
**Zoning Ordinance of the
City of Waveland, Mississippi
Ordinance # 349**

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Zoning Ordinance
Ordinance No. _____

An Ordinance by the Board of Mayor and Aldermen of the City of Waveland to create, establish and revise general land use regulations to encourage the most appropriate use of land throughout said city by: regulating and restricting the height, bulk, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, density of population, and the location, size and use of buildings, structures land and signs for trade, industry, residence and other purposes; creating districts and establishing requirements for said purposes; defining certain terms used herein; providing for methods of administration, amendment and appeal; setting penalties for violation; repealing conflicting ordinances; and for other purposes.

THE BOARD OF MAYOR AND ALDERMEN NOW ORDAINS AND ENACTS INTO LAW THIS ORDINANCE.

Article I
Preamble

This Ordinance is enacted pursuant to the authority conferred by the Mississippi Code of 1972, Annotated, inclusive, as Amended, for the purposes of: promoting health, safety, morals and general welfare of the municipality; lessening congestion in the streets; securing safety from fire, panic and other dangers; providing adequate 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, sewage, schools, parks and other public requirements in accordance with the Comprehensive Plan of the City of Waveland.

Article II
Legal Provisions

Section 201. Short Title

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

Section 202. Repeal of Prior Ordinances

The following prior ordinances of the City of Waveland are hereby repealed: Zoning Ordinance No. 233: Tree Removal Ordinance No. 193; and Narrow Lot Side Set Backs Ordinance No. 155.

Section 203. Conflict with other Regulations

Whenever the regulations of this Ordinance require a greater width or size of yards, require a lower height of buildings 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 Zoning Ordinance, the provisions of such statute shall govern.

Section 204. Severability

Should any section or provision of this Zoning Ordinance be declared by the Courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this Zoning Ordinance.

Article III Interpretations and Definitions

Section 301. Interpretations of Terms

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

- 301.1 When not inconsistent with the context, words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.
- 301.2 The word “shall” is always mandatory and not merely directory; the word “may” is permissive.
- 301.3 The word “building” includes the word “structure” or “premises”.
- 301.4 The word “lot” includes the word “plot”, “tract” or “parcel”.
- 301.5 The word “person” includes a firm, organization, association, partnership, trust, company, or corporation as well as an individual.
- 301.6 The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended”, “arranged”, or “designed” to be used or occupied.
- 301.7 “Map” means the “Zoning Map of the City of Waveland, Mississippi.”

Section 302. Definitions of Terms

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

- 302.1 Accessory Use or Structure: A use or structure on the same lot and of a nature customarily incidental and subordinate to, the principal use of the structure.
- 302.2 Alteration of Building: Any change in the supporting members of a building (such as bearing walls, columns, girders), except such change as may be required for its safety; any addition to a building; any change in use from that of one district classification to another; or of a building from one location to another.
- 302.3 Bed and Breakfast: A use accessory to an owner-occupied, single family detached dwelling consisting of guest rooms available for short-term, overnight rental and the provision of breakfast service to overnight guests.
- 302.4 Board of Mayor and Alderman: The elected Mayor and the four elected Ward Aldermen serving as the Governing Authority of the City of Waveland.
- 302.5 Buffer Area: An area set aside to remain vacant or to be planted and landscaped to reduce the blighting effect of commercial or industrial uses on adjacent residential property.
- 302.6 Building, Height of: The vertical distance measured from the average elevation of finished grade along the front of the building to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or the height of the highest ridge of a gable, hip or gambrel roof.
- 302.7 Building, Width: The horizontal distance between the furthest extensions of the side exterior walls of the principal mass of a structure.
- 302.8 Building Permit: A permit issued by the Building Official authorizing the construction or alteration of a specific building on a specific lot.
- 302.9 Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.
- 302.10 Building Official: The individual designated by the City of Waveland to administer and enforce the regulations of the building code and certain provisions of this Zoning Ordinance.
- 302.11 Building Setback: The minimum distance, as prescribed by the Ordinance, between property line of a lot or a parcel of land and any point on a building or structure related thereto, exclusive of those architectural features permitted to extend there into.
- 302.12 Carport: See Garage, Private.
- 302.13 Centerline of Street: That line surveyed and monumented by the governing body shall be the centerline of the street; or if such centerline has not been

surveyed, it shall be that line running midway between the outside curbs or ditches of such street.

