a need for an increase of more than ten (10) percent in the off-street parking requirements. The additional spaces required for the new use or changes in units of measurements shall be determined by the standards in this section. In case a change in use or unit of measurement creates a need for an increase of less than three (3) off-street parking spaces, no additional off-street parking facilities shall be required.

**SECTION 803: EXCEPTIONS**

When a portion of the required off-street parking is provided for by municipal parking lots or by joint private facilities, such portion may be credited against the total space required.

In the Central Business District, C-1, no off-street parking is required.

**SECTION 804: PARKING COMMERCIAL VEHICLES IN RESIDENTIAL ZONES**

**804.1** 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.

**804.2** Of the vehicles allowed as accessory to a dwelling not more than one shall be a commercial motor driven vehicle.

**SECTION 805: JOINT USE OF PARKING SPACE AND INTERIOR BLOCK PARKING**

Nothing in this ordinance shall be construed to prevent collective provisions of off-street parking facilities of two (2) or more buildings or uses. Where joint facilities are provided, the minimum requirement will be seventy-five (75) percent of the sum of the requirements for the various uses computed separately when the individual requirements total fifty (50) or more spaces.

## **SECTION 806: LOCATION OF PARKING SPACES**

- 806.1** Off-street parking facilities shall be located on the same lot as the principal structure or on an adjacent lot, except as provided in this section.
- 806.2** A garage or carport may be located wholly or partly inside the walls of the principal structure, or attached to the outer walls, or, as in the case of an elevated structure, under the principal structure. If separated from the principal building, the garage shall conform to all accessory structure requirements.
- 806.3** Jointly used parking areas in business and manufacturing zones may be located on lots adjacent to the principal use or within four hundred (400) feet thereof. If located in a high density residential zone, the following provisions shall be made to protect existing or proposed residences:
- A. No portion of the area used for parking shall be within twenty (20) feet of a residential structure.
  - B. No portion of the area used for parking shall be closer than five (5) feet to a sidewalk.

## **SECTION 807: COMMERCIAL PARKING AREAS**

All standards, specifications and requirements that pertain to private parking areas shall pertain to commercial parking areas.

In all non-residential districts, and for all non-residential uses, no parking spaces will be designed so as to require backing into the right-of-ways or streets.

## **SECTION 808: PARKING AREA DESIGN REQUIREMENTS**

Open parking areas for all non-residential uses and for all multiple family dwellings contained three (3) or more dwelling units shall be delineated by pavement striping and shall meet the minimum dimensions described below.

### **808.1 MINIMUM PARKING DIMENSIONS**

- A. **Size and Location of Parking Stalls**  
Each off-street parking space, which shall be at least ten (10) feet wide and twenty (20) feet long, exclusive of access or maneuvering area, ramps and other appurtenances, shall be located off the street right-of-way, and except for one-family and two-family dwellings, facilities shall be so planned that vehicles do not back into the roadway.
- B. **Aisle Widths**  
Vehicular access to individual parking spaces shall be provided by aisles not less than twelve (12) feet wide for thirty-degree angle parking, fourteen (14) feet wide for forty-five degree angle parking, eighteen (18) feet wide for sixty-degree angle parking and twenty-five (25) feet for ninety degree (perpendicular) parking.

**808.2 PAVEMENT AND DRAINAGE**

Parking and loading areas shall be paved with asphalt, bituminous or concrete material to minimize nuisance from dust. Parking and loading areas shall be graded and drained in order to dispose of all surface water. All driveways and parking areas for such vehicles shall be constructed with rock, gravel, concrete, brick, asphalt, turf block, or other surfaces of comparable durability.

**808.3 WHEEL GUARDS**

Boundary or perimeter areas shall be provided with wheel guards, bumper guards, continuous curbing so located that no part of parked vehicles will extend beyond the property line of the parking area. One wheel stop shall be placed at the end of each parking space.

**808.4 LIGHTING**

Facilities shall be arranged so that the source of light is concealed from public view and from adjacent residential properties and does not interfere with traffic.

**SECTION 809: PARKING LOT LANDSCAPED AREAS AND SCREENING**

**809.1 APPLICABILITY**

- A. The perimeter and interior parking lot landscaped areas requirement of this section shall apply to off-street parking facilities for non-residential buildings or multi-family units of three units or more that:
  - 1. Have ten (10) or more parking spaces; or,
  - 2. Are designed to accommodate vehicles that are larger or smaller than automobiles and are over three thousand five hundred (3,500) square feet in area.
  
- B. Perimeter landscaped areas requirements only.  
The perimeter parking lot landscaped area requirements of this section shall apply to off-street parking facilities that:
  - 1. Have five (5) to nine (9) parking spaces; or,
  - 2. Are designed to accommodate vehicles that are larger or smaller than automobiles and are between one thousand seven hundred and fifty (1,750) and three thousand five hundred (3,500) square feet in area.

## **809.2 PERIMETER LANDSCAPED AREA REQUIREMENTS**

- A. **Size**  
A ten (10) foot wide strip of land, located along the property line adjacent to the street right-of-way and along all common property lines shall be landscaped. In no case shall this strip be less than ten (10) feet wide. The sidewalk width shall not be counted measuring the perimeter landscape strip.
  
- B. **Landscape Materials**  
One (1) tree for each fifty (50) feet of linear frontage, or portion thereof, along the right-of-way shall be preserved or planted. Trees planted to meet this requirement shall measure a minimum of two (2) inches in diameter of tree caliper. The remaining area within the perimeter strip shall be landscaped with other landscape materials. A maximum of twenty (20) percent of the perimeter strip may be covered with cedar chips, gravel, or other non- living materials.
  
- C. **Corner Visibility**  
Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed corner visibility pursuant to current Ordinances.

## **809.3 INTERIOR LANDSCAPED AREAS**

- A. **General Requirements**  
At least eight percent (8%) of the gross area of the interior parking lot area shall be landscaped. Interior landscaped areas are to be located within or adjacent to the parking area as tree islands, at the end of parking bays, inside seven (7) foot wide or greater medians, or between rows of cars or as part of continuous landscaped buffer yards. Interior landscaped areas shall be located to most effectively accommodate storm water runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.
  
- B. **No more than fifteen (15) parking spaces shall be permitted in a row without being interrupted by an interior landscaped area.**
  
- C. **Trees shall be required at the minimum ratio of one shade tree for every three thousand five hundred (3,500) square feet of total vehicular use area. All vehicular use areas located within the same block which serve one or more businesses or uses of land or share unified ingress and egress shall be considered as a single vehicular use area for the purpose of computing the required ratio of trees, notwithstanding ownership.**
  
- D. **Required trees shall be at least ten (10) feet in height and two and one-half (2 1/2) inches in diameter at a point six (6) inches above the base.**

- E. Minimum size of interior landscaped areas.
  - 1. A minimum of ninety (90) square feet of landscaped area shall be required for each new shade tree.
  - 2. A minimum landscaped area of one hundred percent (100%) of the drip line area of the tree shall be required for all existing trees. If the applicant can demonstrate that conditions allow that the tree will be preserved with an area less than one hundred percent (100%), lesser area may be negotiated between the applicant and the City Council.

#### **809.4. NON-CONFORMING PARKING LOTS**

When the square footage of a nonconforming parking lot is increased, compliance with this section is required as follows:

- A. Expansion by twenty-five percent (25%) or less.  
When a parking lot area is expanded by twenty-five percent (25%) or less, only the expansion area must be brought into compliance with this section.
- B. Expansion by more than twenty-five percent (25%).  
When a parking lot area is expanded by more than twenty-five percent (25%), the entire expansion area shall be brought into compliance with this section. In addition, the pre-existing parking lot area shall be brought into compliance with the perimeter parking lot landscaped area requirements of this section.
- C. Repeated Expansions  
Repeated expansions of a parking lot area over a period of time commencing with the effective date hereof shall be combined in determining whether the twenty-five percent (25%) threshold has been reached.

#### **SECTION 810: LOADING AND UNLOADING**

Every building or structure used for business, trade, or industry and normally requiring truck loading or unloading with respect to the use, shall provide space as herein indicated for the loading and unloading of vehicles off the street or public alley.

- 810.1** Exceptions to the loading and unloading requirements within this section are businesses located within the C-1 and C-2 districts.
- 810.2** Such space shall have access to a public alley, or if there is no alley, to a street.
- 810.3** Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirement for off-street parking space.
- 810.4** Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street or adjoining property.

- 810.5** The minimum off-street loading and unloading space required for specific uses shall be as follows:
- A. **Retail Business and Service Establishments:**  
Shall provide one (1) off-street loading and unloading space at least ten (10) feet wide and thirty-five (35) feet long with a fourteen (14) foot height clearance per building.
  - B. **Industrial Plants:**  
Shall provide one (1) off-street loading and unloading space for each twenty thousand (20,000) square feet of gross floor area. Each loading space shall be a minimum of twelve (12) feet wide and fifty (50) feet long with a fourteen (14) foot height clearance.
  - C. **Trucking Terminals:**  
Shall provide one (1) off-street loading and unloading space for every five thousand (5,000) square feet of total floor area used for storage, warehousing, and shipping. Each loading space shall be a minimum of fourteen (14) feet wide and fifty (50) feet long with a fourteen (14) foot height clearance.

## **SECTION 811: GENERAL IMPROVEMENT STANDARDS FOR PARKING AREAS**

- 811.1** All parking spaces and areas, and access ways to and from such spaces and areas shall be constructed with a permanent, hard surface material.
- 811.2** Surfacing, lighting, screening, landscaping, maintenance and underground improvements shall be developed according to the standards set forth by the Building Department.
- 811.3** The minimum width shall be nine (9) feet for access ways serving residences.
- 811.4** The minimum width shall be twelve (12) feet for all other access ways.

## **ARTICLE IX SIGN REGULATIONS**

### **SECTION 901: PURPOSE AND GENERAL REQUIREMENTS**

#### **901.1 PURPOSE**

The purpose of these regulations is to establish standards and limitations for the fabrication, erection, use and maintenance of signs, symbols, markings, and advertising devices within the city. These regulations are designed to safeguard and enhance property values, to protect public and private investments in buildings, open spaces and property, to preserve and improve the appearance of the City as a place in which to live and to work, to preserve and enhance the attractiveness of the City to nonresidents who come to the City to visit, trade, or invest, to reduce public safety hazards caused by signs which are improperly constructed or maintained, or which impair visibility or otherwise distract the attention of motorists and, in general, to promote the health, safety and welfare of the general public.

It is also intended that these regulations aide in the development and promotion of business and industry by providing regulations that encourage aesthetic values, creativity, effectiveness and flexibility in the design and use of signs without creating effects detrimental to the general public.

#### **901.2 GENERAL REQUIREMENTS**

While recognizing the need for adequate business and noncommercial identification, advertising and communication, these regulations require that signs:

- A. Be compatible with their surroundings, and in compliance with proper design and zoning regulations;
- B. Be designed, installed and maintained to meet the needs of sign users while promoting the environment desired by the general public;
- C. Be designed, constructed, installed and maintained in a manner that will not endanger the public safety or create traffic hazards;
- D. Be legible and readable in the circumstances in which they are utilized; and
- E. Be respectful of the reasonable rights of other advertisers whose messages are displayed.

#### **901.3 APPLICABILITY**

These regulations apply to signs which are intended to be viewed from a public right-of-way as such highways and streets, and to signs which are intended to be viewed from outdoor areas of public and private property use for public pedestrian purposes or from vehicular access to such property.

**901.4. NON-REGULATED ITEMS**

These regulations do not regulate the use of materials such as non-commercial holiday signs and decorations, signs on products, product containers or dispensers, public information and safety signs, any signs required by local State or Federal law, or building design exclusive of any commercial message.

**SECTION 902: PERMIT REQUIREMENTS**

**902.1 PERMIT REQUIRED**

All signs or billboards will require a building permit issued by the City of Bay St. Louis. Except as provided specifically in this section, no sign may be erected or displayed within view of a public street or way unless the Building Officer has issued a permit pursuant to this Article.

**902.2 SIGNS NOT REQUIRING A PERMIT**

The following signs do not require a permit:

- A. Nameplates
- B. Certain temporary signs as described in this Article.
- C. Signs that are a permanent architectural feature.
- D. Real Estate Signs
  1. One sign to advertise the offering of the property for sale, rental, or lease, on each public way on which a property has frontage.
  2. In residential areas such signs will be limited to an area of six (6) square feet and are not to be illuminated.
  3. In commercial or industrial districts, such signs may be up to thirty-two (32) square feet and may be illuminated.
  4. Real estate signs shall not exceed fifteen (15) feet in height in all other zones.
  5. All real estate signs shall be removed within seven (7) days after the closing of the sale, lease, or rental of premises, or as determined by the Building Official for multiple leases or tenants in a single project.
  6. Real estate signs are permitted only on the premises concerned.

E. Construction and Development Signs

1. One sign on a construction site indicating parties involved in the construction such as contractors, financial interests, engineers, the new occupant and the like is allowed without permit as long as construction is actively proceeding.
2. In residential districts, such signs may be of an area up to nine (9) square feet and may not be illuminated.
3. In commercial and industrial districts, the area may be up to thirty- six (36) square feet and the sign may be illuminated.
4. In developments described for eligibility for a designation sign, such a sign may be of the dimensions and lighting as would apply to the designation sign under this Article, but the construction sign must be removed prior to erection of the designation sign.
5. Such signs shall be removed within one (1) week of the substantial completion of the project or the installation of any permanent sign.
6. If no significant construction activity is evident at a signed construction site for a period of thirty (30) days and after that time the Building Official may remove the sign and assess the owner of the property for the expense incurred by the City in the removal.

F. Window signs up to two (2) square feet and not internally illuminated.

G. Governmental signs shall be allowed in the right-of-way.

H. Carport and Yard Sale Signs

1. Signs advertising carport or yard sales should not exceed four (4) square feet in size or four (4) feet in height.
2. Such signs shall be placed not more than one (1) day in advance of the sale and shall be removed within one (1) day of the completion of the sale.

I. Political Signs

Signs advertising political candidates, referenda or similar issues shall not be placed or erected more than three (3) months in advance of any election, referendum or similar issue or event and shall be removed within five (5) days after the election. Such signs shall comply with size regulations pertinent to permanent signs contained herein. Political signs are permitted on private, commercial or institutional property.

- J. **Public and Semi-Public Signs**  
Signs advertising public and semi-public affairs such as civic, school, church and similar affairs and events are allowable provided they do not exceed thirty-six (36) square feet in size or ten (10) feet in height. Such signs shall be placed a maximum of four (4) weeks in advance of the event advertised, and shall be removed within one week of the completion of the event advertised. Not more than one such sign shall be approved per parcel of land.
- K. **No Trespassing/Dumping Signs**  
Signs posting private property against trespassing or dumping, or for other lawful reasons, provided such signs shall not exceed ten (10) square feet in size.

## **SECTION 903: CONSTRUCTION AND MAINTENANCE REQUIREMENTS, AND ABANDONED SIGNS**

### **903.1 CONSTRUCTION AND COMPLIANCE WITH CODES**

- A. All signs, regardless of whether a permit is required for such signs, shall comply with all the pertinent requirements of the Building Code and other construction and public safety codes adopted and in effect in the City.
- B. No sign shall be erected, constructed or maintained so as to obstruct any fire escape, fire hydrant, exit, window, door or wall opening intended as a means of ingress or egress, or so as to interfere with any opening intended for ventilation.
- C. All signs and their supporting structures shall maintain clearance and non-interference with all surface and underground facilities and conduits for water, sewage, gas, electricity or communications equipment or lines, and shall not be placed so as to interfere with natural or constructed drainage of surface or underground water.
- D. No sign shall be erected, constructed or maintained so as to interfere with any existing safety warning or official sign controlling or advising vehicle operators.

### **903.2 MAINTENANCE OF SIGNS AND PREMISES**

- A. **General Maintenance and Enforcement of Maintenance**
1. All signs, components and adjacent grounds to fifteen (15) feet thereof shall be maintained in a safe, neat, clean, attractive and structurally sound condition.
  2. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant material, except in instances where a weathered finish can be convincingly demonstrated as a design element.

3. The Building Officer, or her/his authorized representative, shall have the authority to inspect all signs and order the painting, repair, alteration or removal of a sign which shall constitute a hazard to the health, safety or general welfare of the public by reason of inadequate maintenance, dilapidation or obsolescence.
- B. Glass and Other Breakable Materials  
All signs constructed in whole or in part with glass, plastic or other breakable materials which shall suffer any breakage, whether from natural or other causes, shall be repaired by the owner of the premises on which the sign is located within a period of thirty (30) days from the time the breakage occurs. Additional periods of time for repairs may be granted by the Building Official, provided such extensions are requested in writing and the Building Official finds that such extensions would not defeat the basic purposes of this Ordinance.
- C. Billboards  
Notwithstanding other requirements of this Section, billboards with paper copy (poster) which is torn, peeling, or faded shall be cleared of such torn, peeling or faded paper shall be repaired within fifteen (15) days or it shall be deemed in violation of the ordinance.
- D. Electrical Signs
1. Electrical signs shall comply with the Electrical Code adopted by the City. In particular, extension cords shall not be used except in accordance with said Code.
  2. Clearance from all electrical power lines and equipment shall be in accordance with the requirements of the electric utility to which they belong.

### **903.3 VISIBILITY REQUIREMENTS**

No sign shall be erected or placed in such a manner as to impair visibility of motorists on or entering the public way.

### **903.4 ABANDONED AND NON-CONFORMING SIGNS**

- A. Any sign that is located on property which becomes vacant and is unoccupied for a period of six (6) months or more, or any sign which pertains to a time, event, purpose or activity which no longer applies, shall be deemed to have been abandoned and will be subject to removal in the manner described herein.
- B. Signs applicable to business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned until normal business activity ceases for a period of six (6) months.

- C. Notwithstanding the above provisions, any sign that fails to meet the construction and maintenance requirements of this Ordinance shall be deemed to be abandoned and subject to removal if any such deficiencies are not corrected within thirty (30) days after a written notice from the Building Official to the owner or tenant concerning said deficiencies. The Building Official shall have the discretion to grant an additional thirty (30) days for the required improvements to be made provided substantial progress is being made to correct the deficiencies and a written request for such an extension is received at least five (5) working days before the end of the original notice.
- D. Signs which are found to be abandoned or in violation of this Section shall be removed by the owner of the sign or owner or tenant of the premises immediately upon written notice by the Building Official that the sign does not comply with the terms of this Section. Said owner shall be required to appear at the next regular Planning and Zoning Commission meeting to provide reason that said sign should not be ordered to be removed by the City.

If reasons are deemed insufficient, the sign shall be removed.

Any such signs not removed within thirty (30) days from this written notice may be removed by the City and all costs charged to the owner, agent or person having the beneficial interest in the building or premises upon which such signs are located, or in the sign itself.

#### **903.5 NON-CONFORMING SIGNS**

- A. Signs found to be non-conforming prior to the adoption of this ordinance and that also fail to comply with all applicable provisions of this Section are subject to correction or removal in accordance with the provisions of 903.4 (D) above.
- B. Signs found to be conforming prior to the adoption of this part, but which become non-conforming upon adoption, have twelve (12) months after the date of adoption to be brought into compliance in accordance with the provisions of Article 9.

**SECTION 904: GENERAL SIGN STANDARDS**

**904.1 PERMANENT SIGNS**

**A. Ground Signs**

**1. Number**

A maximum of one (1) ground sign shall be allowed per business with the exception of businesses with frontage on more than one (1) street, in which case one (1) ground sign shall be allowed for each yard with frontage on a street.

**2. Separation**

Each ground sign shall be located a minimum of one hundred (100) feet from other ground signs on the same side of the street.

**3. Setbacks**

- a. All ground signs shall be a minimum of ten (10) feet from the property line facing the street upon which the ground sign is located.
- b. No ground sign shall be placed within or project over the right-of-way of any street.
- c. No ground sign shall be placed within the required right-of-way of a major thoroughfare which is scheduled to be widened by the city.
- d. Ground signs shall be set back a sufficient distance from side lot lines so as to allow placement of ground signs on adjoining property that would meet the one hundred (100) feet separation requirements in subsection (2) above.

**4. Size and Height Restrictions of Ground signs:**

Districts	Maximum Size	Maximum Height
R-1, R-1A, R-2, R-3, R-4	3 sq. ft. (nameplate)	3 ft.
C-1, OC, WF-1, WF-2	10 sq. ft.	8 ft.
C-2, C-3 (off Hwy. 90 or Hwy 603)	32 sq. ft.	6 ft.
C-3 (on Hwy. 90 or Hwy 603) CD, RD	180 sq. ft.	32 ft.
I-1, I-2	100 sq. ft.	22 ft.

5. Other Restrictions

- a. For ground signs with more than two (2) faces, the maximum size of the largest face shall not exceed seventy-five percent (75%) of the maximum sign size for the district specified in subsection (4) above.
- b. A minimum of twenty-five (25) square feet of landscaped area shall be located at the base of each ground sign in the C-1, C-2, C-3, I-1, I-2, CD, RD, WF-1, WF-2 and OC districts.

B. Wall Sign or Attached Signs

1. Number

A maximum of one (1) wall sign shall be allowed per business with the exception of businesses with frontage on more than one (1) street, in which case one (1) wall sign shall be allowed for each yard with frontage on a street.

2. Size

The total surface area of a wall sign shall not exceed, in square feet, one (1) times the linear feet that is the horizontal length of the wall to which the sign is to be attached.

The surface area of an attached sign shall be measured by finding the area of the minimum imaginary rectangle which fully encloses all words, copy, symbols or messages on the sign. In the case of signs formed by individual, separate letters, the surface area shall be measured by finding the area of the minimum rectangle which fully encloses each letter and then by totaling the area of each letter in the sign.

An additional one (1) square foot of surface area shall be allowed for each foot which the building on which the sign is to be located is set back beyond the front yard requirements specified by this Ordinance.

Notwithstanding these provisions, a maximum of three (3) square feet for each linear foot that is the horizontal length of the wall on which the sign is to be attached shall be permitted. For multi-tenant buildings, the total area specified above, shall be distributed among the businesses therein according to the linear feet frontage occupied by each business.

3. Location
  - a. An attached sign shall be no higher than the lowest point of the building's roofline.
  - b. Signs which hang from and under awnings, canopies, marquees or other structures shall extend no closer than eight (8) feet to the ground.
  - c. Projecting signs
    - i. Shall not project from any structure a greater distance than ten (10) feet, shall not project into any street right-of-way, nor within three (3) feet of any street, public or private; and
    - ii. Shall be at least eight (8) feet above ground level.

#### **904.2 OFF-PREMISE OUTDOOR ADVERTISING SIGNS (BILLBOARDS)**

- A. Allowable Zones
  1. Billboards shall be allowed in the C-3 zone on U.S. 90 between North Second Street and West to the Bay St. Louis City limits.
  2. Billboards shall be allowed in the C-3 zone on MS Highway 603 between Longfellow Road and North to the City limit line. No billboards are allowed on Longfellow Road.
- B. Size and Height Restrictions

Billboards shall not exceed three hundred (300) square feet display area and not exceed thirty-five (35) feet in total height as measured from road bed to the highest point of the sign.
- C. Setback and Separation
  1. Outdoor advertising signs' setback shall be thirty-five (35) feet.
  2. Minimum separation of a billboard from all other billboards is one thousand five hundred (1,500) feet measured in any direction.
- D. Other Restrictions

Billboards shall be detached from all other structures and shall not be erected on or above the roof or any other part of a building. Double-sided billboards shall be allowed and shall be considered as one (1) billboard, provided the nearest points of the individual sides of the structure are no more than five (5) feet apart.

- E. **Spacing Requirements**  
A spacing requirement of one thousand five hundred (1,500) feet separation will apply to all new billboards. All legal billboards existing prior to the date of adoption of this Ordinance will be considered Grandfathered, and not to be removed unless they fall into such a state of disrepair that would require repairs equal to more than sixty percent (60%) of the value of a complete replacement structure at current price. In the event that the value of repairs is greater than sixty percent (60%) of the total structure or defined value, and the original structure did not conform to the terms of this Ordinance; the sign shall not be repaired and must be removed completely.
- F. All billboards and off premise outdoor signs must also meet state regulations.

### **904.3 MISCELLANEOUS SIGNS**

- A. Miscellaneous signs as listed below are allowed in addition to ground and attached signs permitted by Section 904.1 above.
- B. Permits are not required for miscellaneous signs.
- C. No miscellaneous signs shall extend within or over any street right-of-way, or be located within ten (10) feet of any curb line or street edge, except in the C-1 District. In the C-1 District sandwich signs may be placed on the sidewalk.
- D. **Types of Miscellaneous Signs**
1. **Direction and Instructional Signs**  
Signs which provide directions and instructions for the general public, including entrance and exit signs, provided such signs do not exceed eight (8) square feet in size or five (5) feet in height.
  2. **Menu Signs**  
Signs at drive-through windows of restaurants or other food service establishments, provided that such signs shall not exceed thirty (30) square feet in size and shall not be located in any front yard.
  3. **Name and Address Signs; Nameplates**  
Name and address signs not exceeding three (3) square feet in size.
  4. **Interior Signs**  
Signs completely within the premises of any building, provided such signs are not attached to or painted on any windows or exterior doors of the structure.

5. **Window Signs**  
Window signs, whether painted on or attached to windows of a structure, provided that total area of any such sign does not exceed thirty percent (30%) of the window area in any single window. Window signs are allowed only in commercial districts.
6. **Incidental Signs**  
Signs such as credit card, restroom, public telephone and other such signs displayed primarily for the convenience or information of the general public, provided such signs are securely attached to a building or other permanent structure and do not exceed four (4) square feet in size.
7. **Public Notice Bulletin Boards**  
Signs and bulletin boards that provide general information to the public concerning affairs of general interest to the community provided such signs do not exceed twenty (20) square feet in size.
8. **Gasoline Price Signs**  
Signs advertising the price of gasoline provided such signs shall not exceed fifteen (15) square feet in size per gas or service station.
9. **Flag Signs**
  - a. Each business within a C-3 district shall be allowed up to fifty (50) linear feet of flag sign per one hundred (100) feet of street frontage, provided each flag is separated by a distance of at least ten (10) feet and does not exceed twenty-five (25) feet in height.
  - b. For signs attached to buildings, the height shall not exceed ten (10) feet above the highest point of the wall or roof to which they are attached.
  - c. All flag signs which become faded or torn shall be removed or replaced immediately.
  - d. Before any such flag signs are erected, all non-conforming streamers and banners must be removed.
11. **Sandwich Board Signs**  
Sandwich board signs are signs that are set out at the opening of business and picked up at the close of business that same day. These signs must be located on premises and not obstruct line of sight for cars leaving parking areas. Maximum size of sign shall not exceed eight (8) square feet per side, maximum two (2) sides. Only one sandwich board sign is allowed per business location. Sandwich board signs shall not be placed outside the business when the business is not open.

#### **904.4 DIRECTORY SIGNS**

##### **A. Basic Provisions**

Directory signs are encouraged individually or as part of a Uniform Sign Plan.

Directory signs are allowed as on or off premises ground signs with minimum two (2) interchangeable panels of a uniform size as described below.

1. Each panel of a directory sign will feature an autonomous activity occupying a distinct property or part of a property.
2. One panel is permitted for each such activity or category. This provision will apply even when multiple, distinct business entities occupy an undivided property, for example, an independent jewelry and watch repair in a retail jewelry store, or an allied health specialist with an independent practice in the office of a physician.
3. Alternatively, a panel may announce a distinct category or activity, for example, antiques or restaurants.

##### **B. Permit Required**

A permit is required from the Building Official for each directory sign, but the only action required upon interchanging of panels is to supply the Building Official with a drawing or photograph of the new arrangement. This will apply even when adding to the number of occupied panels as long as the sign overall remains within the limits tabulated below or set by individual action of the City Council in accordance with the provisions of this Ordinance.

##### **C. Information Shown**

1. An identified activity may appear on more than one directory sign, but all such signs must apply to the same location or a small location completely within a larger one.
2. Each permitted directory sign application must identify a particular location, which may also be featured on the sign. The location named will be proposed by the applicant(s), and is not restricted to official names.
3. Up to three (3) directory signs identical in appearance may pertain to the same location, but these must not be visible from one another.
4. Directory signs may differentiate easily recognized portions of a location announced by a remote directory sign, but in no case may a given activity solely occupy a panel on more than three (3) directory signs.

**D. Placements Permitted**

Directory signs may be placed on private property in a commercial, industrial, or medical office district consistent with the requirements described in this section.

An additional requirement in placement is of noninterference with other signs as set out in Section 905. Directory signs placed on private property constitute ground signs with respect to separation of signs on that property. In the case of directory signs placed on private property, no charge may be made for appearance of an activity on a panel of the sign, except reasonable costs traceable to the erection and upkeep of the sign.

**E. Size and Appearance**

**1. Size**

Subject to requirements of safety as described above, the following table sets out requirements for directory signs. A directory sign that exceeds any maximum specification below will require approval by the City Council after a recommendation is made by the Planning and Zoning Commission. The number of panels is limited to allow it to be scanned without undue slowing.

**Size of Directory Signs by Zoning District**

<b>Zone</b>	<b>Maximum Height</b>	<b>Maximum Width</b>	<b>Area</b>	<b>Interchangeable Minimum</b>	<b>Panels Maximum</b>
(dimensions are in feet and square feet as appropriate)					
C-1	8	3	24	2	6
C-2	8	3	24	2	6
C-3	12	5	60	2	10
OC	8	4	32	2	6
I-1	8	4	32	2	6
I-2	8	4	32	2	6
CD	12	5	60	2	10
RD	12	5	60	2	10
WF-1	8	3	24	2	6
WF-2	8	3	24	2	6

2. The overall form and appearance of a directory sign may be determined by the applicants to obtain decorative or individualized effects. In like manner, individual panels may be created using art work, symbols, colors, textures, and limited relief in addition to letters and numbers.

Panels in directory signs must be separated from one another by at least one (1) inch, which may be either air space of structural elements, or a uniform background color.

The optional portion of a directory sign naming the location may be up to twice the area of interchangeable panels.

Directory signs may be lighted only by projecting light onto the sign from fixtures on the sign nearby.

All elements of the sign and panels will be fixed.

Businesses and activities represented on directory signs must be located within Bay St. Louis.

#### **904.5 STANDARDS FOR UNIFORM SIGN PLANS FOR SHOPPING CENTERS AND OTHER MULTI-OCCUPANT, NON-RESIDENTIAL DEVELOPMENTS**

- A. A uniform sign plan is required for all shopping centers and for all other multi-occupant, non-residential developments, before any signs for the development or establishments therein may be erected on the property.
- B. All owners, tenants, subtenants, and purchasers of individual units within the development shall comply with the approved uniform sign plan.
  1. The uniform sign plan shall consist of five (5) elements which shall govern all signs within the shopping center or development: location, materials, size, letter style, and color.
  2. The uniform sign plan shall include drawings, specifications, dimensions and maps showing the proposed locations of signs and how such locations conform to the requirements of this Ordinance.
  3. The uniform sign plan shall be subject to review by the Planning and Zoning Commission and approval by the City Council.
  4. The uniform sign plan must be submitted, reviewed and approved prior to the issuance of the first sign permit for the development, including any individual establishments therein.

- C. Design Standards
1. A ground sign advertising three (3) or more businesses in the C-3 zone may exceed the size and height requirements of Section 904.1(A)(4) of this Ordinance by up to twenty-five percent (25%).
  2. Existing shopping centers are encouraged to submit a uniform sign plan and shall be allowed the additional size and height specified by (1) above.
  3. A uniform sign plan for the shopping center or development shall not be approved by the City Council until and unless the Planning and Zoning Commission finds that:
    - a. The plan provides that signs of a similar type and function within the development will have a consistent size, lettering style, color scheme and material construction and placement;
    - b. The plan provides for signs which meet the size limitations, location requirements and other applicable requirements of this Ordinance.

## **SECTION 905: SIGN LOCATIONS**

### **905.1 IN RELATION TO TRAFFIC SIGNALS**

Red, green, amber or flashing illumination shall not be so placed as to be within the line of vision of a traffic signal as viewed from the normal location of the driver of a motor vehicle traveling on an adjoining street in a traffic lane designated for moving vehicles, nor may any such illumination be located within twenty (20) feet in any direction from a traffic signal.

Before any permit for the erection of a sign in relation to traffic signals is issued, the Chief of Police of the City of Bay St. Louis shall be consulted to assure there will be no confusion with the traffic lights or lights on emergency vehicles.

### **905.2 FIRE HAZARD**

Vegetation shall be kept out in front of, behind, underneath, and around the base of ground signs a distance of fifteen (15) feet, except such planting as may be designed to enhance, decorate, or constitute a part of such sign, and no rubbish or debris shall be permitted under or near such sign that would constitute a fire or health hazard. No sign shall be erected in a manner that would impede ingress or egress throughout any door or emergency exits in any building. No sign shall be erected on a fire escape or any other safety device.

## **SECTION 906: PROHIBITED SIGNS**

### **906.1 PROHIBITED TYPES OF SIGNS**

The following types of signs are prohibited:

- A. Portable flashing signs and/or reader boards.
  
- B. Flashing or other distracting illumination.
  - 1. No sign shall consist of, or display, in whole or in part, any flashing lights or other illuminating devices which change in intensity, brightness or color, excepting electronic reader board signs, provided the message on such sign does not flash on and off.
  
  - 2. The light for or from any illuminated sign shall be so shaded, shielded, or directed so that the escaping light shall not be objectionable in surrounding areas and shall not cause undue glare to be directed toward traffic lanes.
  
- C. Resemblance to Traffic Signs  
No sign shall resemble or conflict with any traffic control device or sign, or contain the words “stop”, “caution”, “go slow”, “danger”, “warning” or any similar words or phrases that may be construed to misdirect or confuse traffic flow.
  
- D. Vehicle Signs  
No sign shall be attached to, suspended from or painted upon any vehicle or trailer which is regularly parked on any street, any inoperable vehicle or on any private property which is visible from any street, which in effect serves the purposes of a sign as defined in this Ordinance.

This prohibition shall not apply to vehicles or trailers utilized on a regular basis for deliveries, maintenance and related business purposes, or to a single sign not exceeding two (2) square feet displayed on or within a vehicle advertising the availability of said vehicle for sale.

### **906.2 PROHIBITED LOCATIONS**

No signs otherwise permitted by this Ordinance shall be placed on any public property, including but not limited to, utility poles, fences, or trees, or within any street or other public right-of-way.

### **906.3 GENERAL PROHIBITED SIGNS**

All other signs not specifically allowed by this Ordinance are prohibited, unless a special exception for their use is obtained in accordance with this Ordinance.

- A. Any sign transmitting other than diffused, indirect light into a residential district.
- B. Any sign producing a sound as part of the presentation of the sign.
- C. Any sign with an offensive or objectionable message or picture such as vulgarity or nudity, as determined by the Building Official.
- D. Signs off of the premise of the activity, except as provided for outdoor advertising signs, directory signs and political signs in this Article.

## **SECTION 907: TEMPORARY SIGNS**

In addition to the permanent signs which are allowed in each district, the following temporary signs shall be allowed, in accordance with the standards set forth.

### **907.1 SIGNS REQUIRING PERMITS**

The following temporary signs are allowable, within the stated restrictions, provided permits are obtained prior to their erection:

- A. Banners, Streamers, and Windfeathered Flags
  1. Except for streamers in C-3 districts, banners, streamers, and/or windfeathered flags are allowable for a total of one (1) period of two (2) weeks in duration every three (3) months for a business or location, and each period may not be consecutive. Streamers in C-3 Districts shall not be limited to duration as set forth above, provided they are adequately maintained and do not become dilapidated.
  2. Banners shall not exceed twenty-five (25) square feet in total area, regardless of the number of banners.
  3. Banners and streamers shall not be located within twenty (20) feet of any street.
  4. The permit fee for banners and streamers shall be \$15.00 per application.

5. Banners and/or streamers may be allowed to exceed the two (2) week timeframe under one of the following conditions:
  - a. A new business moved into town and is awaiting their permanent sign to be erected (sign permit has been applied for).
  - b. The existing building is under renovation and placement of sign would have to be removed to complete construction.
  - c. A new building is under construction and permanent signage cannot be installed.
  - d. Banners must meet regulation for size and location.
  - e. Banners must be in good condition and properly secured.

**B. Street Banners**

1. Street banners extending above and across streets are allowable for official, civic, or philanthropic parades, festivals or events, and shall not be erected more than four (4) weeks in advance of such event, and shall be removed within one (1) week after such event.
2. Street banners should not exceed one hundred and twenty-five (125) square feet in size.

**907.2 SETBACK REQUIREMENTS**

No temporary sign shall be placed or erected within the right-of-way of any street.

**SECTION 908: SIGNS PERMITTED IN ALL ZONES**

**908.1 SUBDIVISION SIGNS ADVERTISING LOTS FOR SALE**

Subdivision signs advertising the sale or lease of lots or buildings within new subdivisions on which they are located are permitted providing they are non-illuminated or indirectly illuminated and exceed neither two hundred and fifty (250) square feet in area or ten (10) feet square for each parcel within the subdivision. Not more than one such sign shall be located at each major approach to the subdivision and the front, side and rear yard requirements applying to principal structures shall apply to the location of such signs.

**908.2 REAL ESTATE SIGNS**

Real estate signs shall be permitted in all zoning districts provided that signs not exceeding six (6) square feet in area may be erected for each parcel of property offered for sale, lease or rent.

**908.3 BULLETIN BOARDS**

Bulletin boards used to display announcement of meetings to be held on the premises on which such boards are located shall be permitted for churches, schools, community centers and public, charitable or institutional uses.

- A. Unless otherwise permitted in the zone, such sign shall contain no more than twelve (12) square feet in area;
- B. May be used as wall signs; may be used as ground signs when located a minimum of twelve (12) feet from the street lot line or beyond the required front yard, whichever is less;
- C. May be indirectly illuminated; and
- D. One such sign shall be permitted for each street on which the property has frontage.

**908.4 CONSTRUCTION SIGNS IDENTIFYING CONTRACTORS**

During construction, repair or alteration of a structure, temporary signs, not exceeding fifteen (15) square feet, which denote the architect, engineer, contractor or builder or which denote the name of the structure and its use or occupants-to-be may be placed within the required yard setbacks as ground, wall, or roof signs.

**908.5 OTHER TYPES OF SIGNS**

Professional, instructional, announcement, bulletin board, identification and business signs, subject to the following limitations:

- A. Non-illuminated signs shall not exceed eighty (80) square feet of total sign surface area per establishment.
- B. Illuminated signs shall not exceed forty (40) square feet of total sign surface area.

**SECTION 909: DIGITAL SIGNS**

This provision shall apply to all animated signs, intensely lighted signs, and digital display sign faces and any derivative of.

- A. No sign shall be permitted which is animated by means of flashing, scintillating, blinking or traveling lights.
- B. Digital display sign faces shall be allowed, subject to the following provisions:
  - 1. There shall be no effects of scrolling, flashing, scintillation or similar effects.
  - 2. The static display time for each message shall be a minimum of four (4) seconds.
  - 3. The time to completely change from one message to the next is a maximum of two (2) seconds and shall not use fading, rolling, window shading, dissolving, or similar effects as part of the change.

4. All such signs shall installed light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions. In addition, maximum brightness levels for said sign shall not exceed then thousand (10,000) nits from dawn to dusk, during daylight hours, and one thousand (1000) nits from dusk to dawn, nighttime hours. Software must allow adjustability of the brightness at all times and include automatic night time dimming feature.
5. Any digital display sign face or similar such sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner, causing motion, movement, flashing or any similar effects, shall have a default mechanism freezing said sign if any such malfunction occurs.