- 302.14 Child Care Center: A place that provides shelter and personal care on a regular basis for children who are not related within the third degree computed according to civil law to the operator, for four (4) or more hours of any part of a twenty-four (24) hour day, whether such place be organized or operated for profit or not. The term "child care center" includes child care facility, kindergarten, nurseries or any other facility that falls within the scope of definitions set forth above, regardless of auspices.
- 302.15 Commercial Motor Driven Vehicle: Any self-propelled vehicle used for commercial purposes on the highway to: transport passengers for hire; transport equipment, materials, merchandise or tools; or draw other vehicles.
- 302.16 Conditional Use: A conditional use is a use that would not be appropriate generally or without restriction through the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning districts as conditional uses, if specific provisions for such conditional use are made in this zoning ordinance.
- 302.17 Condominium: A dwelling or commercial unit available for sale in fee simple contained in a multi-occupancy project subject to covenants, conditions, and restrictions placing control over the common facilities owned by the condominium entity. Condominium entity shall mean a condominium, cooperative, trust, partnership or other similar association.
- 302.18 Conforming Use: Any lawful use of a building or lot which complies with the provisions of this Ordinance.
- 302.19 Convenience Store: A small store selling retail items generally necessary or desirable for everyday living, such as food, sundries, and newspapers.
- 302.20 Court, Inner: An open space without a roof surrounded on four sides by a building or structure.
- 302.21 Court, Outer: An open space without a roof surrounded on less than three sides with a building or structure.
- 302.22 Density: A number of units or items permitted on an area. Usually expressed in dwelling units per square feet of lot area, and typically categorized as low, medium or high density for residential dwelling units.

- 302.24 Developer: Any person engaged in developing or improving a lot or group of lots or structures thereon for use or occupancy.
- 302.25 Development: The act of building structures or installing site improvements.
- 302.26 Duplex: See two-family dwelling unit.
- 302.27 Dwelling: A building designed or used for permanent living quarters for one or more families.
- 302.28 Dwelling, Single Family: A detached house or building designed and intended for, or to be occupied exclusively by one (1) family and having no party wall or walls in common with an adjacent house or houses, building or buildings. A recreational vehicle is not a single family dwelling.
- 302.29 Dwelling, Two-Family: A building designed and intended for, or occupied exclusively by, two (2) families living independently of each other.
- 302.30 Dwelling, multiple: A detached or semi-detached building or portion thereof used or designed and intended as residences for three (3) or more families living independently of each other, including apartment houses, apartment hotels, apartment cooperatives, condominiums, bungalow courts, and flats.
- 302.31 Dwelling unit: One room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.
- 302.32 Easement: A grant by the property owner of the use of a strip of land by the public, an entity, corporation or individual for specified purposes. For example:
- A. Access: An easement allowing a private path which is permanently reserved for vehicle or pedestrian access to abutting property. The terms of use of which are public record.
 - B. Drainage: An easement reserving space for conveyance of water.
 - C. Utility: An easement reserving space for utilities.
- 302.33 Family: One or more persons occupying a dwelling and living as a single housekeeping unit.
- 302.34 Farm: Any parcel of land which is used for gain in 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 raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