Miscellaneous Restrictions and Prohibitions for Animated signs, intensely lighted signs, and digital display sign:

Animated signs, intensely lighted signs, and digital display sign faces are permissible in the C-3, Highway Commercial Business District where the districts fronts Highway 90 and Highway 603. (Note: C-3 District/Longfellow Road is omitted)

No sign within one hundred fifty (150) feet of a residential zone may be illuminated between the hours of 11 p.m. and 6a.m., unless the impact of such lighting beyond the boundaries of a lot where it located is entirely inconsequential. This shall be determined by the building department.

Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.

No sign shall be located so that it interferes with the view necessary for motorist to proceed safely through intersections or to enter onto or exit from public streets or private roads.

No sign shall be erected so that by its location, color, size, shape, nature, or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

No sign shall be erected which bears or contains statements, words or pictures of an obscene, pornographic, immoral character, or which contains advertising matter that is untruthful.

## **ARTICLE X SUPPLEMENTAL USE REGULATIONS**

### **SECTION 1001: SUPPLEMENTAL REGULATIONS**

The regulations in this section shall supplement the requirements of the base applicable and overlay zoning district regulations and other applicable standards of this Ordinance. These standards are in addition to and do not replace, the other standards for development set forth within this Ordinance. To the extent that there is conflict between a standard in another section and a standard in this section, the standard in this section governs.

### **SECTION 1002: ACCESSORY USES AND STRUCTURES**

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

Conducted on the same lot as the principal use to which it is related; and

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 Section.

#### **1002.1 ESTABLISHMENT**

- A. Accessory structures or uses shall not be constructed or established on a lot until construction of the principal structure is completed or the principal use is established.
- B. An accessory structure or use shall not be established on a vacant lot without being approved as a Special Exception.
- C. Accessory structures shall not be used for dwelling purposes except where permitted as defined in each district.
- D. In the Waterfront zoning districts, all enclosed structures must be approved through the Major Site Plan Review process.

### **1002.2 GENERAL REQUIREMENTS**

- A. Accessory uses shall not include the conduct of trade unless permitted in conjunction with a permitted use.
- B. Accessory uses shall be located on the same lot as the principal use for which they serve.
- C. Accessory structures shall be no more than fifty (50) percent of the floor area of the principal structure without approval of the City Council after review and recommendation of the Planning & Zoning Commission.
- D. Use of an accessory structure for commercial purposes in a residential zone shall be prohibited.

### **1002.3 DIMENSIONAL AND DENSITY STANDARDS**

- A. Accessory structures shall not be located beyond the front yard setback line in any district.
- B. Where property extends from street to street, accessory structures shall not be located beyond the front yard setback line for each street.
- C. Where property is located on a corner, accessory structures shall not be located in the front yard or the side yard facing the public road.
- D. Accessory structures shall be a minimum of five (5) feet from any residentially zoned or used side or rear property / lot line. With no required setback for accessory structures between properties that are both zoned and used as commercial. For adjoining properties both zoned and used as industrial, there is a twenty-five (25) foot setback requirement for accessory structures from side or rear property lines.
- E. Nonresidential accessory structures are governed by the same dimensional regulations as set forth for the principal use or principal structure or structures
- F. No accessory structure will be located within five (5) feet of another building.
- G. Where a commercial property abuts a residential property, the accessory structure shall be no closer than ten (10) feet from the side or rear property line abutting the residential district, and there shall be placed an opaque fence six (6) feet in height to buffer the accessory structure from the residential property.
- H. In the industrial zoning districts, an accessory structure shall be no closer than twenty-five (25) feet to the side or rear property line.

- I. Where an industrial property abuts a residential property, the accessory structure shall be no closer than twenty-five (25) feet from the side or rear property line abutting the residential district, and there shall be placed an opaque fence eight (8) feet in height to buffer the accessory structure from the residential property.

#### **1002.4 LOT COVERAGE**

- A. Accessory structures shall not exceed the primary structure in height in residential zones, and in no case shall exceed twenty-five (25) feet in height total.
- B. Accessory structures shall be included in determining lot coverage by the principal building or buildings.
- C. The following shall be exceptions:
  1. Swimming pools.
  2. Not more than one and one-half (1 ½) story accessory structure which occupies five hundred (500) square feet or less of the rear yard area, per site. The five hundred (500) square feet limitation does not apply to accessory dwelling units which are subject to a size limitation of twenty-five per cent (25%) of the principal structure when all other accessory structure requirements have been met.
- D. Maximum lot coverage of all accessory structures shall not exceed fifty (50) percent of the total area of the side and rear yards.

#### **1002.5 HEIGHT**

The height of an accessory structure shall not exceed the primary structure in height in residential zones, and in no case shall exceed twenty-five feet. 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.

#### **1002.6 ACCESSORY DWELLING**

- A. **Applicability**  
Section 1002.6 applies to any accessory dwelling unit that is located in a building that is not attached to the principal dwelling.
- B. **Number Permitted**  
Only one (1) accessory dwelling unit is permitted per lot in districts where allowed on lots of more than 15,000 square feet. The accessory dwelling 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.

C. Location

1. 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.
2. The accessory dwelling shall not be located in the front yard setback of the principal dwelling and shall adhere to the same side and rear yard setbacks as the principal dwelling.

D. Scale

The gross floor area of an accessory dwelling unit shall not exceed fifty percent (50%) of the principal building's floor area.

E. Building Design

1. 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.
2. The accessory dwelling shall not exceed two (2) stories, or the height of the principal dwelling unit. It shall be elevated to meet the Base Flood Elevation (BFE) for the site but shall not exceed the height of the principal dwelling.

F. Occupancy

1. The total number of occupants in the accessory dwelling unit shall comply with the occupancy standards of the building code.
2. The number and design of parking spaces are established in Article VIII, Regulations for Off-Street Parking and Loading. Parking spaces shall be located in the rear yard and behind the principal building.
3. Utilities  
The accessory dwelling shall be independently connected to the City utilities and not to the principal dwelling, with separate utility meters for each.

### **1002.7 EMERGENCY SHELTER REGULATIONS AND EXCEPTIONS**

Emergency shelters are permitted as an accessory structure in any district, subject to the yard and lot coverage requirements of the district. Approved emergency shelters may be used in addition to any principal or accessory use permitted in the district except for the habitation by persons other than the occupants of a principal dwelling. Structures or portions of shelters qualifying as approved emergency shelters shall meet the minimum requirements of the building code and standards issued by the Federal Emergency Management Agency (FEMA). When, after review of plans, it is established that an emergency shelter would not be permitted under the foregoing provisions owing to topographic conditions, the location and coverage upon the lot of existing structures, or other characteristics peculiar to the site, the City Council may grant the following exceptions, subject to whatever conditions the Council may find desirable to control the appearance in relation to the street and effect on abutting properties.

When, after review of plans and public hearing, the City Council finds it feasible, the construction of a common, approved, shelter by two or more property owners across two or more property lines may be permitted. All side and rear yard requirements may be waived except where an abutting property is not included in the joint proposal.

The City Council shall require the execution of an agreement between all property owners involved concerning rights and obligations of taxation, access, and maintenance.

The City Council, after review of plans and public hearing, permit a community owned shelter or one owned by several parties to be permitted as a principal use in any district.

## **SECTION 1003: HOME OCCUPATIONS**

### **1003.1 HOME OCCUPATIONS SHALL MEET THE FOLLOWING CRITERIA**

The following criteria shall be employed to determine a valid home occupation:

- A. The use shall not generate pedestrian or vehicular traffic beyond that reasonable to the district in which it is located.
- B. There will be no storage of materials and/or supplies outdoors.
- C. The use shall not involve the use of signs other than those permitted in the district of which it is a part.
- D. Not more than one room in the dwelling shall be employed for the home occupation unless approved by the City Council.
- E. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use (either by color, materials or construction, lighting signs, sound or noises or vibrations).

- F. There shall be no use of utilities or community facilities beyond that reasonable to the use of the property for residential purposes.
- G. The use is clearly incidental to residential occupancy.
- H. The use shall be conducted entirely within the interior of the residence.
- I. Parking will be provided only in the driveway.
- J. 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.
- K. Deliveries and pickups shall be those normally associated with residential services, shall not block traffic circulation, and shall occur only between 8 am and 8 pm, Monday through Saturday.
- L. No more than one employee shall be permitted.

#### **1003.2 UNSAFE HOME OCCUPATIONS**

If any home occupation has become dangerous or unsafe; presents a safety hazard to the public, pedestrians on public walkways, or motorists on a public right-of-way; or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Building Official shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken, directing the home occupation immediately be made safe or be terminated. The property owner and/or the tenant shall take the necessary corrective steps or measures but, in the event of failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Building Official may take available enforcement actions to render the home occupations and dwelling safe. Costs incurred by the Building Official, if enforced to take enforcement actions shall be borne by the property owner and shall be treated as a zoning violation.

## **SECTION 1004: REGULATIONS FOR AUTO-ORIENTED COMMERCIAL ESTABLISHMENTS**

This section provides supplementary regulations for filling stations, commercial parking areas, automobile repair shops, drive-in and drive-thru restaurants and similar establishments catering to shoppers conducting business transactions primarily while in their automobile.

### **1004.1 ENTRANCES AND EXITS**

- A. Shall be a minimum of two hundred (200) feet, as measured along each side of the street on which they abut, from any school, public playground, church, hospital, public library or institution for dependents or children.
- B. Shall be a minimum of fifty (50) feet from any residential zone located on either side of the street on which the entrance or exit abuts:
- C. Shall be a minimum of twenty (20) feet from any corner as measured from the point where the right-of-way lines of the intersecting streets meet or from the midpoint of the curve where a corner exists but is not an intersection ("L" curve in a street).
- D. Entrances or exits shall not be any closer than six (6) feet to an abutting property lines or alleys.
- E. Maximum driveway width shall be thirty-two (32) feet at the curb line.

### **1004.2 STACKING LANES**

Drive-thru establishments shall provide five (5) cars stacking in the drive-thru lane counting from the pick-up window.

### **1004.3 GENERAL STANDARDS**

- A. Principal buildings shall be oriented toward the street.
- B. All accessory repair and service operations shall occur within buildings enclosed by a roof and a wall on all sides.
- C. In order to address potential traffic, noise or other nuisance impacts, the hours of operation for sales deliveries and services for uses that are not located on a major street are limited from 8 am to 9 pm.
- D. All fuel pumps and pump islands shall be set back a minimum distance of at least fifteen (15) feet from any right-of-way line or property line.
- E. Canopies shall not exceed sixteen (16) feet in height or the height of the principal buildings, whichever is less.

- F. Canopies shall be artistically integrated with the principal building and all other accessory structures on the site through the use of the same or compatible materials, colors and roof pitches.
- G. Any lighting fixtures or sources of light that are part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling surface more than two (2) inches.

#### **1004.4 SCREENING**

There shall be a minimum six (6) foot high noise absorbent solid fence or a ten (10) foot wide planted strip predominantly containing plants, trees and shrubs so planted and maintained as to provide a screen along all lot lines adjoining residential purposes or if the adjoining lot contains a residential use on the first floor level regardless of the zone.

### **SECTION 1005: TOWNHOMES AND ZERO LOT LINES**

#### **1005.1 TOWNHOUSE AND ZERO LOT LINE RESIDENTIAL USES**

A. Purpose

The purpose of this Section is to provide for the development of moderate-to-high-density residential uses and structures in moderately spacious surroundings but so designed as to protect the health, safety and welfare of the public.

It is the intent of this Section that these uses are allowed where appropriate in the city, where a protected environment suitable for moderate-density residential use can be provided, as well as in established moderate-density residential areas as a means to ensure their continuance. However, this use is appropriate on a smaller scale in the suburban portions of the city as a transitional or buffer zone between low-density residential districts and commercial districts, industrial districts or major transportation arteries, or other uses that are not compatible with a low-density residential environment.

In fulfilling the purpose of this use, the townhouse or row house concept may be used which permits the construction of single-family dwellings immediately adjacent to one another without side yards between the individual units.

The purpose of this use may also be fulfilled by the use of the zero lot line concepts which permits the construction of detached single-family dwellings on lots without a side yard requirement on at least one side of the lot. This concept permits better use of the entire lot by minimizing the usual front, rear and side yards.

In order to allow any deviation from the following minimum requirements for these types of development, the developer must show evidence that such deviation will not adversely affect the health, safety and welfare of the public.

**B. Regulations for Townhouses and Zero Lot Line Dwellings**

1. **Minimum Lot Area:**
  - a. **Townhouse Development**  
First two (2) dwelling lots, four thousand (4,000) square feet  
Each additional dwelling lot, one thousand six hundred (1,600) square feet
  - b. **Zero Lot Line Development**  
Each dwelling lot, four thousand (4,000) square feet.
2. **Minimum Lot Width:**
  - a. Twenty (20) feet for townhouses; and
  - b. Thirty-five (35) feet for zero lot line houses,
  - c. Except that for corner lots, the minimum shall be determined based on Section 405.1(B).
3. **Minimum Front Yard Setback**  
The same as required for each zoning district, except where the development contains units located on both sides of a street constructed by developer to the city's specifications. In this case, the minimum front yard setback shall be ten (10) feet.
4. **Minimum Side Yard Setback**  
None for townhouses except that on corner lots the minimum side yard on the corner side shall be as required in Section 405.1(B). Also, the minimum side yard required for the townhouse unit located at the end of a row of townhouses shall be ten (10) feet from the exterior lot line.  
  
In zero lot line developments there shall be no minimum side yard required on one side and fourteen (14) feet on the opposite side. However, for corner lots the minimum side yard required shall be fourteen (14) feet except as required in Section 405.1(B). Also, the minimum side yard required for the dwelling located adjacent to a lot that is not a part of the zero lot line development shall be fourteen (14) feet for developments with six (6) or more units and ten (10) feet for developments with five (5) or fewer units.
5. **Minimum Rear Yard Setback**  
Fifteen (15) feet required for townhouses and zero lot line houses. When adjacent to R1-R4 zoning districts, the setbacks will follow the setbacks required for those properties.

6. **Maximum Height**  
The maximum height measured from the base flood elevation shall not exceed thirty-five (35) feet.
7. **Maximum Lot Coverage**  
A townhouse or zero lot line dwelling shall not occupy more than sixty-six (66%) percent of the lot area. Accessory structures shall comply with Section 1002.
8. **Maximum Length of Row of Townhouses**  
A maximum length of a row of townhouses shall not exceed two hundred (200) feet. When an end unit of row houses does not side on a street, an open space or court of at least twenty (20) feet in width shall be provided between it and the adjacent row of townhouses. However, where two (2) rows of townhouses which together are less than two hundred twenty-five (225) feet in length and immediately adjacent to each other, this open space between the ends of the two (2) buildings may be reduced to a minimum of fifteen (15) feet.
9. **Side Yard and Window Requirements**  
Townhouses shall be constructed up to side lot lines without side yards and no windows, doors or other openings shall face a side lot line except that the outside wall of end units may contain such openings.
10. **Zero Lot Line Dwellings**  
Zero lot line dwellings shall be constructed against the lot line on one side of a lot and no windows, doors or other openings shall be permitted on this side.  
  
Where adjacent zero lot line dwellings are not constructed against a common lot line, the builder or developer must provide for a perpetual wall maintenance easement of five (5) feet in width along the adjacent lot and parallel with such wall.
11. **Minimum Off-Street Parking Spaces**  
Minimum off-street parking spaces shall require two (2) parking spaces per unit. Each space shall be at least ten (10) feet wide and twenty (20) feet long.
12. **Fire Protection Review**  
All townhouses and zero lot line developments shall be subject to the review and approval of the Bay St. Louis Fire Chief who shall establish any additional requirements necessary for proper fire protection.
13. **Public Right-of-Way**  
Each townhouse or zero lot line structure shall abut upon a dedicated public right-of-way. The exception to this requirement shall be a common easement granted to each property owner, which said easement abuts on a dedicated public right-of-way. A declaration will be attached to each warranty deed stating that the maintenance for said easement shall be the responsibility of the adjoining property owners. This exception can only be granted by the City Council

## **SECTION 1006: BUILDING DESIGN REQUIREMENTS FOR MULTI-FAMILY DEVELOPMENT**

### **1006.1 APPLICABILITY**

This section of the Zoning Ordinance applies to new multi-family development projects which include ten (10) or more units in any of the following configurations:

- A. Attached or detached dwelling units on a single lot or parcel; or
- B. Buildings containing three (3) or more units on one or more lots.

### **1006.2 BUILDING DESIGN**

#### **A. Building Height and Setbacks**

Setbacks and building orientation shall be determined at the time of the Final Plan approval. For structures on parcels abutting an R-1, R-1A, R-2 or R-3 district, the building, or portion of the building exceeding thirty-five (35) feet in height shall be set back from the property line abutting said district a distance of one foot for every one foot of height in excess of thirty-five (35) feet, provided that the minimum required setback is met.

#### **B. Minimum Wall Articulation**

Any wall that faces a street that exceeds one hundred (100) feet in length shall include at least two (2) of the following within each successive sixty (60) foot section or part thereof:

1. Change in wall plane, such as projections or recesses, having a depth of at least three (3) percent of the length of the façade and extending at least twenty percent (20%) of the length of the façade.
2. Change in texture or masonry pattern
3. Windows
4. Trellises with vines or
5. Other design feature approved by that the City Council determined to adequately provide architectural interest.
6. Side or rear walls that face walkways may include false windows, either glazing or pattern, and defined by frames, sills, and lintels, or similarly proportioned modulations of the wall, provided actual doors and windows are not feasible because of the nature of the use of the building façade.

C. Building Materials

1. The primary building shall be constructed or clad with materials that are durable, economically-maintained, and of a quality that will retain their appearance overtime, including but not limited to, natural or synthetic stone, brick, stucco, integrally-colored, textured, or glazed concrete masonry units; textured, pre-stressed concrete systems approved by the Building Department; natural wood; or glass.
2. Natural wood or wood paneling (classified as “B” Grade and above) may be used as a principal exterior wall material, and durable synthetic materials with the appearance of wood may be used. Exterior building materials shall not include the following:
  - a. Vinyl siding;
  - b. Smooth-faced concrete block, painted or stained concrete block, tilt-up concrete panels, except on sides and rear of buildings that do not face a public street;
  - c. Field-painted or pre-finished standard corrugated metal siding; or
  - d. Standard single- or double- tee concrete systems.

D. Entrances

1. Number of Entrances Required  
Each principal building greater than fifty thousand (50,000) square feet (gross floor area) shall be provide at least two (2) entrances, each of which shall be on separate building facades that are oriented to a public street.
2. Prominent Entrances Required  
Each primary building on a site, regardless of size, shall have clearly-defined, highly visible entrances featuring no less than three (3) of the following:
  - a. Canopies or porticos
  - b. Overhangs
  - c. Recesses/ projections
  - d. Raised corniced parapets over the door
  - e. Peaked roof form
  - f. Arches
  - g. Outdoor patios
  - h. Architectural detail such as tile work and moldings integrated into the building structure and design; or
  - i. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

E. Roofs

All buildings encompassing fifty thousand (50,000) square feet or more of gross floor area shall provide screening for all roof-top equipment.

- F. Elevated Structures  
Base flood elevation and building design features shall comply with the Federal Emergency Management Agency (FEMA) regulations based on the elevations established in the applicable Flood Insurance Rate Maps. If areas between the base flood and grade are screened, then material that is compatible with materials used on the remainder of the building must be used.