- 302.35 Fence: A barrier intended to make a boundary, screen a view or prevent intrusion. All fences shall be able to withstand normal wear, function as a barrier and keep an attractive appearance and shall be built in a sound workmanlike manner, with adequate footings. Fencing materials shall include wire mesh, steel mesh, chain link, louvered stake and similar materials, wood, wrought iron, stone or masonry. Vinyl or fiberglass composite materials may be utilized if designed and constructed for fencing material.
- 302.36 Flea Market: An enclosed retail complex operated on a sustained basis in which used items such as antiques and collectibles are sold by management on consignment or by vendors in sublet space.
- 302.37 Floor Area: Where ever the term "floor area" is used in this Ordinance 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.
- 302.38 Floor Area, Gross: The total number of square feet of floor area space within the exterior walls of a building, not including unconditioned space.
- 302.39 Front: The side of a lot bordering on a street right-of-way, except in the case of a corner lot or other double-frontage lots, in which case the owner of the lot must designate in his application for a building permit which side bordering a street is the front.
- 302.40 Garage, Apartment: A dwelling unit erected above a private, detached garage.
- 302.41 Garage, Private: An accessory building or portion of a main building used for vehicular storage. The term includes carport.
- 302.42 Garage, Public: A building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.
- 302.43 Grade, Finished: The completed surfaces of lawns, walks and roads, brought to grades as shown on official plans or designs relating thereto.
- 302.44 Grocery Store: A store established primarily for the retailing of food.
- 302.45 Home Occupations: Any use conducted within a dwelling and carried on by the inhabitants thereof. The home occupation use is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof. It does not adversely affect the uses permitted in the residential district of which it is a part, nor does it create additional traffic to the residence. No more than one person may be employed by the home occupation

other than the residents. No outdoor storage of materials, equipment and/or supplies is permitted.

302.46 Hospital: A building, or portion thereof, used for the treatment of the sick, injured or infirmed and accredited by the American Hospital Association.

302.47 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 or recreational vehicle parks. A hotel is a business use rather than a residential use.

302.48 Illumination: Light originating on or within a sign, or projected on a sign, except incidental light.

302.49 Industry: The processing of products or raw materials.

302.50 Industry, Heavy: 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, noise or vibration which may be heard or felt off the premises, or those industries which constitute a fire or explosion hazard.

302.51 Industry, Light: Those industries whose processing operations result in none of the conditions of "Heavy Industry" and are conducted wholly within a building.

302.52 Item of Information: In relation to signs, a syllable of a word or abbreviation, or a separated letter, initial, symbol, or logo; or a distinct geometric shape forming part of a sign.

302.53 Junkyard: A parcel of land upon which the principal or accessory use is the accumulation of used, discarded, or worn out materials, or manufactured products, or junk cars, any of which may or may not be reusable or salable. This definition does not include storage of operational vehicles.

302.54 Kennel: The keeping for sale or boarding of more than three (3) dogs or other animals that are more than six (6) months old.

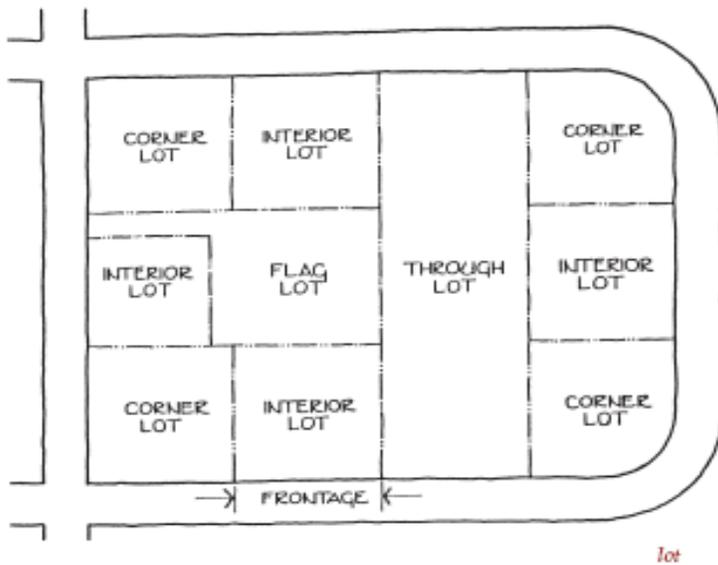
302.55 Land Development Permit: A permit issued by the Building Official authorizing site work such as clearing, grading, excavation, filling, and temporary or permanent road construction.