## **SECTION 1007: SPECIAL PROVISIONS FOR MANUFACTURED HOME PARKS**

All Manufactured Home Parks shall conform to all applicable provisions of this Zoning Ordinance and all attached special conditions. All Manufactured Home Parks shall be subject to the following regulations:

### **1007.1 PROCEDURE**

In applying for a Major Site Plan Review for a Manufactured Home Park, the applicant shall submit a plan to the Zoning Official showing at least the following information:

- A. Name and address of applicant.
- B. Name and location of the Manufactured Home Park.
- C. Dimensions and locations of all lot lines, roads, and easements. Each Manufactured Home lot shall be numbered.
- D. Contour lines to indicate slope and drainage.
- E. Location of all utilities: public and private water, sewage, drainage, and electrical facilities and easements.
- F. Public areas such as visitor's parking, recreational areas, etc., if such areas are proposed.
- G. Large-scale plan of one typical manufactured home lot showing manufactured home location, automobile parking space, etc.
- H. Location of planting for landscaping purposes or as required for buffer area and landscaped area purposes as a special condition subject to the provisions of this Ordinance and supplemental Tree Preservation Ordinance (338).

### **1007.2 STANDARDS**

All Manufactured Home Parks shall conform to the following standards for development:

- A. All Manufactured Home Parks shall include lots for at least ten (10) manufactured homes. Manufactured homes are not permitted on lots outside of approved Manufactured Home Parks in any district unless specifically permitted by other provisions of this Zoning Ordinance for temporary or emergency use.
- B. Each manufactured home shall have a lot of at least four thousand (4,000) square feet if connected with a public sewer or nine thousand (9,000) square feet if not connected to a public sewer or whatever acreage requirement is determined by the County Health Officer.
- C. No manufactured home shall be located closer than twenty (20) feet to another manufactured home.

- D. A road having a pavement of at least twenty (20) feet wide shall provide direct access to a public street and to each manufactured home lot. The area occupied by the road shall not fulfill part of the area requirements for any lot. All roads shall be designed to enable manufactured homes entering the park to reverse directions without having to back more than one hundred (100) feet.
- E. Two paved automobile parking area shall be provided on every manufactured-home lot accommodating the number of parking spaces required by this Ordinance.
- F. All Manufactured Home Parks shall conform to the State Board of Health regulations which prescribe standards for water supply, sewage disposal, and other facilities. Each Manufactured Home Park shall be adequately drained in accordance with the City of Bay St. Louis Subdivision Regulations so that no manufactured home lot shall be subject to the collection of storm water.
- G. Manufactured Home Parks shall be surrounded by a buffer strip at least fifteen (15) feet in depth on the sides and rear and twenty-five (25) feet in depth in the front measured from the street right-of-way line, provided, however, that no side or rear buffer is required between adjacent Manufactured Home Parks.
- H. Buffer areas shall otherwise be unoccupied except for landscaping, utility facilities, signs, or entrance ornamentation.
- I. A minimum of ten (10) percent of the gross land area of the Manufactured Home Park shall be required for recreational purposes. The design and elements provided within recreational areas shall be subject to approval by the City Council.
- J. All streets, roadways and driveways within the Manufactured Home Park shall meet the minimum construction standards recommended by the Public Works Director. They shall be adequately lighted at night as determined by the Public Works Director.
- K. No Manufactured Home Park district shall contain less than three (3) acres.

### **1007.3 ISSUANCE OF A CERTIFICATE OF OCCUPANCY**

The Building Officer shall issue a certificate of occupancy only after he has determined that the Manufactured Home Park has been prepared according to all applicable regulations and special conditions. The applicant must also obtain a valid permit to operate from the State Department of Health as required by Mississippi Revised Statutes.

## **SECTION 1008: RECREATIONAL VEHICLE PARKS**

Recreational Vehicle (RV) Sites are permitted after Major Site Plan Review in the Casino and Resort Districts, and permitted by Special Exception in the C-3, WF-1, and WF-2 Districts providing the following conditions are met:

### **1008.1 RECREATIONAL VEHICLE PARKS IN MANUFACTURED HOME PARK ZONING DISTRICTS**

Recreational Vehicle Parks sited in the Manufactured Home Zoning District will remain distinct from the Manufactured Home Park in the manner of use. Recreational Vehicles shall not be located within a Manufactured Home Park and manufactured homes shall not be located within a Recreational Vehicle Park.

### **1008.2 CAMPSITE/RECREATIONAL SITE SIZE AND VEHICLE DENSITY**

The minimum size of the plot of ground intended to accommodate a recreational vehicle or other individual camping unit shall be a minimum of one thousand five hundred (1,500) square feet and shall not exceed fifteen (15) camp/Recreational Vehicle sites per acre. Each site shall be a minimum of fifteen (15) feet wide.

### **1008.3 GENERAL STANDARDS**

- A. A hard surfaced or graveled vehicle parking pad of at least twelve (12) feet by thirty (30) feet shall be provided for each Recreational Vehicle site.
- B. A minimum of one and one-half (1 ½) parking spaces shall be provided per site with at least one parking space at the site. All required parking shall be graveled or hard surfaced.
- C. A twelve (12) feet wide graveled path shall be from the road to the pad and parking.
- D. The Recreational Vehicle Park site shall be screened with a six (6) feet opaque screen from all other adjoining uses on site. Additionally a lower hedge and landscaping shall be added along any portion of the sites facing the street.
- E. Utilities:
  1. At a minimum electrical, water, sewer utilities and solid waste facilities shall be provided to each site.
  2. Common toilets and showers shall also be installed for any sites that will allow Recreational Vehicles without toilet and shower facilities internal to the vehicle.
  3. All utilities and health facilities shall be installed and conform to engineering, building and health regulations.

4. Parks without showers and toilets facilities that allow Recreational Vehicles without internal shower and toilet facilities shall have been deemed to violate the provisions of this Ordinance.
- F. The maximum length of stay for occupants shall be no more than one hundred eighty (180) days.
- G. No permanent structures shall be attached to the Recreational Vehicle or installed on the Recreational Vehicle site other than accessory uses limited to park management and recreation.
- H. Any other conditions that are deemed by the City Council to ensure the use blends well with the adjoining neighborhood.

## **SECTION 1009: TELECOMMUNICATIONS FACILITIES AND STRUCTURES**

### **1009.1 PURPOSE**

The purpose of the Wireless Telecommunication provisions are to ensure that residents and businesses in Bay St. Louis have reliable access to wireless telecommunications networks and state of the art communications services while also ensuring that this objective is achieved in a fashion that preserves the intrinsic aesthetic character of the community and is accomplished according to Bay St. Louis' zoning, planning, and design standards. The Telecommunications Act of 1996 preserved, with certain limitations, local government land use and zoning authority concerning the placement, construction, and modification of wireless telecommunications facilities. Bay St. Louis recognizes that facilitating the development of wireless service technology can be an economic development asset to Bay St. Louis and a significant benefit to its residents.

To accomplish the above stated objectives and to ensure that the placement, construction or modification of wireless telecommunications facilities complies with all applicable Federal laws, and is consistent with Bay St. Louis' land use policies, the City of Bay St. Louis is adopting the following provisions for wireless telecommunications facilities.

These provisions establish parameters for the siting of Wireless Telecommunications Facilities. It is the City of Bay St. Louis' intent to:

Ensure access to reliable wireless communications services throughout all areas of the City of Bay St. Louis;

Encourage the use of existing monopoles, towers, utility poles and other structures for the collocation of Telecommunications Facilities;

Encourage the location of new monopoles and towers in non-residential areas;

Minimize the number of new monopoles and towers that would otherwise need to be constructed by providing incentives for the use of existing structures;

Encourage the location of Monopoles and Towers, to the extent possible, in areas where the adverse impact on the community will be minimal;

Minimize the potential adverse effects associated with the construction of Monopoles and Towers through the implementation of reasonable design, landscaping and construction practices;

Ensure public health, safety, welfare, and convenience; and

Conform to Federal and State laws that allow certain antennas to be exempt from local regulations.

#### **1009.2 APPROVALS REQUIRED FOR TELECOMMUNICATIONS FACILITIES AND SUPPORT STRUCTURES**

- A. Special Exception  
Telecommunications facilities and support structures are not permitted by administrative approval but shall be permitted in any district upon the granting of a special exception in accordance with the standards set forth in this Ordinance.
- B. Exempt  
Ordinary maintenance of existing telecommunications facilities and support structures, as defined herein, shall be exempt from zoning and permitting requirements.
- C. In addition, the following facilities are not subject to the provisions of this Ordinance:
  - 1. Antennas used by residential households;
  - 2. Satellite antennas used solely for residential or household purposes; and
  - 3. Carrier on Wheels (COWs) placed for a period of not more than one hundred twenty (120) days at any location within the City of Bay St. Louis after a declaration of an emergency or a disaster by the Governor or by the responsible official of the City of Bay St. Louis.
- D. Antennas and accessory equipment may exceed the maximum building height limitations, provided the antenna and accessory equipment are in compliance with the requirements and standards of this Ordinance.

- E. Each antenna mounted on existing structures and any accessory equipment shall meet the following standards:
1. Omni directional or whip antennas shall not exceed twenty (20) feet in length and not exceed seven (7) inches in diameter and shall be of a color that is identical or similar to the color of the supporting structure to make the antenna and related accessory equipment visually unobtrusive.
  2. Directional or panel antennas shall not exceed ten (10) feet in length and two (2) feet in width and shall be of a color that is identical or similar to the color of the supporting structure to make the antenna and related accessory equipment visually unobtrusive.
  3. Cylinder-type antennas shall not exceed ten (10) feet in length and not exceed twelve (12) inches in diameter and shall be of a color that is identical or similar to the color of the supporting structure to make the antenna and related accessory equipment visually unobtrusive.
  4. Satellite and microwave dishes shall not exceed six (6) feet in diameter. Dish antennas greater than three (3) feet in diameter shall be screened with an appropriate architectural treatment that is compatible with or integral to the architecture of the building to which they are attached. This screening requirement shall not apply to dishes located upon towers or monopoles.
  5. Other antenna types not specifically mentioned above shall be permitted if these antennas are not significantly greater in size and will have a visual impact no greater than the antennas listed above. This provision is specifically included in this Ordinance to allow for future technological advancements in the development of antennas.
- F. Accessory equipment must comply with provisions of this Ordinance.

### **1009.3 NEW SUPPORT STRUCTURES**

- A. A new support structure less than eighty (80) feet in height may be permitted by special exception in all zoning districts in accordance with the requirements of this Ordinance.
- B. The height of any proposed support structure shall not exceed the minimum height necessary to meet the coverage objectives of the facility and allow for one additional carrier on the support structure.
- C. The setback of the structure shall be the height of the structure and shall apply to all property lines and be measured from the center of the base of the tower.

- D. In the case of a monopole or replacement pole that will support utility lines as well as a telecommunications facility may be permitted within utility easements or rights-of-way, in accordance with requirements of this Ordinance.
- E. Monopoles or replacement poles located on public property or within public rights-of-way that will support public facilities or equipment in addition to telecommunications facilities may be permitted in accordance with requirements of this Ordinance. Examples include, but are not limited to, municipal communication facilities, athletic field lights, traffic lights, street lights, and other types of utility poles in the public right-of-way.

#### **1009.4 FACILITIES PERMITTED BY SPECIAL EXCEPTION**

- A. Telecommunications facilities permitted by special exception must meet the requirements of the special exception use general conditions of this Ordinance.
- B. All special exception applications for telecommunications facility and support structures must contain the following:
  - 1. Special exception application form signed by applicant.
  - 2. Copy of lease or letter of authorization from the property owner evidencing applicant's authority to pursue zoning application.
  - 3. Written description and scaled drawings of the proposed support structure, including structure height, ground and structure design, and proposed materials.
  - 4. Number and type of proposed antennas and their height above ground level, including the proposed placement of antennas on the support structure.
  - 5. When locating within a residential area, a written technical and operational analysis of why a monopole or similar structure at a height of less than eighty (80) feet cannot be used.
  - 6. Line-of-sight diagram or photo simulation, showing the proposed Support Structure set against the skyline and viewed from at least four (4) directions within the surrounding areas.

7. A statement justifying why collocation is not feasible. Such statement shall include:
  - a. Such technical information and other justifications as are necessary to document the reasons why collocation is not a viable option; and
  - b. The applicant shall provide a list of all existing structures considered as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either unacceptable or infeasible due to technical, physical, or financial reasons. If an existing tower was listed among the alternatives, applicant must specifically address why the modification of such tower is not a viable option.
8. A statement that the proposed support structure will be made available for collocation to other service providers at commercially reasonable rates.
9. Special exception application fee.

C. Procedure

The procedures for review of the special exception shall follow the guidelines set forth for special exceptions in this ordinance.

#### **1009.5 GENERAL STANDARDS AND DESIGN REQUIREMENTS**

- A. Monopoles and towers shall be subject to the following:
  1. Monopoles shall be designed to accommodate at least two (2) telecommunications providers.
  2. The compound area surrounding the monopole must be of sufficient size to accommodate accessory equipment for at least two (2) telecommunications providers.
  3. Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration, monopoles are encouraged to use “stealth” design.
- B. Upon request of the applicant, the City Council may waive the requirement that new support structures accommodate the collocation of other service providers if it finds that collocation at the site is not essential to the public interest, or that the construction of a shorter support structure with fewer antennas will promote community compatibility.

C. Setbacks

1. Unless otherwise stated herein, monopoles and towers shall be setback from all property lines a distance equal to their height measured from the base of the structure to its highest point, including the lightning rod. Other support structures shall be governed by the setbacks required by the underlying zoning district.
2. Unless otherwise stated herein, all accessory equipment shall be setback from all property lines in accordance with the minimum setback requirements in the underlying zoning district.
3. The City Council shall have the authority to reduce or waive any required setback upon the request of the applicant if the telecommunications facility or support structure will be less visible as a result of the diminished setback and will not create any public harm. The City Council must also find that the reduction or waiver of the setback is consistent with the purposes and intent of this Ordinance. The structure must still meet the underlying setback requirements of the zone.

D. Height

1. Towers and monopoles shall not exceed a height of eighty (80) feet from the base of the structure to the top of the highest point. Any proposed support structure shall be designed to be the minimum height needed to meet the service objectives of the applicant.
2. Support structures other than towers and monopoles, shall not exceed a height equal of one hundred fifty (150) feet from the base of the structure to the top of the highest point. Any proposed support structure shall be designed to be the minimum height needed to meet the service objectives of the applicant.
3. In all districts, the City Council shall have the authority to reduce or waive the height restrictions listed in this section upon the request of the applicant and a satisfactory showing of need for a greater height. With its waiver request the applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the City Council.

E. Aesthetics

1. **Lighting and Marking**  
Telecommunications facilities or support structures may not be lighted or marked unless required by the Federal Communications Commission or the Federal Aviation Administration or at the request of City Council.

2. **Signage**  
Signs located at the Telecommunications Facility shall be limited to ownership and contact information, Federal Communications Commission antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.
3. **Landscaping & Landscaped Areas**  
In all districts, the City Council shall have the authority to impose reasonable landscaping requirements surrounding the accessory equipment. Required landscaping shall be consistent with surrounding vegetation and shall be maintained by the facility owner. The City Council may choose to not require landscaping for sites that are not visible from the public right-of-way or adjacent property or in instances where in the judgment of the City Council, landscaping is not appropriate or necessary.

**F. Accessory Equipment**

1. Accessory equipment, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in support of the operation of the telecommunication facility or support structure. Any equipment not used in direct support of such operation shall not be stored on the site.
2. An equipment building, shelter or cabinet must not exceed five hundred sixty (560) square feet and twelve (12) feet in height, including the support structure for the equipment building.
  - a. **Exception to Size**  
A single equipment building or shelter may exceed five hundred sixty (560) square feet, if it:
    - i. is located at ground level;
    - ii. is used by more than one telecommunication provider;
    - iii. and does not exceed one thousand five hundred (1,500) square feet.
  - b. **Exception to Height Restriction**  
Upon the Applicant's request, the City Council may waive the height restriction to allow for the stacking of equipment on top of each other. The City Council must find that there is a practical necessity for the stacking of the equipment and that any resulting impact on adjoining properties is minimal or may be minimized by the requiring of appropriate screening. The City Council may also waive the height restriction where a higher support structure is needed to raise the equipment above a floodplain.

3. If the Accessory Equipment is at ground level in a residential zone, the City Council may require that the building or shelter be faced with brick or other suitable material on all sides and that the compound area is surrounded by landscaping providing a screen of at least three (3) feet in height at installation. The Accessory equipment must conform to the setback standards of the applicable zone. In the situation of stacked equipment buildings, additional screening/landscaping measures may be required by the City Council.

#### **1009.6 SAFETY**

- A. Ground mounted accessory equipment and support structures shall be secured and enclosed with fence not less than six (6) feet in height as deemed appropriate by the City Council.
- B. The City Council may waive the requirement of Subsection (A) above if it is deemed that a fence is not appropriate or needed at the proposed location.

#### **1009.7 ABANDONMENT AND REMOVAL**

- A. Abandonment  
Any Telecommunications Facility or Support Structure that is not operated for a period of twelve (12) consecutive months shall be considered abandoned.
- B. Removal  
The owner of the Telecommunications Facility or Support Structure shall remove the Facility within six (6) months of its abandonment. The City of Bay St. Louis shall ensure and enforce removal by means of its existing regulatory authority.

#### **1009.8 MULTIPLE USES ON A SINGLE PARCEL OR LOT**

Telecommunications facilities and support structures may be located on a parcel containing another principal use on the same site.

#### **1009.9 LEGAL AND CONFORMING USE IF PERMITTED PRIOR TO ORDINANCE**

Telecommunications facilities and support structures that were legally permitted on or before the date this Ordinance was enacted shall be considered a permitted and lawful use.

#### **1009.10 NON-CONFORMING TELECOMMUNICATIONS FACILITY**

- A. Ordinary maintenance may be performed on non-conforming antennas and accessory equipment.
- B. Minor modifications to non-conforming telecommunications facilities may be permitted upon the granting of Administrative Approval by the Building Official.
- C. Major Modifications to non-conforming telecommunications facilities may be permitted only upon the granting of a Special Exception.

### **1009.11 NON-CONFORMING SUPPORT STRUCTURES**

- A. Ordinary Maintenance may be performed on Non-conforming Support Structure.
- B. Collocation of telecommunications facilities on an existing non-conforming support structure is permitted upon the granting of Administrative Approval by the Building Official.
- C. Minor modifications may be made to non-conforming support structures to allow for collocation of telecommunications facilities. Such minor modifications shall be permitted by Administrative Approval granted by the Building Official.
- C. Major modifications may be made to non-conforming support structures only upon the granting of a special exception.

## **SECTION 1010: AMENITY INCENTIVES IN RESIDENTIAL DISTRICTS**

### **1010.1 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.

### **1010.2 APPLICABILITY**

Section 1010 applies to the residential district uses in Sections 603 (R-1), 604 (R-1A), 605 (R-2), and 606 (R-3).

### **1010.3 PRELIMINARY SITE PLAN REQUIRED**

The Building Official shall have the authority to accept applications for the review of site plans required by this Section. Based upon the requirements for site plan review, a plan may be subject to Major or Minor Site Plan Review and the Process for site plan review, as defined in Article XI, Site Plan Review, to determine whether an amenity complies with the provision of this 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.

#### 1010.4 PROCEDURES

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

- A. A written statement describing the amenity, and location of the development for which the incentive is requested.
- B. 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.
- C. The type and amount of the amenity incentive the applicant is requesting along with the applicant's computation of such amount.
- D. A site plan drawn to scale incorporating the amenity incentive requested and illustrating the location and type of amenity to be provided.

The City Council may approve the amenity incentive, based upon a recommendation from the Planning Commission, in connection with the review of the Site Plan and a review of this section to determine whether an amenity to be provided complies with the provisions of this Section, and if so, may 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 may be disapproved.

#### 1010.5 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. 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.
4. Maintenance plan required.	

## **SECTION 1011: TREE PRESERVATION**

### **1011.1 PURPOSE AND INTENT**

- A. The Purpose of this Section of the Ordinance is to regulate, control and promote the planting of trees, to encourage the protection of existing trees in the streets and public grounds within the City, to regulate tree preservation, replacement and indiscriminate removal of trees on private property, both on unimproved lands and on land which has heretofore been improved to any extent whatsoever, and to establish procedures and practices for fulfilling these purposes.
- B. The intent of this Section of the Ordinance is to encourage the protection of existing trees and to promote the planting of additional trees in order to facilitate the control of soil conservation, air pollution and noise and to enhance the beauty, health and safety of the environment for the City.

### **1011.2 APPLICABILITY**

The provisions of this Section shall apply to protected trees that are located on any real property that is located or lying within any zoning district that has been designated on the Bay St. Louis Zoning map.

### **1011.3 DUTIES OF THE TREE PROTECTION ADVISOR**

- A. **Purpose of the Position**  
The position of Tree Protection Advisor shall direct, regulate and control the care and necessary removal of all protected trees existing now and hereinafter in the City.
- B. **Qualifications of the Tree Protection Advisor**  
The Tree Protection Advisor shall be an arborist or horticulturist.
- C. **Duties of the Tree Protection Advisor**  
The Tree Protection Advisory shall take active steps to process and render decisions granting or denying applications for permits under this Section.
- D. **The Tree Protection Advisor shall have the authority to take actions, when necessary, to stop or prevent continuing damage to existing protected trees.**
- E. **Appeal of a Decision of the Tree Protection Advisor**  
Any decisions of the Tree Protection Advisor, as authorized herein, shall be final unless an appeal is submitted to the City Council.

#### 1011.4 PERMIT REQUIRED

##### A. Tree Removal

1. It shall be unlawful for any person, without first obtaining a permit to do so as herein provided, to remove, cause to be removed, relocate or substantially alter or to effectively removed as a result of damaging or destroying any protected tree.

It shall be unlawful for any licensed tree surgeon, service company or general contractor to remove, cause to be removed, relocate or substantially alter or to effectively remove as a result of damaging or destroying any tree covered in Section 1011, without first having in its possession a proper permit authorizing the removal of said tree.

2. Upon the second violation of the terms and provision of this article by any licensed tree surgeon, service company or general contractor, the Mayor and City Council may, after investigation by the Tree Protection Advisor and upon subsequent recommendation to them, revoke for a period of six (6) months the city privilege license of said tree surgeon, service company or general contractor.

##### B. Site Plan for Development or Redevelopment

A site plan for the development or redevelopment of any tract of land located in the city shall be submitted to the city, along with the application for a building permit, prior to the removal of any tree as herein defined. No building permit shall be issued until the protected tree site plan has been reviewed and approved in writing by the tree protection advisor.

The protected tree site plan, in quadruplicate, must show, in addition to the usual requirements, the following information at a scale sufficient to enable the determination of matters required under these regulations:

1. The shape and dimensions of the lot or parcel, together with the existing and proposed locations of structure and improvements, if any.
2. Location and dimensions of all protected trees identified by common or botanical name. Trees proposed to remain, to be relocated or to be removed shall be so identified. Groups of trees in close proximity, three-foot spacing or closer, may be designated as a "clump" of trees and predominant species, estimated number and average size listed.
3. A statement showing how trees not proposed for removal are to be protected during land clearing and construction, i.e., a statement as to proposed protective barriers as defined in Section 302.193.
4. Statement as to grade changes proposed for the lot or parcel, and how such changes will effect these regulations.

5. Any proposed tree replacement program.
6. The Tree Protection Advisor may require the applicant to furnish additional information as he deems necessary and appropriate to properly analyze the application.

The function of the Tree Protection Advisor in the review of the site plans will be to assure that protected trees are preserved and retained within the city. A permit from the Tree Protection Advisor shall specify the work to be done and may inspect the work in progress and make a final inspection upon the completion of the work as necessary. The building official shall have concurrent authority to enforce the regulations of this Section in the event that the Tree Protection Advisor is unable to inspect any work for the purpose of ensuring compliance with this Section.

C. Building Moving Permits

The Tree Protection Advisor, along with any other affected city department shall review and approve or disapprove all applications for building moving permits to ensure that such movement will not endanger any tree specified in this Ordinance.

**1011.5 APPLICATION**

Any person wishing to obtain a permit to remove a protected tree or trees shall make written application to the Tree Protection Advisor through the building official with a filing fee of twenty-five (\$25.00) per site. When an application as required by this section has been submitted, no permit shall be issued until a tree site plan for the lot or parcel has been submitted by the applicant to the Tree Protection Advisor and reviewed and approved by the Tree Protection Advisor. Upon a proper showing by the applicant of extreme hardship due to causes unrelated to the acts or omissions of the applicant, the Tree Protection Advisor, in his discretion may waive all or part of the requirements for the tree site plan submission.

**1011.6 CRITERIA FOR ISSUANCE OF A PERMIT**

After the application is filed with the building department, the tree protection advisor shall consider the following criteria in the approval or denial of a tree permit for the removal, relocation or substantial alteration of a protected tree.

- A. The condition of the tree or trees proposed to be removed with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interference with utility services.
- B. The necessity of removing the tree or trees in order to construct the proposed improvements or structures to allow reasonable economic use of the property.
- C. The effect of removal on erosion, soil moisture retention, flow of surface waters and coordination with the drainage system plan of the City.

- D. The number and density of trees in the area, and the effect of tree removal on property values of the neighborhood and other existing vegetation.
- E. Whether any trees proposed to be removed is worthy of preservation.
- F. Impact upon the urban and natural environment, including:
  - 1. Whether tree removal would substantially alter the water table or affect the stability of ground and surface water.
  - 2. Whether tree removal would affect water quality and aquifer recharge by reducing the natural assimilation of nutrients, chemical pollutants, heavy metals and other substances from ground and surface waters during the movement of water towards an aquifer or natural stream.
  - 3. Whether tree removal would have an adverse impact upon existing biological and ecological systems.
  - 4. Whether tree removal would affect noise pollution by increasing source noise level to such a degree that a public nuisance or violation of noise control would occur.
  - 5. Whether tree removal will affect air movement by significantly reducing the ability of existing vegetation to reduce wind velocities.
  - 6. Whether tree removal will affect quality by significantly affecting the natural cleansing of the atmosphere by vegetation.
  - 7. Whether tree removal will affect wildlife habitat by significantly reducing the habitat available for wildlife existence and reproduction or causing the emigration of wildlife from adjacent or associated ecosystems.
- G. The ease with which the applicant can alter or revise the proposed development or improvement to accommodate existing trees.
- H. The economic hardship that would be imposed upon the applicant were the permit denied.
- I. The heightened desirability of preserving tree cover in densely developed or densely populated areas.
- J. The need for visual screening in transitional zones or relief from glare, blight, commercial or industrial ugliness or any other visual affront.
- K. Whether the continued presence of the tree or trees is likely to cause danger to a person or property.

- L. Whether the topography of the area in which the tree or trees is likely to cause danger to a person or property.
- M. Whether the removal of the trees is for the purpose of thinning a heavily wooded area where some trees will remain.

#### **1011.7 TREE RELOCATION OR REPLACEMENT**

As a condition to the granting of a tree removal permit, the applicant may be required to:

- A. Relocated those protected trees which would otherwise be destroyed to another location upon the site; or
- B. To replace those protected trees which will be destroyed with suitable replacement trees elsewhere within the site. In determining the required relocation or replacement of trees, the Tree Protection Advisor shall consider the needs of the intended use of the property, including all lands dedicated to public use, together with an evaluation of the following:
  - 1. Existing tree coverage on the site and in the immediate surrounding area.
  - 2. The number of trees to be removed on the entire site.
  - 3. The type, size and condition of the tree or trees to be removed.
  - 4. The area to be covered with structures parking and driveways.
  - 5. The feasibility of relocating the particular tree or trees.
  - 6. The topography and drainage of the site.
  - 7. The extent to which the tree or trees contribute to the aesthetic, economic and environmental integrity of the surrounding area.
- C. Each replacement tree shall have characteristics comparable to those of the proposed tree to be removed and shall be a minimum of one and one-half inch (1 ½") caliper nursery stock, seven foot (7') minimum height after planting. The type of replacement trees and location of relocated or replacement trees shall be identified by the Tree Protection Advisor prior to the issuance of a tree permit. Each replacement tree shall enjoy the same protection as any protected tree as defined herein. Each protected tree shall be replaced at a one to one ratio and must survive for at least twelve (12) months to fulfill the regulations of this section. If any such replacement tree should die within the twelve (12) month period then it shall be replaced under the same provisions previously stated.

- D. Where the residual density of natural trees (any species with a total caliper trunk of two (2) inches or six and one-quarter (6 ¼) inches in circumference or larger in any lot or site is greater than the standards listed below, the requirement for replacement trees to be planted will be waived. If the residual density of natural trees is less than the standards listed below, the property owner or developer will be required to plant trees to the property density.

Site Area (Sq Ft)	Required Trees
0 to 10,000	1 tree per 1,000 square feet
10,000 to 110,000	10 trees for the first 10,000 sq ft plus 1 tree per 2,500 sq ft over 10,000 sq ft
Over 110,000	50 trees for first 110,000 sq ft plus 1 tree per 5,000 sq ft over 110,000 sq ft

#### **1011.8 TREES ON PUBLIC PROPERTY**

##### **A. Trimming, Pruning, Planting and Removal of Trees on Public Property**

1. Except as provided herein, any person desiring to remove, destroy, cut, severely prune, including the root system, or treat any tree in and upon any public street or public property owned by the City, its agencies, boards, authorities and commissions, shall first obtain a written permit from the Tree Protection Advisor. Any work performed under such permit must be done in strict accordance with the conditions of the permit and the provisions of this Section.
2. Individual permit shall not be required of public and private utility companies which install overhead and underground utilities (including cable television and water and sewer installations by or at the direction of the public works department) regardless of whether such activities are conducted on public or private property by such utility companies, or that a determination is made that the services provided by them are necessary for the general health, safety and welfare of the citizens of the city. Their actions that would ultimately result in the destruction of any tree designated by this Ordinance shall be limited to the amount necessary in order to provide such utility service. The companies' written pruning and trenching specifications along with specific site location shall be reviewed by the Tree Protection Advisor for their comments.
3. Any person desiring to plant a tree upon any public street or public place must also obtain a permit from the Tree Protection Advisor. However, before the issuance of a permit to plant, the request must also be reviewed by the Public Works Director for the city to determine if the proposed planting would create a sight distance hazard for traffic. The filing fee of ten dollars (\$10) will be waived in obtaining this permit.

**B. Injuring Trees in Public Places**

1. It shall be unlawful for any person, except with a written permit, to place or maintain upon the ground in any public street or public place any stone, cement or other impervious matter or substance in such a manner as may obstruct the free access to air and water to roots of any tree in any such street or place.
2. It shall be the responsibility of the person in charge of the erection, repair, alteration or removal of any building or structure to place a guard or protector around any tree on public ground so as to prevent injury to such tree arising out of such erection, repair, alteration or removal. If the erection, repair, alteration or removal of any structure shall require the trimming, pruning or removal of any tree upon public ground, a written permit shall be obtained as provided in this section.
3. It shall be unlawful for any person to attach to any tree in and upon any public street or public place or to the guard or stake intended for the protection of such tree, any rope, wire, chain, sign or other device whatsoever except for the purpose of protecting it.

**C. Trimming of Trees Adjacent to Public Property**

Trees standing in or upon any lot or land adjacent to any public right of way or public place and having branches, limbs, trunks or other parts projecting into the public right of way or place which have been determined by the City's Public Works Director, or his designee, to interfere with the free and safe passage and line of sight along the public right of way by pedestrians and vehicular traffic may be kept trimmed by the City.

**1011.9 OTHER REQUIREMENTS**

**A. Construction near Trees**

During construction, the builder shall be required to erect suitable protective barriers around all such protected trees to be preserved. Excluding sidewalks and driveways, no person shall pave with concrete asphalt or other impervious material within five (5) feet of the outside diameter of any tree. If necessary, the Tree Protection Advisor will require additional footage beyond the minimum requirement of five (5) feet from the outside diameter of any protected tree to prohibit impervious materials. During construction, no attachments or wires other than protective guy wires shall be attached to any trees. Filling under the spread of limbs of any protected trees is hereby limited to one (1) inch of soil unless protective measures are taken as approved by the Tree Protection Advisor.

**B. Restricted Trees**

No tree shall be allowed to grow in such a manner as to interfere with the visibility of vehicular traffic thereby creating a situation that is dangerous to the public health, safety and welfare. Such determination shall be made by the Public Works Director, and/or his designee, and upon a finding of interference, such tree may be trimmed or removed as allowed in Section 1011.8 (C) above.

**1011.10 TEMPORARY WAIVERS FOLLOWING DISASTER**

In case of emergencies, such as windstorms, ice storms, fire or other disasters, the requirements of this Section may be waived by the Mayor or City Council during the emergency period so that the requirements of this Section would in no way hamper private or public work to restore order to the City. This shall not be interpreted to be license to circumvent the intent of this Section.

**1011.11 PERMIT EXEMPTIONS**

- A. All tree nurseries that are legally recognized by the city shall be exempt from the terms and the provisions of this section only in relation to those trees which are so planted and growing for the sale or intended sale to the general public in the ordinary course of business or for some public purpose.
- B. All groves of trees in active commercial operation shall be exempt from the terms and provision of this section for bona fide agricultural purposes only.

**SECTION 1012: GARAGE AND YARD SALES**

A garage or yard sale is defined to mean a sale of any used personal property, which sale is conducted on or about the premises of a private residence, by any resident or residents of a neighborhood, one of whom must be an occupant of the premises and which sale is open to the public.

**1012.1 FREQUENCY**

The maximum period of each sale is two consecutive days; maximum number of sales allowed per year is four for any one family unit, location, lot or premises. All participants in any joint sale must be named on the permit.

**1012.2 DISPLAY OF GOODS FOR SALE**

Goods for sale shall not be displayed on public property. Neither shall such goods be displayed on private property in a manner which will materially impede visibility or pedestrian or vehicular traffic on or off the premises

**1012.3 PARKING REQUIREMENTS**

Parking shall be provided for all persons attending the sale in a manner that would not affect the free flow of traffic on a public street near a garage sale.

**1012.4 PUBLIC ADDRESS SYSTEM PROHIBITED**

The use of a public address system shall be prohibited at garage sales.

**1012.5 INSPECTION FOR VIOLATIONS AND PENALTIES**

**A. Enforcement**

For the purpose of enforcing the provisions of this Ordinance, the City of Bay St. Louis, through the Building Official, shall have the right of entry to any premises showing evidence of a garage sale and may close the premises from such a sale where any provisions of this Ordinance are being violated.

**B. Penalties**

Violation of this Ordinance or failure to comply with any of its provisions is punishable by an imprisonment of not exceeding thirty (30) days or by a fine not to exceed two hundred dollars (\$200.00), and each violation shall constitute a separate offense.

## **SECTION 1013: SEXUALLY EXPLICIT BUSINESSES**

### **1013.1 PURPOSE**

The interest of the City of Bay St. Louis City Council in adopting this section regulating sexually oriented businesses is to establish reasonable and uniform regulations that will protect the health, safety and general welfare of the people of the City of Bay St. Louis, Mississippi. The provisions of this Ordinance, acting along with or together with other applicable city ordinances, have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult material. Similarly, it is not the intent or effect of this Section to restrict or deny access by adults to adult materials or expression protected by the First Amendment, or to deny access by distributors and exhibitors of adult uses to their intended market.

### **1013.2 LICENSE REQUIRED**

- A. It shall be unlawful for any person to operate a sexually oriented business in the City of Bay St. Louis without first obtaining and maintaining in effect a business license as required in this section.
- B. The license fee shall be \$500.00
- C. Application and Contents
  1. Any person desiring to obtain a business license shall make application to the City Clerk, who shall refer each such applicant to the Building Department for appropriate investigations.
  2. In addition to the requirements set forth in Section 1013.3 (B), applicants for a license shall file with the City Clerk the following information:
    - a. An ownership disclosure form signed by each individual who has ten (10) percent or greater interest in the businesses. If a corporation is listed as the owner of the sexually oriented business, each individual having a ten (10) percent or greater interest in the corporation or a ten (10) percent or greater interest in any corporation having an ownership interest in such corporation must sign the ownership disclosure form. All signatures must be notarized.
    - b. A diagram of the building is required.
    - c. The full legal name and current address of each owner disclosed under subsection (2) (a) of this section.
    - d. Any other names by which the applicant has been known during the previous five (5) years.

- e. The business license history of the applicant, whether the applicant, in previously operating in this or another city or state under licensure, has had such license revoked or suspended, the reasons therefore, the type of business activity or occupation for which the prior license was suspended or revokes, and the business activity or occupation subsequent to such suspension or revocations.
  - f. All felony and misdemeanor convictions, excluding those for traffic offences, of the applicant and each owner disclosed under subsection (2) (a), recorded by the police department
  - g. The applicant's complete fingerprints, and the fingerprints of each owner disclosed under subsection (2) (a), recorded by the police department.
3. Investigation of applicant and owners, inspection of site.
- a. The police department shall investigate the application and the background of the applicant and all owners disclosed under section (2) (a), and shall report to the City Clerk the results of such investigation within thirty (30) days of the application or any renewal application.
  - b. The police department shall request from the Criminal Investigation section of the State Department of Public Safety a background check of the applicant and all owners disclosed under section (2) (a).
  - c. The fire department shall inspect the proposed site and shall report to the City Clerk the results of such inspection within thirty (30) days of the application or any renewal application. No sexually oriented business license shall be issued or renewed unless inspection by the fire department indicates the site of the proposed business complied with all the applicable provisions of the fire code.
  - d. The code enforcement officer shall inspect the proposed site, and shall report to the City Clerk the results of such inspection within thirty (30) days of the application or any renewal application. No sexually oriented business license shall be issued or renewed unless inspection by the fire department indicates the site of the proposed business complies with each of the following:
    - i. All applicable portions of the building code;
    - ii. The interior conforms with the requirements in this section;

- iii. The planning department shall review the proposed location, and shall report to the City Clerk within thirty (30) days of the applicant or any renewal application whether the location conforms to the requirements of the this Ordinance. No sexually oriented business license shall be issued unless the planning department certified that the location of the proposed business conforms to the requirements of the Zoning Ordinance.
- iv. The location requirements of this section are met.

D. Renewal and Fee

- 1. Every sexually oriented business must renew its license annually.
- 2. Each license renewal is contingent upon compliance with the requirements of this Section.
- 3. The license renewal fee is \$500.00.

E. Sale of Transfer of Interest; New License Required

- 1. The license of a sexually oriented business may be denied, revoked, suspended or denied renewal upon any one or more of the following grounds.
  - a. The licensee is guilty of fraud or deceit in obtaining a license to conduct such business.
  - b. The licensee is or has been, within two (2) years prior to the date of application, convicted in a court of competent jurisdiction of a felony or misdemeanor involving moral turpitude, including the sale of illegal drugs, obscene items, or items that are harmful to minors.
  - c. The licensee is guilty of untrue, fraudulent, misleading or deceptive advertising.
  - d. The licensee has violated or refused to comply with any of the provisions of this Section.
  - e. The licensee has conducted the business in violation of applicable laws.
- 2. To suspend or revoke a license, the clerk or his agent shall deliver or mail it certified mail to the applicant's business address, as shown on the application, or otherwise more recently of record, a written notice that such license is suspended or revoked. The cause for such suspension or revocation shall be set forth in the notice. A suspended or revoked license shall be surrendered to the City Clerk.
- 3. A sexually oriented business that violates any provision of this Ordinance is subject to closure as a public nuisance.