302.56 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 a commercial vehicle while loading and unloading merchandise or materials and which abuts on a street, alley or other appropriate means of access.

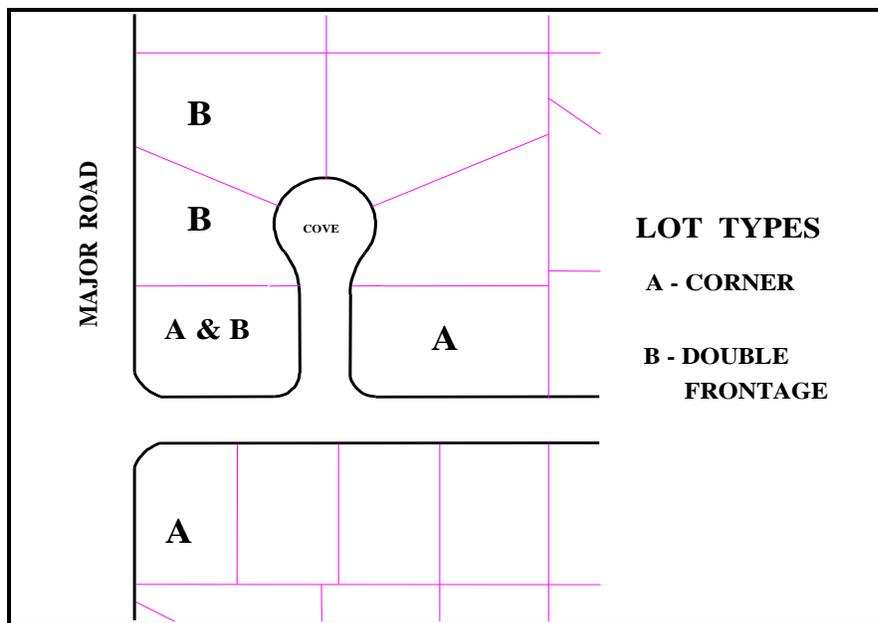
302.57 Lot: A parcel of land which is, or may be, occupied by a building, its accessory buildings and uses customarily incident thereto, together with such yards or open spaces within the lot lines as may be required by the Ordinance, and fronting upon a public dedicated street.

302.58 Lot Area: The total horizontal area included within the lot lines.

302.59 Lot, Corner: A lot of which at least two (2) adjoining sides abut for their full length on public streets (see illustration).



Source: A Planners Dictionary, PAS report 521/522 (2004)



- 302.59 Lot Depth: The distance from the street right-of-way line to the rear lot line, measured along the side lines of the lot.
- 302.60 Lot, Double Frontage: A lot which runs through a block from street to street and has two opposite sides abutting on two or more streets also known as a “through lot” (see illustration).
- 302.61 Lot Frontage: That measurement of a lot abutting on a public street, measured along the street right-of-way line from side lot line to side lot line (structures on corner lots fronting on a particular street shall be deemed to have frontage on that street.)
- 302.62 Lot, Interior: A lot other than a corner lot (see illustration).
- 302.63 Lot Lines: The lines bounding a lot as defined herein (see illustration under Yards).
- 302.64 Lot Line, Front: In the 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 the street which the dwelling will face, to be determined from the request for a Building Permit.
- 302.65 Lot Line, Rear: The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.
- 302.66 Lot Line, Side: The side lot line is the property boundary line between the front and rear lot lines.
- 302.67 Lot of Record: A lot, the plat, deed or act of sale of which has been recorded in the Office of the Chancery Clerk of Hancock County, Mississippi.
- 302.68 Lot Width: The width of a lot at the front building setback line, measured along the street right-of-way line.
- 302.69 Manufactured Home: A factory-built, single-family structure that is manufactured after June 15, 1976 under the National Manufactured Home Construction and Safety Standards Act, is transported in one or more sections, is built on a permanent chassis, and is used as a place of human habitation, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. It must be permanently connected to two or more components that can be separated when transported but designed to be joined into one integral unit. It does not include mobile homes, modular homes, commercial trailers, or recreational vehicles.