### **1013.3 LOCATION RESTRICTIONS**

#### **A. Location Restrictions**

1. No sexually oriented business may be located within one thousand (1,000) feet of any residential zoned property, nor within one thousand (1,000) feet of any church, school, child-care facility or public recreation areas which is validly located or has previously received legal authority to so locate.
2. No sexually oriented business may be located within five hundred (500) feet of any other such business.
3. The distance requirements under numbers (1) and (2) of this subsection shall be measured along a straight line from the nearest residential zoning district or the nearest property line of the church, school, child care facility, public recreation area or sexually oriented business to the closest property line of the sexually oriented business. In a multi-tenant or multi-user building, such as a shopping center, such distance requirements shall be measured from the unit or closest portion of the building or structure utilized by land containing or being utilized by any facet of the sexually oriented business.
4. Nothing in this section shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section of this Ordinance. Additionally, nothing in this Ordinance shall be construed to authorize, allow or permit the establishment of any business, the performance of any activity, or the possession of any item, which is obscene under the judicially established definition of obscenity.

#### **B. Requirements for Premises and Facilities**

A sexually oriented business which exhibited on the premises a film, videocassette, other video production, or live performance which depicts actual or simulated specified sexual; activities or specified anatomical areas shall comply with the following requirements;

1. This business shall submit to the City's building and code enforcement department a professionally prepared blueprint or diagram of the premises showing the location of one or more manager's station, the location of all overheard lighting fixtures and the part of the premises where patrons are not permitted. A manager's station shall not exceed thirty-two (32) square feet in floor area, and the relative dimensions of the floor area shall be such that the length is no more than twice the width. Each blueprint or diagram must be drawn to a designated scale with an accuracy of plus or minus six inches.
2. No alteration of the interior of the premises may be made without submitting a new blueprint or diagram in compliance with subsection (1) above to the building and code enforcement department.

3. The business shall have at least one employee situated in each manager's station at all times that a patron is present inside the premises.
4. Each manager's station shall have an unobstructed view of every area of the premises to which a patron is permitted access for any purpose including, but not limited to, any viewing area, booth or cubicle, excluding restrooms. Restrooms may not contain video production equipment to be used for live performances. The view required by this subsection shall be by direct line of sight from the manager's station.
5. No viewing area, booth or cubicle may be enclosed, and walls around any such viewing area, booth or cubicle must have a doorway, entrance or other opening of at least one-quarter of the size of the perimeter or circumference of the walls.
6. No viewing area, booth or cubicle may be occupied by more than one person at any time.
7. The operator of the business and any agents, managers and employees present on the premises shall ensure that the view specified in subsection (4) of this section and the opening specified in subsection (5) of this section remains unobstructed by any doors, walls, curtains, merchandise, display racks or other materials at all times and that no patron is permitted access to any part of the premises which has been designated as an area in which patrons are not permitted.
8. The premises shall be equipped with overhead lighting fixtures of an intensity of at least seventy (70) foot-candles to illuminate every place to which patrons are permitted access. Such lighting fixtures shall be maintained and shall illuminate the premises during all business hours.
9. Any area in which a live performance occurs shall have a partition of solid construction without any holes or openings, at least five (5) feet in length measured from the stage, which partition may be completely or partially transparent and which partition separates the performer or performers from the person or persons viewing the performance.

#### **1013.4 OPERATION REQUIREMENTS FOR SEXUALLY ORIENTED BUSINESSES**

Each sexually oriented business shall observe the following general requirements.

- A. Conform to all applicable building statutes, codes, ordinances and regulations, whether federal, state and local.
- B. Conform to all applicable fire statutes, codes, ordinances and regulations, whether federal, state or local.
- C. Conform to all applicable health statutes, codes, ordinances and regulations, whether federal, state or local.
- D. Conform to all applicable zoning regulations and land use laws, whether state or local.

#### **1013.5 UNLAWFUL ACTIVITIES**

- A. It shall be unlawful for the proprietor, manager or any employee to sell or allow the consumption of an alcoholic beverage on the premises of a sexually oriented business.
- B. It shall be unlawful for any person to consume an alcoholic beverage on the premises of a sexually oriented business.
- C. It shall be unlawful for the proprietor, manager or any employee of a sexually oriented business to knowingly, or with reason to know, permit, suffer or allow:
  1. Admittance to the sexually oriented business of a person under twenty-one (21) years of age.
  2. A person under twenty-one (21) years of age to remain at the sexually oriented business.
  3. A person under twenty-one (21) years of age to purchase goods or services at the sexually oriented business.
  4. A person to work at the sexually oriented business as an employee who is under twenty-one (21) years of age.

#### **1013.6 PENALTY FOR VIOLATION**

Violation of this Section of the Ordinance is punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding ninety (90) days, or both. Every day any such violation continues shall constitute a separate offense. In addition, sexually oriented businesses shall be subject to the appropriate civil action, including injunctive relief, in the court of appropriate jurisdiction for their abatement.

## **ARTICLE XI SITE PLAN REVIEW**

### **SECTION 1101: PURPOSE**

The general appearance, style, and design of developments are of prime importance to the City of Bay St. Louis and its citizens. The appearance of Bay St. Louis reflects the high quality of life to be found in Bay St. Louis and the high standards which the citizens have set for themselves and for their government. The regulations of this Article are one of the important tools for ensuring that the high quality and standards for which Bay St. Louis is known will be maintained and perpetuated.

### **SECTION 1102: APPLICABILITY**

Site Plan Review shall be required for all construction, reconstruction or alteration within the City of Bay St. Louis, except as otherwise provided in this section.

#### **1102.1 BUILDINGS AND DEVELOPMENTS REQUIRING MAJOR SITE PLAN APPROVAL**

- A. Major construction or development shall mean either a building which exceeds five thousand (5,000) square feet in area or a site which is larger than two (2) acres in area. The following buildings and developments shall require major site plan approval by the City Council after review by the Planning and Zoning Commission, in accordance with the procedures of this Article prior to the issuance of any building permit:
1. Multi-family developments
  2. Shopping centers and malls
  3. Casinos
  4. Hotels/Motels
  5. All commercial recreation facilities
  6. Recreational Vehicle Parks and campgrounds
  7. Theaters
  8. Sports arenas
  9. Office complexes
  10. Other non-residential major construction or development within R-3, OC, C-1, C-2, C-3, I-1, I-2, CD, RD, S-1, WF-1, WF-2 and WF-3 Districts, and within all newly annexed areas.

- B. Process for Major Site Plans:
1. The application for review of the site plan will be made to the Building Official.
  2. The Site Plan will be reviewed by City staff and members of the Planning and Zoning Commission. Comments will be reported to the appropriate City Department.
  3. After the entire Planning and Zoning Commission receives the report from the City Staff, the Planning and Zoning Commission will review the report and make a recommendation which will be sent to the City Council.
  4. The City Council will make a final decision.

**1102.2 BUILDINGS AND DEVELOPMENT REQUIRING MINOR SITE PLAN REVIEW AND APPROVAL**

- A. All other buildings and developments not included above shall require minor site plan approval by the Building Official and the Planning and Zoning Commission prior to the issuance of any building permits, unless the development or improvements is listed as an exemption.
- B. Process for Minor Site Plans:
1. The application for review of the site plan will be made to the Building Official.
  2. The site plan will be reviewed by the Planning and Zoning Commission and make comments.
  3. A decision will be made by the Planning and Zoning Commission.

**1102.3 EXEMPTION FROM SITE PLAN APPROVAL REQUIREMENTS**

The following types of projects are exempt from the Site Plan Approval Process:

- A. Non-residential building addition less than twenty-five percent (25%) of the size of the building, or less than two thousand five hundred (2,500) square feet.
- B. Non-residential accessory structures of less than twenty-five percent (25%) of the size of the building or buildings on the property.
- C. Non-residential interior renovations and/or repair.
- D. Non-residential exterior renovations and repair which cost less than twenty-five percent (25%) of the value of the building as per the records of the Hancock County Tax Assessor.
- E. New construction of a single family home on an individual lot.
- F. New construction of a duplex building on a single lot.

## **SECTION 1103: GENERAL DESIGN STANDARDS**

All site plans submitted shall meet the following standards before they may be approved by the Planning and Zoning Commission or City Council:

### **1103.1 COMPLIANCE WITH ALL AREA, YARD AND HEIGHT REQUIREMENTS**

The proposed development shall comply with all lot area, lot width, front yard, side yard, height, lot coverage requirements and other development standards for the zoning district in which it is located, as set forth in this Ordinance;

### **1103.2 COMPLIANCE WITH DESIGN FOR LANDSCAPING AND BUFFER REQUIREMENTS AND OTHER DEVELOPMENT STANDARDS**

The proposed development shall comply with the building design, landscaping, and buffer requirements and other development standards for the zoning district in which it is located and supplemental regulations as set forth in this Ordinance;

### **1103.3 COMPLIANCE WITH OFF-STREET PARKING AND LOADING REQUIREMENTS**

The proposed development shall comply with the off-street parking and loading requirements set forth herein;

### **1103.4 ADEQUATE TRAFFIC CIRCULATION AND CONTROL PATTERNS**

Traffic circulation and control patterns within the site shall be adequate to provide access to adjoining properties and streets;

### **1103.5 PEDESTRIAN CIRCULATION**

Walkways shall be located so that pedestrians may walk from store to store or building to building on the site and on adjacent properties, with the minimum possible conflicts with vehicular traffic and the maximum possible efficiency of pedestrian circulation;

### **1103.6 TRAFFIC CIRCULATION TO ADJACENT PROPERTIES**

Wherever possible, all walkways, travel lanes, and driveways shall be connected with related facilities on adjacent properties;

### **1103.7 CURB AND GUTTER REQUIRED**

Where on-site travel lanes and/or driveways connect to adjacent properties and allow traffic movement between adjacent properties, such lanes and driveways shall be constructed with curbs and gutters meeting the requirements of the City's street and storm sewer construction standards;

### **1103.8 PARKING LOCATION PROHIBITIONS**

Parking shall not be allowed along the travel lanes and driveways, and adequate no-parking signs shall be installed along all such travel lanes and driveways;

### **1103.9 ADEQUATE PUBLIC FACILITIES**

Water supplies, fire protection facilities, and sanitary sewer facilities shall be adequate to serve the type and amount of development proposed;

**1103.10 ADEQUATE DRAINAGE FACILITIES**

Drainage systems shall be adequate for the disposition of storm water;

**1103.11 COMPLIANCE WITH OTHER APPLICABLE REQUIREMENTS**

The proposed development shall meet all other applicable requirements herein;

**1103.12 PUBLIC ACCESS REQUIRED TO PUBLIC NATURAL RESOURCES**

Public access to all public natural resources shall be provided through all properties abutting a natural resource or an access to a natural resource.

**1103.13 COMPLIANCE WITH ALL FLOOD RELATED ORDINANCES**

Approval of the Floodplain Manager must be obtained in accordance with all supplemental flood related ordinances.

**SECTION 1104: REQUIRED IMPROVEMENTS**

**1104.1 REQUIRED FEATURES**

In addition to meeting the standards set forth above, the developer or applicant shall be required to do the following:

- A. To dedicate any additional right-of-way necessary to achieve the width required by the City for all streets adjoining the property;
- B. To construct required streets, both public and private and all drives and other means of access to the property and to the required parking and loading areas;
- C. To construct streets required by the City;
- D. To install sidewalks where the public safety and convenience warrant, in view of existing and expected pedestrian traffic;
- E. To install required utilities in accordance with City standards;
- F. To install required private street lighting.
- G. To install required storm water drainage and retention.
- H. To install all landscaping, screening and buffering required by this Ordinance and the Tree Protection Ordinance;
- I. To install all other improvements required in connection with the approval of the site plan as deemed necessary by the City Council to promote and protect the health, safety, morals and general welfare of the municipality.
- J. Adhere to the requirements set forth in the City of Bay St. Louis' Subdivision Regulations, Ordinance #248.

#### **1104.2 TIMING OF INSTALLATION OF REQUIRED IMPROVEMENTS**

Functional fire protection shall be provided to the site within thirty (30) days after combustible materials are placed on the site.

#### **1104.3 LEVEL REQUIRED FOR CERTIFICATES OF OCCUPANCY**

The Building Department shall issue no permanent certificate of occupancy for the development until and unless the developer has installed all improvements, landscaping, and other elements in accordance with the requirements of this Ordinance, the approved site plan, and any minor changes to the approved site plan granted by the Building Official pursuant to this Ordinance, and as covered under the International Building Code. A conditional certificate of occupancy may be issued, for a period not to exceed ninety (90) days, where minor deficiencies and defects remain to be cured, provided that:

- A. Such defects or deficiencies do not render the improvements dysfunctional;
- B. The developer has provided the City with an agreement secured by an irrevocable letter of credit with the City, in an amount equal to one and one-half (1 1/2) times the estimated cost of the required improvements, landscaping, and/or other features remaining to be installed, as determined by the City Council, with sureties guaranteeing the installation of the required improvements.
- C. Prior to approval of any certificates of occupancy, the Building Department shall inspect all improvements for conformance with the requirements of this Ordinance, the approved site plan, and any minor changes to the approved site plan granted by the Building Official pursuant to this Ordinance. The Building Department shall have ten (10) days after the applicant has requested an inspection, to inspect and to certify the improvements as being constructed in accordance with the requirements or to provide the applicant with a list specifying all defects, deficiencies, and required repairs.
- D. Any such list of defects, deficiencies, and required repairs shall be delivered to the applicant in person or by registered or certified mail, return receipt requested, and shall require that the defect and deficiencies stated therein shall be satisfactorily corrected within sixty (60) days of the date the list was mailed or delivered. If the applicant fails to correct all defects and deficiencies and to make all required repairs within this sixty (60) day period, then the necessary improvements and repairs may be completed by the City at the expense of the applicant, using funds from any guarantees provided by the applicant.

- E. Upon completion of the required improvements the applicant may apply to the Building Official for a Certificate of Completion and discharge of any guarantee provided above. If the City Council finds that the improvements conform to the requirements of this Ordinance, the approved site plan, and any minor changes to the approved site plan granted by the Building Official pursuant to this Ordinance then the Building Department shall issue such Certificate and release the guarantee or, where some work covered by the guarantee remains to be completed, that portion of the guarantee covering the work that has been satisfactorily completed.
- F. The City reserves the right to hold building permits or certificates of occupancy until the improvements have been completed and accepted.

#### **1104.4 ACCEPTANCE OF IMPROVEMENTS FOR CITY MAINTENANCE**

The installation of improvements shall in no case bind the City to accept any such improvements for public maintenance or operation thereof. If such improvements are dedicated to the public, the City may accept same only after the Building, Public Works, and Utility Departments in accordance with this Article, have inspected and accepted the improvements as meeting all applicable requirements.

### **SECTION 1105: APPLICATION REQUIREMENTS**

#### **1105.1 AUTHORIZED APPLICANT**

An application for site plan approval shall be filed only by all of the owners, as per the deed of record on file in the office of the Chancery Clerk of Hancock County, of the property or by an agent, lessee, or contract purchaser specifically authorized in writing by all of the owners to file such application.

#### **1105.2 APPLICATION FILED WITH BUILDING OFFICIAL**

An application and four (4) copies of the application should be submitted for site plan approval shall be filed with the Building Official on a form prescribed by the Department, with the fees prescribed by the City Council.

### 1105.3 APPLICATION REQUIREMENTS

The application shall contain or be accompanied by such information and plans as required on the application form and shall include the following information drawn to scale (no smaller than 1" = 40'):

A. Layout Plan

The following is required for Major and for Minor Site Plan Approval;

1. Provide a survey or site plan of the property with metes and bounds labeled along all existing and proposed property lines and all property corners;
2. Show all proposed and existing buildings/structures on the site along with finished floor elevation;
3. Show lot dimensions and required yard setbacks;
4. Label building height;
5. List owner (s) of project/property;
6. Label adjacent property owners according to most recent Hancock County Tax Rolls (include parcel numbers and names);
7. Label square footage of all buildings;
8. Show dumpster location and screening;

B. Grading Plan

For major site plan approvals and where required by Director of Public Works Department for all other site plan approvals.

1. Delineate existing ground contours at a maximum two (2) foot intervals relative to sea level and proposed contours to be followed as part of the development plan;
2. Delineate the denuded area; or the limits of grading;
3. Provide a benchmark elevation;
4. Indicate slope ratios;

C. Street and Driveways Layout Plan

The following is required for Major and for Minor Site Plan Approval;

1. Label all proposed streets and access drives including width, right-of-way, radii, horizontal curvatures, driveways, etc.;
2. Provide a pavement design for all proposed public street improvements including both new and existing streets to be widened;
3. Show the location of any proposed or existing greenway and park land;
4. Show all parking areas including bay width, bay length, travel aisle, angle and directional flow;
5. Show existing streets adjacent to the site showing width, right-of-way and driveway access points;
6. Designate number of parking spaces proposed;

**D. Water and Sewer Plan**

The following is required for Major and for Minor Site Plan Approval;

1. Plan view of proposed water lines designating size and material along with all valves, fire hydrants, and other appurtenances.
2. Plan view of proposed sanitary sewer lines designating size along with all manholes, wastewater flows, etc.
3. Show and label all existing utilities located on and adjacent to the property and note type, size and material of utility line;
4. Designate all existing and proposed utility easements;
5. Designate type and volume of wastewater generated by the proposed development, for major site plans.

**E. Storm Water Plan**

For major site plan approval and where required by Director of Public Works to conform to storm water retention requirements based on existing Ordinances.

1. Plan view of all existing and proposed systems including ditch and channel calculations, pipes, junction boxes, manholes, inlets, etc., along with dimensions and pipe sizes and pipe calculations;
2. Layout of all erosion control measures included as a part of the project;
3. Designate all existing and proposed impoundment structures and provide all supporting calculations;
4. Label all floodplain boundaries on the plan.

**F. Landscape Plan**

The following is required for Major and for Minor Site Plan Approval;

1. Show and label all buffer areas which are a part of the development plan requirements for buffering of adjoining residential areas.
2. Show representative plantings; a table of all materials to be planted is not required;
3. Trees to be preserved and/or planted in accordance with City Ordinance Number 338.

- G. **Building Plans**  
Submit drawings of building elevations showing the proposed exterior building materials, colors, height of proposed building, and number of stories including basement. Height, location and general design of structure or equipment proposed above the building height limit, and screening (if required, see (F) above). Building facades shall be designed to be compatible and consistent with adjacent developments.
- H. **Other Plans**  
Submit any other plan or document showing compliance with all other terms of this Ordinance.
- I. **Survey**  
Provide a survey of the property with metes and bounds labeled along all existing and proposed property lines and all property corners; and also showing, if applicable, the Special Flood Hazard Area (“SFHA”) in which the property is located according to the current SFHA Boundary Maps.

## **SECTION 1106: GENERAL PROVISIONS**

### **1106.1 BUILDING DESIGN PLANS**

Building Design plans shall be submitted for approval as part of each site plan required under this Ordinance. Building design plans shall be developed by an individual, individuals, or professional firm having the competence and knowledge to satisfactorily develop the plans required by this Article.

### **1106.2 BUILDING FAÇADE DESIGN AND MATERIALS**

Proposed building facades shall be designed to be compatible with adjacent developments in terms of architectural design, exterior building materials and colors, and arrangement of buildings and other features. All non-residential buildings shall have a face of brick, stone, drivit, stucco, split face block or similar designer block over a minimum of fifty percent (50%) of the side(s) of the building facing a street.

The fifty percent (50%) requirements shall be calculated based on the entire area of said building side including windows, doors, and gable ends. Any offset building fronts which are as close as or closer to the rear of the building than the front shall not require improvements described above. Building materials with a cost equal to or greater than the materials listed above may be substituted provided said equal or greater costs are documented. Landscaped areas in front of the building may also serve as a substitute.

### **1106.3 MODIFICATIONS TO STANDARDS**

Where necessary to accommodate individuality and creativity in site design, or where conformance with the strict requirements of this Article are not feasible on a particular property, the Building Official or City Council, whichever is responsible for approving the plan, may modify the requirements of this Article in reviewing and approving a site plan, provided that the features which the applicant proposes are equivalent in effectiveness given stated purposes in this section.

### **1106.4 BUILDING DESIGN STANDARDS FOR MANUFACTURED HOMES IN PARKS**

All manufactured homes and mobile homes placed in Manufactured Home Parks subsequent to the effective date of this Ordinance shall be underpinned and shall be provided with a solid concrete slab at least four (4) inches in depth and at least large enough to cover all ground area under the home. Manufactured and mobile homes shall meet or exceed the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction. Homes constructed prior to July 1, 1976 shall meet the minimum standard of the building code.

## **SECTION 1107: SPECIFIC STANDARDS**

### **1107.1 EXTERIOR LIGHTING FOR COMMERCIAL AND INDIVIDUAL SITE PLANS**

All commercial exterior lighting, such as that used in and around buildings, recreation areas, parking lots, and signs, shall be designed to protect against the spillover of the light to adjacent properties which contain dwellings and other uses providing sleeping quarters. All such exterior lighting shall be shielded from the adjacent residential and institutional uses by thick evergreen vegetated buffers, berms, walls, or fences, and/or the use of directional lighting, special fixtures, timing devices, appropriate light intensities, luminaries, and mountings at appropriate heights.

### **1107.2 MECHANICAL, UTILITY AND TRASH CONTAINMENT FOR COMMERCIAL AND INDIVIDUAL SITE PLANS**

#### **A. Mechanical and Utility Equipment**

Heating, ventilation, air conditioning, and other mechanical utility equipment, including but not limited to hoses, pipes, vents, fans, compressors, pumps, and heating and cooling units, which are located on, beside, or adjacent to any building or development shall be screened from the view of streets and adjacent property. The screen shall exceed the height of the equipment, shall not interfere with the operation of the equipment, and shall use building materials and design which are compatible with those used for the exterior of the principal building.

**B. Trash Containment Areas**

All trash containment devices, including compactors and dumpsters, shall be located and designed so as not to be visible from the view of adjacent streets and properties. If the device is not visible from off the site, then it need not be screened. The type of screening used shall be determined based on the proposed location of the trash containment area, existing site conditions, and the type and amount of existing and proposed vegetation on the site. All trash containment devices shall meet the following standards:

1. All trash containment areas shall be enclosed to contain windblown litter.
2. The enclosure shall be at least as high as the highest point of the compactor or dumpster.
3. The enclosure shall be made of opaque material that is compatible with the design and materials of the principal building.
4. All compactors and dumpsters shall be placed on a concrete pad which is large enough to provide adequate support and allows for positive drainage.

**1107.3 PROTECTED TREES IN COMMERCIAL DEVELOPMENTS**

**A. Intent**

It is the intent of this section to minimize the removal of protected trees in commercial developments. It is the further intent of this section to ensure that developers take reasonable measures to design and locate proposed improvements so that the number of protected trees that may be approved for removal is minimized. The design shall especially protect and preserve historic and specimen trees.

**B. Protected trees**

1. The types of trees listed in Bay St. Louis City Ordinance #338 as annotated, defined herein and described above in Section 1011.
2. Unless exempt from the provisions of this ordinance, no person shall remove or in any way damage any protected tree without first obtaining a permit from the Tree Protection Advisor.

#### **1107.4 PARKING LOT LANDSCAPED AREAS AND SCREENING**

- A. Applicability
1. The perimeter and interior parking lot landscaped areas requirement of this section shall apply to off-street parking facilities that:
    - a. Have ten (10) or more parking spaces; or,
    - b. Are designed to accommodate vehicles that are larger or smaller than automobiles and are over three thousand five hundred (3,500) square feet in area.
  2. Perimeter landscaped areas requirements only.  
The perimeter parking lot landscaping requirements of this section shall apply to off-street parking facilities that:
    - a. Have five (5) to nine (9) parking spaces; or,
    - b. Are designed to accommodate vehicles that are larger or smaller than automobiles and are between one thousand seven hundred and fifty (1,750) and three thousand five hundred (3,500) square feet in area.
- B. Perimeter Landscaped Areas Requirement
1. Size  
A ten (10) foot wide strip of land, located along the property line adjacent to the street right-of-way and along all common property lines shall be landscaped. In no case shall this strip be less than ten (10) feet wide. The sidewalk width shall not be counted measuring the perimeter landscape strip.
  2. Landscape Materials  
One (1) tree for each fifty (50) feet of linear frontage, or portion thereof, along the right-of-way shall be preserved or planted. Trees planted to meet this requirement shall measure a minimum of two (2) inches in diameter at 54" in height. The remaining area within the perimeter strip shall be landscaped with other landscape materials. A maximum of twenty (20) percent of the perimeter strip may be covered with cedar chips, gravel, or other non- living materials.
  3. Corner Visibility  
Trees and other landscaped areas required in the perimeter strip shall be maintained to assure unobstructed corner visibility pursuant to current Ordinances.

C. Interior landscaped areas.

1. General Requirements

At least eight percent (8%) of the gross area of the interior parking lot area shall be landscaped. Interior landscaped areas are to be located within or adjacent to the parking area as tree islands, at the end of parking bays, inside seven (7) foot wide or greater medians, or between rows of cars or as part of continuous landscaped buffer yards. Interior landscaped areas shall be located to most effectively accommodate storm water runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.

2. No more than fifteen (15) parking spaces shall be permitted in a row without being interrupted by an interior landscaped area.

3. Trees shall be required at the minimum ratio of one shade tree for every three thousand five hundred (3,500) square feet of total vehicular use area. All vehicular use areas located within the same block which serve one or more businesses or uses of land or share unified ingress and egress shall be considered as a single vehicular use area for the purpose of computing the required ratio of trees, notwithstanding ownership.

4. Required trees shall be at least ten (10) feet in height and two and one-half (2 1/2) inches in diameter at a point six (6) inches above the base.

5. Minimum size of interior landscaped areas.

a. A minimum of ninety (90) square feet of landscape area shall be required for each new shade tree.

b. A minimum landscaped area of one hundred percent (100%) of the drip line area of the tree shall be required for all existing trees. If the applicant can demonstrate that conditions allow that the tree will be preserved with an area less than one hundred percent (100%), lesser area may be negotiated between the applicant and the Tree Protection Advisor.

D. Non-Conforming Parking Lots

When the square footage of a nonconforming parking lot is increased, compliance with this section is required as follows:

1. Expansion by twenty-five percent (25%) or less.

When a parking lot area is expanded by twenty-five percent (25%) or less, only the expansion area must be brought into compliance with this section.

2. Expansion by more than twenty-five percent (25%).  
When a parking lot area is expanded by more than twenty-five percent (25%), the entire expansion area shall be brought into compliance with this section. In addition, the pre-existing parking lot area shall be brought into compliance with the perimeter parking lot landscaped areas requirement of this section.
3. Repeated Expansions  
Repeated expansions of a parking lot area over a period of time commencing with the effective date hereof shall be combined in determining whether the twenty-five percent (25%) threshold has been reached.

### **1107.5 BUFFER AREAS, LANDSCAPED AREAS, AND SCREENING REQUIREMENTS**

#### **A. Intent**

1. This section requires buffer areas to be provided and maintained when non-residential uses are being developed or expanded adjacent to residential uses and when higher density residential uses are being developed or expanded adjacent to lesser density residential uses. Buffer areas are also required to enhance community appearance and to protect the character of the area.
2. The width of the buffer area and the required landscaped areas may vary depending upon the relative intensities of the abutting or adjacent uses.
3. The buffer area requirements are intended to be flexible and the developer may choose among a number of combinations of buffer width and buffer plantings to satisfy the requirements.

#### **B. General Standards**

1. Before a certificate of occupancy is issued for any new building or addition or accessory structure greater in size than twenty-five percent (25%) of the principal building or any renovations, improvements, or repairs greater in cost than twenty-five percent (25%) of the value of the building, according to the Hancock County Tax Assessor's records, and located within R-2, R-3, OC, C-1, C-2, C-3, CD, RD, I-1 and/or I-2 district and which lies adjacent to any lot or lots which are zoned R-1, R-1 A or R-4, and, which are occupied or may in the future be occupied by single family dwellings, a screening barrier conforming to the design standards of Section (C) below shall be required. The screening requirements specified above shall also apply to construction within OC, C-1, C-2, C-3, CD, RD, I-1 and/or I-2 district adjacent to R-2 and R-3 districts.

2. In Sub-Section 1107.4 above, landscaped areas for parking lot perimeters and interiors is described in detail. Since most buffer areas will involve parking areas the ten (10) foot wide strip described therein is a good general example of the size and type of buffer area or landscaped area to begin with for a small, single parcel for development or improvement. These standards may be used for landscaped areas, or buffer areas, between residential and non-residential uses at a minimum. In no cases shall a landscaped area or buffer area be less than ten (10) feet in width and depending on the size and intensity of the proposal that ten (10) foot perimeter strip shall be made wider by multiplying the requirements of the ten (10) foot strip by two or three times.
3. As a part of site plan approval, extra screening and larger buffer areas --- perhaps double or triple normal in depth and density--- may be required where construction of a high impact use, including, but not limited to, correctional facility, truck terminal, intensive amusement business, mini-warehouse, warehouse, industry, resource extraction, gas station, automobile repair, wrecker service or salvage yard, is to occur adjacent to a less intensive use, particularly, bank, office, clinic, funeral home, cemetery, personal care business, restaurant, church or school.

C. Screening Design Standards

1. Screening barriers required by (B) above shall consist of a solid board fence six (6) feet in height constructed of western cedar, cypress, redwood, brick, stone or an approved equivalent erected along the entire length of the property line adjacent to the use to be screened. However, no screen shall extend alongside property line any closer to the front property line than fifteen feet (15), except that screens required to be placed along the front property line may be interrupted with driveways complying with the standards of this Ordinance. Fence framing members shall be placed adjacent to the property to be screened.
2. Landscaping in the form of evergreen shrubs may be substituted for the fence, and, if so shall be a minimum of four (4) feet in height when planted and shall reach a minimum height of six (6) feet within three (3) years of planting. Shrubs planted on berms may have a lesser height provided the combined height of the berm and planting meets or exceeds those specified above. Shrubs shall be planted not greater than four (4) feet apart.

3. Perimeter plantings required for parking lot landscaped areas may be counted towards satisfying the screening requirements of this section. Existing trees and shrubs may also count towards satisfying the screening requirements, provided such meets or exceeds the standards specified herein. Alternative screening plans may be submitted during conditional use and/or site plan review and may be approved provided such plan meets or exceeds the standards contained herein.
- D. Maintenance of Required Landscaped Areas and Screening
1. Plant materials that have died or are no longer functional shall be replaced at appropriate planting time within six (6) months.
  2. Plant material shall be maintained in such a manner as to preserve their functional and aesthetic integrity.
  3. All landscaped areas shall be provided with an irrigation system or water resource within one hundred (100) feet.
  4. All trees adjacent to pedestrian and vehicular spaces shall be maintained so that mature branching occurs at a minimum of seven (7) feet from the ground.
  5. Fences shall be properly maintained. Portions of the fence which have become damaged by reason of wind, fire, decay or for other reasons shall be replaced within thirty (30) days.

## **SECTION 1108: STAFF REVIEW OF PLANS**

- 1108.1** The application and site plan shall be reviewed by the Building Official and/or Planning and Zoning Commission for compliance with the standards and requirements set forth herein. The comments of the Planning and Zoning Commission, which may include necessary or suggested revisions to the submitted site plan, shall then be made available to the applicant at the expense of the applicant, if the information is deemed to be insufficient.
- 1108.2** As part of this review, the Building Official and/or Planning and Zoning Commission may transmit the proposed site plan to other state, county or local agencies having jurisdiction, as well as any technical consultants that the Building Official and/or Planning and Zoning Commission, in their discretion, deem necessary or appropriate for the thorough review of the application.
- 1108.3** After receiving the comments from the City Departments, the applicant shall adjust the major site plan accordingly and, by the date indicated on a schedule maintained by the Building Department, submit copies of revised site plan to the Building Department.

**1108.4** For "major site plans", as defined herein, the Planning and Zoning Commission shall review the site plan, the comments and recommendations of any other department and committee, the responses and comments of the applicant, the requirements of this Ordinance, and formulate a recommendation to the City Council for appropriate action on the site plan.

### **SECTION 1109: ACTION BY THE PLANNING AND ZONING COMMISSION ON "MINOR SITE PLANS"**

**1109.1** The Planning and Zoning Commission may approve a Minor Site Plan only if it meets all standards and requirements of all current Bay St. Louis ordinances and the requirements set forth herein.

**1109.2** If the Planning and Zoning Commission rejects the site plan, then the reasons therefore shall be stated in the record of action on the site plan.

**1109.3** Failure of the Planning and Zoning Commission to act on a "Minor Site Plan" within sixty (60) days of receiving the site plan application shall be deemed denial of the site plan.

**1109.4** In the event the Planning and Zoning Commission disapproves a "Minor Site Plan", an appeal may be filed with the City Council within ten (10) working days of disapproval.

### **SECTION 1110: ACTION BY THE CITY COUNCIL ON "MAJOR SITE PLANS"**

**1110.1** The application, the recommendation of the Planning and Zoning Commission and other pertinent materials shall be forwarded to the City Council for action. The City Council shall review this information and either approve or reject the "Major Site Plan."

**1110.2** The City Council may approve a "Major Site Plan" only if it meets the standards and requirements of all current Bay St. Louis ordinances and the requirements set forth herein.

**1110.3** If the City Council rejects the "Major Site Plan", then the reasons therefore shall be stated in the record of action on the site plan.

**1110.4** Failure of the City Council to act on the "Major Site Plan" within thirty (30) days of receiving the site plan and recommendations from the Planning and Zoning Commission shall be deemed denial of the site plan. This time limit shall not apply where the delay in site plan approval is caused by the applicant's failure to supply any additional information or materials which may be required by the City Council.

## **SECTION 1111: SUBMISSION AND APPROVAL OF FINAL CONSTRUCTION DRAWINGS**

- 1111.1** Approval of the site plan also shall be conditioned on the Bay St. Louis Building Inspection Department's approval of final construction drawings for all improvements required in the site plan and final covenants and restrictions.
- 1111.2** Such drawings and final covenants and restrictions shall be submitted to the Planning and Zoning Commission no more than one (1) year after the date of approval of the site plan.
- 1111.3** Failure to submit the final construction drawings and final covenants and restrictions within this one (1) year shall, pursuant to (1111.2) above, result in the lapse of approval of the site plan.
- 1111.4** The final construction drawings and all covenants and restrictions shall be reviewed by the Building Official. If the Building Official determines that the final construction drawings comply with all requirements of this Ordinance and the applicable City specifications for such improvements, then he/she shall mark the site plan and final construction drawings as approved and approval of the site plan shall become final.

## **SECTION 1112: EFFECT AND DURATION OF SITE PLAN APPROVAL**

- 1112.1** Approval of the site plan and final construction drawings shall authorize the applicant to proceed with any applications for building permits, and other permits and approvals required in order to develop the property in conformity with the approved site plan.
- 1112.2** A permit, certificate, or other approval may be issued by the City only if it conforms to the approved site plan and final construction drawings, except where the non-compliance is the subject of a minor change to the site plan approved by the Building Official pursuant to Section 1113 below.
- 1112.3** A building permit or certificate of occupancy may be issued for any building or structure on the property, and a building or structure on the property may be occupied, only where the applicant has complied with the approved site plan and final construction drawings and made all dedications and improvements required herein, except where the non-compliance is the subject of a minor change to the site plan approved by the Building Official pursuant to Section 1113 below.
- 1112.4** An approved site plan shall become null and void if the applicant has failed to obtain the building permit within one year after the date of final approval of the site plan by the City Council or Planning and Zoning Commission, whichever is applicable. The City Council may grant a single, one-year extension of this time limit, for just cause shown, upon receiving a written request from the applicant at least thirty (30) days before the expiration of the approved site plan.

## **SECTION 1113: CHANGES TO APPROVED SITE PLAN**

### **1113.1 ALLOWABLE CHANGES**

Upon request of the applicant, the Building Official may approve the following minor changes to an approved site plan without further review by the Planning and Zoning Commission or City Council:

- A. Expansion of an existing building or structure, or construction of an accessory structure, representing ten percent (10%) or less of the floor area of the existing or proposed buildings or structures on the lot or project of the approved site plan;
- B. Alteration to any approved element of the building elevation, expansion of an approved building or structure, or addition of an accessory structure, representing no more than ten percent (10%) of the floor area of the buildings or structures approved on the site plan;
- C. Expansion or changes in off-street parking representing twenty percent (20%) or less of the area of the existing or proposed parking;
- D. Minor alterations to accommodate physical site conditions involving interior features of the site design, including relocation of the buildings or uses shown on the approved site plan, which represents the same general building relationships, topography, landscaping, and minimum utility standards; or
- E. Where the approved plant materials are unavailable, substitution for the approved plant materials which will accomplish the intent of this Ordinance and the approved site plan.

### **1113.2 STANDARDS OF REVIEW**

Before approving any such change, the Building Official shall make the following findings:

- A. That all changes conform to the minimum required standards for the zoning district in which the property is located;
- B. The off-street parking is not reduced below the minimum required by this Ordinance;
- C. That all additions, alterations, and expansions shall be compatible with the existing or approved buildings, structures, and parking area;
- D. That any additional required landscaping shall be comparable to the approved site plan and shall follow City specifications and guidelines;
- E. That the effect of the landscaped areas, buffer areas, or screening on the site, or on the approved site plan, is not diminished;
- F. That the number of access points to public streets is neither increased nor substantially relocated;

- G. That the circulation pattern provides for the safe, controlled, and orderly flow of pedestrians and vehicles;
- H. That the change will result in better or equal performance of the overall objectives of the approved site plan and specific zoning district classification;
- I. That the changes do not otherwise violate any provision of this Ordinance, the City Code, or other applicable laws; and
- J. That the use and development of the property is otherwise in full compliance with the requirements of this Ordinance.

#### **SECTION 1114: FINAL INSPECTIONS**

The Building Official shall inspect the site prior to the issuance of a certificate of occupancy for the development to insure compliance with all provisions contained herein and the Building Official shall inspect the site one year after the issuance of a permanent certificate of occupancy in order to ensure compliance with the approved site plan and to ensure that the landscape is properly maintained.

## **ARTICLE XII**

### **ADMINISTRATION, ENFORCEMENT AND PENALTIES**

#### **SECTION 1201: ADMINISTRATION AND ENFORCEMENT BY THE BUILDING OFFICIAL**

The provisions of this Ordinance shall be administered and enforced by a Building Official designated by the Mayor and City Council. Duties of the Building Official shall include inspecting premises, issuing building permits upon the approval of the City Clerk, issuing certificates of occupancy, accepting site plan applications, reviewing site plan applications and enforcing the site plans as described by provisions of this Ordinance, and the administration and enforcement of the provision of this Ordinance.

#### **SECTION 1202: BUILDING PERMIT REQUIRED**

**1202.1** Where total cost exceeds \$500.00, a building permit issued by the Building Official is required in advance of the initiation of construction, erection, moving or alteration of any building or structure. No building permit shall be issued by the Building Official except where all the provisions of the Ordinance have been complied with.

**1202.2** A building permit is required for the erection of any fence. The permit fee for a fence will be the minimum building permit fee, regardless of the fence's size or cost, except that the fee shall be waived for a fence costing less than \$500.00.

#### **SECTION 1203: APPLICATION FOR A BUILDING PERMIT**

##### **1203.1 APPLICATION PROCESS**

All applications for building permits must be filed with the Building Department and shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon; the width of the street or streets upon which the lot fronts or abuts; the setback lines of buildings on adjoining lots; the exact size and locations on the lot of buildings already existing, if any; the location and dimensions of the proposed building or alteration; the number of dwelling units the building is designed to accommodate; and such other information as may be necessary to provide for the enforcement of this ordinance. The first set of plans to be retained by the Building Official, the second set of plans to be presented to the Building Inspector.

That upon receipt of the permit application the Building Official will check the plans and the City Zoning Map to confirm the fact that the proposed structure conforms to existing regulations of the City. The Building Official will certify that the proposed building and its proposed occupancy does meet existing zoning by signing the center of the two sets of plans to be sent to the building inspector along with a properly completed form. Only after the plans have been signed by the Building Official may the Building Inspector issue the building permit.

That if the proposed excavation, filling, construction or movement as set forth in said plans is in conformity with the provisions of this ordinance and other ordinances of the City of Bay St. Louis, Mississippi, then in force, the Building Official shall sign and return one (1) copy of the plans to the applicant and shall issue a building permit upon payment of any required fees. The Building Official shall retain one (1) copy of the building permit and one (1) copy of the plans.

#### **1203.2 TIME LIMITATIONS**

Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one (1) year.

If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be canceled by the administrative official, and written notice thereof shall be given to the person 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, in which case, the renewed permit fee will be based upon the remaining construction costs.

#### **SECTION 1204: CERTIFICATE OF OCCUPANCY REQUIRED**

A certificate of occupancy issued by the Building Official is required in advance of occupancy or use of:

**1204.1** Any lot or change of use thereof.

**1204.2** A building hereafter erected or altered or changed in the use or occupancy of an existing building.

**1204.3** Each nonconforming use created by the passage of and subsequent amendment to this Ordinance or that its change extended, altered, rebuilt thereafter.

**1204.4** The certificate of occupancy will state specifically where the occupancy fails to meet the requirements of occupancy. A record of occupancy permits shall be kept on record in the Building Official's office.

## **SECTION 1205: REMEDIES**

If the Building Official shall find that any of the provisions of this Ordinance are being violated, he shall, in writing notify the person responsible for such violations, indicating the nature of the violation and ordering action necessary to correct it, among which he shall order discontinuance of use of land, buildings, or structures or additions, alterations, or structural changes thereto, and discontinuance of any work being done.

In such instances and under circumstances whereby the Building Official is left without any further recourse but to seek police assistance, he may call upon the Chief of Police to furnish him with the necessary police personnel to fulfill his duties.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, maintained, or any building or land is used in violation of this ordinance, the Building Official, or any other appropriate city authority, or any person who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the violation in the case of each such building or use of land.

## **SECTION 1206: PENALTIES FOR VIOLATION**

**1206.1** Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by paying a fine not to exceed one hundred dollars (\$100.00) and/or imprisonment not to exceed the limits according to the state statutes of Mississippi. Each day such violation continues shall be deemed a separate offense.

**1206.2** Any construction of a structure, building, fence, sign, or any other item that requires a permit, that is constructed before the permit is obtained shall be considered a violation of the requirements of this ordinance and shall be subject to a fine totaling twice the amount that the permit would cost.

**1206.3** The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, 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.

**1206.4** Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

## **ARTICLE XIII PLANNING AND ZONING COMMISSION**

### **SECTION 1301: PLANNING AND ZONING COMMISSION**

The Planning and Zoning Commission shall consist of seven (7) members nominated by the Mayor and approved by City Council, in accordance with state law.

Members of the Planning and Zoning Commission shall serve without pay, but may be reimbursed for expenses incurred in the performance of official duties.

### **SECTION 1302: PROCEEDINGS OF THE COMMISSION**

At its first meeting of each calendar year, the Planning and Zoning Commission shall elect a Chairman and Vice-Chairman, each of whom shall serve until he is re-elected or his successor is elected. The Planning and Zoning Commission may adopt rules for the conduct of its business. The City shall provide the Planning and Zoning Commission with a secretary, who may be an employee of the City.

Meetings of the Planning and Zoning Commission shall be held at the call of the Chairman and at such other times as it may determine. No member of the Planning and Zoning Commission shall participate in a hearing in which he has any pecuniary or special interest. All meetings of the Planning and Zoning Commission shall be open to the public.

The Planning and Zoning Commission secretary shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give at least fifteen (15) days notice thereof, and decide the same within a reasonable time. Upon a hearing, any party may appear in person, or by agent, or by attorney.

The Planning and Zoning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions.

### **SECTION 1303: APPEALS, HEARING AND NOTICE**

Appeals to the Planning and Zoning Commission may be taken by any person aggrieved by the decision of any officer of the City of Bay St. Louis, with respect to zoning decisions. Appeals shall be taken not more than thirty (30) days from the date of the decision by filing a notice of appeal with the Municipal Clerk.

Applications for hearings for special exceptions, variances, and zoning changes may be made at any time.

Every appeal or application shall refer to the specific provision of the ordinance involved and shall set forth the interpretation that is claimed, the use for which a special exception is sought, or the details of the variance that is applied for and the grounds upon which it is claimed that the variance shall be granted, as the case may be, and accompanied by a plat or plan, drawn to scale, showing the actual dimensions of the parcel of land to be built upon and used, the size of any building to be erected, and the location of the building upon the lot, the materials to be used and other such information as may be deemed necessary to provide full information regarding intended use. The Municipal Clerk shall forthwith transmit the appeal or application to the Planning and Zoning Commission together with all papers constituting the record upon which the action appealed from was taken.

The Planning and Zoning Commission secretary shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give at least fifteen (15) days notice thereof, and decide the same within a reasonable time. Upon a hearing, any party may appear in person, or by agent, or by attorney.

### **SECTION 1304: STAY OF PROCEEDINGS**

An appeal stays all legal proceedings in furtherance of the action appealed from, unless an Officer of the city certifies to the City Council after the notice of appeal shall have been filed 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 otherwise than by a restraining order which may be granted by the City Council or by a court of record application, on due notice to the Officer from whom the appeal is taken and on due cause shown.

### **SECTION 1305: POWER AND DUTY OF THE PLANNING AND ZONING COMMISSION**

The Planning and Zoning Commission shall have the following powers and duties:

#### **1305.1 ADMINISTRATIVE REVIEWS**

To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an Officer of the city in the enforcement of this Ordinance.

### **1305.2 SPECIAL EXCEPTIONS**

To hear and recommend action to the City Council on this Ordinance; to consider such questions that are involved in determining whether special exceptions should be granted with such conditions and safeguards as are appropriate under this Ordinance.

A special exception shall not be recommended unless:

- A. The owner of the property for which the special exception is sought or his agent shall be notified by mail at least fifteen (15) days in advance of a public hearing. A notice shall be mailed not less than fifteen (15) days prior to the date of such hearing, to the owner of all properties within a radius of three hundred (300) feet of the external boundaries of the property described in the application for the special exception, using for this purpose the last known address as shown on the tax rolls. Hearing notice shall be posted on the property in question at the City Hall, and in one other public place at least fifteen (15) days prior to the public hearing, and data pertinent to the exception being sought shall be given in a local newspaper with general circulation in the community at least fifteen (15) days before the hearing.
  
- B. The Commission shall make a finding that the granting of the special exception will not adversely affect the public interest.
  1. The special exception shall be oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
  2. The special exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
  3. The proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses.
  4. The proposed use will not be affected adversely by the existing uses.
  5. The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use.
  6. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise, or fume generation or type of physical activity.
  7. Utilities and fire protection services with reference to the location and the use shall be available and adequate.
  
- C. The Planning and Zoning Commission may direct the Building Official to inspect the site and report to the Planning and Zoning Commission as to the existing conditions.

- D. In recommending any special exception, the Planning and Zoning Commission may prescribe appropriate conditions and safeguards under which the special exception is granted. The Planning and Zoning Commission shall recommend a prescribed time limit within which the action for which the special exception is required shall be begun or completed or both.
- E. The grant of a special exception shall expire if the special exception has not been activated within twelve (12) months of final approval. "Activation" shall mean commencement of the use or obtaining a building permit if construction is necessary or required before commencement of the use. In addition, the activation shall not be effective unless the construction is completed within twelve (12) months of obtaining the building permit.
- F. On good cause shown, the Bay St. Louis City Council may extend the above stated time limits for up to a maximum of twelve (12) months. As such, special exceptions are not intended to run with the land.

### **1305.3 VARIANCES**

To recommend such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, literal enforcement of the provisions of this Ordinance will in an individual case result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice be done. Such variance may be granted in such case of unnecessary hardship upon a finding by the City Council that **all** of the following conditions exist:

- A. There are extraordinary and exceptional conditions which pertain to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- B. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- C. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
- D. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.
- E. The special circumstances are not the result of the actions of the applicant.
- F. The existence of a nonconforming use of neighboring land, buildings, or structures in the same district or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance.

- G. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.
- H. The variance is not a request to permit a use of land, building, or structure which is not permitted by right or by special exception in the district involved.
- I. Notice of public hearing shall be given as in Section 1305.2(A).
- J. The variance can't be transferred to a subsequent owner of the property, if the variance is unused.
- K. The grant of a variance shall expire if the variance has not been activated within twelve (12) months of final approval. "Activation" shall mean obtaining a building permit for the required or necessary construction. In addition, the activation shall not be effective unless the construction is completed within twelve (12) months of obtaining the building permit. On good cause shown, the Bay St. Louis City Council may extend the above stated time limits for up to a maximum of twelve (12) months.

#### **1305.4 HEAR AND MAKE A RECOMMENDATION ON AMENDMENTS TO THE ZONING ORDINANCE**

To hear and to make a recommendation on such amendments to the Zoning Ordinance, including the zoning map. Notice of public hearing shall be given as in Section 1305.2(A) and the Planning Commission shall study, hear and make a recommendation on the proposed changes and submit this recommendation to the City Council.

#### **1305.5 INTERPRETATION OF USES**

For any use not specifically listed, the Planning and Zoning Commission shall make a determination of the district or districts in which said use shall be permitted either by right or on a conditional basis. Any such determination shall be based on the subject's uses similarity in nature, intensity of land use, impact and general character to other uses listed in the various districts.

#### **1305.6 SITE PLAN REVIEW**

The Planning and Zoning Commission shall be responsible for reviewing and making a decision on minor site plans, as defined in Section 1102.2.

### **SECTION 1306: DECISIONS OF THE PLANNING AND ZONING COMMISSION**

In exercising the above mentioned powers, the Planning and Zoning Commission by a concurring vote of a majority of its members present and voting may recommend that the City Council reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from; and make such order, requirement, decision, or determination as ought to be made. Decisions shall be recommended to the City Council for final action.

## ARTICLE XIV AMENDMENTS

### SECTION 1401: AMENDMENTS

#### 1401.1 AMENDMENTS TO THE ZONING ORDINANCE

The City Council may from time to time on its own motion or on petition, from a property owner, or on a recommendation of the Planning and Zoning Commission, amend the regulations and districts herein established. Any proposed amendments shall be forwarded to the Planning and Zoning Commission for their review, comments; and recommendations prior to final action by the City Council.

#### 1401.2 PUBLIC HEARING REQUIRED

No change in regulations, restrictions or district boundaries shall become effective until after a public hearing is held by the Planning and Zoning Commission, at which time interested agencies and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in an official paper, or paper of general circulation in Hancock County.

#### 1401.3 AMENDMENT POLICY

##### A. Reason for Amendment

This Ordinance, including the zoning map, is based on comprehensive planning studies and is intended to carry out the objective of a sound, stable and desirable environment. Casual amendment of the Ordinance would be detrimental to the achievement of that objective, and it is therefore declared to be the public policy to amend this Ordinance only when one or more of the following conditions prevail:

1. **Mistake.** There is a mistake in the Zoning Ordinance or on the Zoning Map and it is in the public interest to correct this error.
2. **Change in Conditions.** Changed or changing conditions in a particular area, or in the city, or in the regional area generally, in which an amendment to the Ordinance is in the public interest and is necessary and is desirable.
3. **Increase for Need in Sites.** Increased or increasing needs for business or industrial sites, in addition to sites that are available, which is in the public interest and make it necessary and desirable to reclassify an area or to extend the boundaries of an existing district;
4. **Annexation.** It is necessary and desirable to classify territory hereafter annexed to the city to a district classification;
5. **Ordinance Changes.** Amendment of the ordinance not involving a change in classification of land is necessary;

6. **Change in Governmental Property.** It is necessary to reclassify property as a result of acquisition or disposition of such property by the United States of America, the State of Mississippi, or Hancock County.

**B. Amendment Procedure**

Proposed amendments to this Ordinance shall be considered by the Planning and Zoning Commission and by the City Council. It is the function of the Planning and Zoning Commission to consider proposed amendments, to collect information relative thereto by investigations or other means, and to conduct public hearing or hearings thereon, and to make recommendations to the City Council. The Ordinance can be amended only by the City Council.

**C. Actions by the Planning and Zoning Commission**

The Planning and Zoning Commission shall fix a reasonable time for the public hearing and give public notices, as defined in Section 1401.2. The Planning and Zoning Commission shall prepare a record of its proceedings for each case, showing the grounds for its recommendations. The record shall be filed in the office of the City Clerk, and shall be a public record; a certified copy of the record of proceedings shall be transmitted to City Council.

**1401.4 LEGISLATIVE DECISION**

The City Council shall examine all such applications, reports and recommendations transmitted to it and shall take such further action as it deems necessary and desirable to approve, disapprove, modify or remand to the Planning and Zoning Commission for further consideration.

**1401.5 PROTESTS TO AMENDMENT**

Each amendment shall be voted upon in accordance with local ordinances or state statutes except in a case of a protest against such change. If a protest against such a change is presented and is signed by the owners of twenty (20) percent or more either of the area of lots included in such proposed change, or of those within a radius of one hundred and sixty (160) feet of the external boundaries of the area in such proposed change. Such amendments shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the City Council for the City of Bay St. Louis, Mississippi.

**1401.6 TIME LIMITATION TO BEGIN CONSTRUCTION AFTER ZONING CHANGE**

That where the City Council has rezoned a parcel of land upon petition for the purpose of building or carrying on a business in an area within this rezoning which would be non-conforming to the zoning regulations in the surrounding area, that they will have six (6) months in which to begin construction or operation, or the land will revert to the original zoning. That should the parties find themselves unable to begin construction or to occupy said land or buildings for the specific purposes in the petition for rezoning within the six (6) month period, they may petition the Planning and Zoning Board for an additional six (6) months period, but under no circumstances shall the total period of time be more than one year.

## **CHAPTER XV DUTIES OF THE CITY COUNCIL**

### **SECTION 1501: DUTIES OF THE CITY COUNCIL**

It is the intent of this Ordinance that the duties of the City Council under this ordinance shall allow the hearing and deciding questions of interpretation by the Planning and Zoning Commission as these needs may arise. It is the intent of this Ordinance that the duties of the Mayor and his administration shall be the implementation and the enforcement of this Ordinance. Additional duties shall include:

#### **1501.1 ZONING AMENDMENTS**

- A. Upon receipt of an appropriately filed application, shall authorize a public hearing on behalf of the Planning and Zoning Commission for a zoning amendment.
- B. City Council shall examine all such applications, reports and recommendations transmitted to it and shall take such further action as it deems necessary and desirable to approve, disapprove, modify or remand to the Planning and Zoning Commission for further consideration.

#### **1501.2 OTHER DECISIONS PERTAINING TO THIS ORDINANCE**

- A. Recommendations from the Planning and Zoning Commission regarding specific cases for special exceptions and variances shall be transmitted to the City Council and the City Council shall take such further action as it deems necessary and desirable to approve, disapprove, modify or remand to the Planning and Zoning Commission for further consideration.
- B. Any other such actions identified within this Ordinance.

#### **1501.3 ESTABLISHING A SCHEDULE OF FEES AND CHARGES AS STATED IN SECTION 1502.**

### **SECTION 1502 SCHEDULE OF FEES, CHARGES AND EXPENSES**

The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure, for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance. The schedule of fees listed below shall be posted in the office of the City Clerk, and may be altered or amended only by the City Council.

No permit, certificate, special exception, or variance shall be issued unless or until such costs, charges, fees, or expenses listed below have been paid in full, nor shall any action be taken on proceedings before the City Council unless or until preliminary charges and fees have been paid in full.

**1502.1 AMENDMENTS OR CHANGES IN CLASSIFICATIONS**

- A. Before any action shall be taken by the Planning and Zoning Commission as provided herein, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the City Clerk the sum of one hundred and twenty-five (\$125.00) dollars for which a change in classification or an amendment to the Zoning Ordinance said sum or any part thereof be refunded for failure of said change to be adopted by the City Council.
- B. Should a notice of appeal be filed a fee of seventy-five (\$75.00) dollars shall be paid to the City Clerk at the time the notice of appeal is filed, which shall be deposited to the credit of the general revenue fund of the City of Bay St. Louis.

**1502.2 VARIANCES AND SPECIAL EXCEPTIONS**

- A. Before any action shall be taken by the Planning and Zoning Commission as provided herein, the party or parties requesting a variance shall deposit with the City Clerk the sum of seventy-five (\$75.00) dollars.
- B. Before any action shall be taken by the Planning and Zoning Commission as provided herein, the party or parties requesting a special exception shall deposit with the City Clerk the sum of seventy-five (\$75.00) dollars.

**1502.3 MAJOR SITE PLAN REVIEW**

To offset the cost of the staff and contract time that may be expended in the review of detailed development plans a fee as set by City Council shall be established for all Major Site Plan Reviews.

**1502.4 OTHER SUCH FEES**

Such other fees and charges as may prove necessary shall be made from time to time, upon due public notice, by the City Council.

## **ARTICLE XVI LEGAL STATUS PROVISIONS**

### **SECTION 1601: CONFLICT WITH OTHER REGULATIONS**

Whenever the regulations of this Ordinance require a greater width or size of yards or require a lower height of building or smaller number of stories, or require a greater percentage of lot to be left unoccupied or impose other more restrictive standards than are required in or under any other statute, the requirements of this regulation shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

### **SECTION 1602: SEPARABILITY**

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this Ordinance.

### **SECTION 1603: EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it, and shall nevertheless be published and recorded as provided by law.

### **SECTION 1604: REPEAL OF CONFLICTING ORDINANCES**

All ordinances or parts of Ordinances in conflict with this ordinance are hereby repealed.

Be it known that on the \_\_\_\_ day of \_\_\_\_\_, 2017 the Mayor and City Council for the City of Bay St. Louis, at its Regular Meeting declares, finds, authorizes, approves and adopts the above Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Authority of the City of Bay St. Louis that it adopts this **ZONING ORDINANCE**.

This ordinance having first been reduced to writing was adopted at a public meeting of the City of Bay St. Louis City Council on \_\_\_\_\_, 2017, with the effective date of this Ordinance of \_\_\_\_\_, 2017, wherein the vote as follows:

Councilman Gary Knoblock	YEA / NAY
Councilman Doug Seal	YEA / NAY
Councilman Gene Hoffman	YEA / NAY
Councilman Jeffrey Reed	YEA / NAY
Councilman Larry Smith	YEA / NAY
Councilman Buddy Zimmerman	YEA / NAY
Councilman Josh DeSalvo	YEA / NAY

Council President Seal declared the foregoing Ordinance passed the \_\_\_\_ day of \_\_\_\_\_, 2017.

I, Lisa Tilley, Clerk of Council, for the City of Bay St. Louis do hereby certify that the foregoing Ordinance No. 618-08-2017 was passed by the City Council at its regular meeting on \_\_\_\_\_, 2017.

Ordinance No. 618-08-2017 was presented by the Clerk of Council to the City Clerk on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Lisa Tilley, Clerk of Council

I, Sissy Gonzales, City Clerk, for the City of Bay St. Louis, do hereby accept Ordinance No. 618-08-2017 as passed by the City Council at its regular meeting on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Sissy Gonzales, City Clerk

Ordinance No. 618-08-2017 was approved by the Mayor on \_\_\_\_\_, 2017

\_\_\_\_\_  
Mike Favre, Mayor