- 302.70 **Manufactured Home/Mobile Home Park:** An area of land upon which ten (10) or more non-transient manufactured homes or mobile homes occupied for dwelling or sleeping purposes are located, either free of charge or for revenue purposes, for which is offered for such use. It includes any building, structure, vehicle or enclosure used or intended to be used as a part of the facilities or equipment of such mobile home park. The term “mobile home park” shall include “trailer park”, “trailer court”, and similar terms.
- 302.71 **Marina:** A water-based facility with docks, launching ramps or other launching systems, supplies and services for small boats.
- 302.72 **Marine Supply Store:** A commercial establishment primarily engaged in sales to the general public of merchandise customarily used in connection with water-based activities.
- 302.73 **Mini-Warehouse:** A storage enterprise dealing with the reception of goods and residential or commercial orientation that lie dormant over extended period 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/her own unit and keeps his/her 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.
- 302.74 **Mining operation:** A lot or parcel of land, or part thereof used for the purpose of extracting sand, gravel, or soil for sale.
- 302.75 **Mobile Home:** A dwelling, still fit for human habitation, constructed prior to June 15, 1976, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include, modular homes, recreational vehicles or travel trailers; a mobile home by this definition does not qualify as a manufactured housing unit.
- 302.76 **Modular Home:** A residential structure built in modules in a factory, transported to a building site on truck beds and then assembled on-site on a permanent foundation. A modular home must conform to all applicable current building codes and procedures.
- 302.77 **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 units without having to pass through any lobby or interior court. This definition includes auto courts, tourist courts and motor hotels, but does not

include accommodations for mobile homes. A motel is a business use rather than a residential use.

302.78 Non-conforming use: A building, structure or use of land existing at the time of enactment of this Ordinance or amendment hereto, and which does not conform to the regulations of the district or zone in which it is situated. (see Section 402 for details).

302.79 Nuisance: Any act, omission, condition or thing that:

- A. Injures or endangers the comfort, repose, health or safety of others;
- B. Offends decency;
- C. Is offensive to the senses;
- D. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;
- E. In any way renders other persons insecure in life or the use of property;
- F. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

302.80 Nursing or Convalescent Home: Any dwelling in which aged, chronically ill, or incurable persons are housed and furnished with meals and nursing care for compensation.

302.81 Open Air Market: An enclosed space for organized assembly of individual vendors to sell otherwise permitted items on an ad hoc basis.

302.82 Open Space: An unoccupied space open to the sky on the same lot with the building.

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

302.84 Planning and Zoning Commission: The Planning and Zoning Commission of the City of Waveland shall consist of members appointed by the Board of Mayor and Aldermen.

302.85 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.

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

302.87 Public Body: A government or governmental agency of the City of Waveland, County of Hancock, State of Mississippi or of the United States of America.

- 302.88 Public Building: A building owned or used exclusively by the City of Waveland, County of Hancock, State of Mississippi or the United States Government.
- 302.89 Public Use: Includes public parks and recreation, schools and other educational or cultural facilities, libraries, hospitals and other public offices or administrative facilities.
- 302.90 Public Utility: 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.
- 302.91 Recreational Facilities: Country clubs, golf courses, swimming pools, playgrounds, recreational centers and other non-commercial recreation area and facilities.
- 302.92 Recreational Vehicle: For the purpose of this ordinance, Recreational Vehicles are of four classifications: Camping Trailer, Motor Home, Travel Trailer and Truck Camper, all of which are considered either a vehicle or vehicle accessory providing temporary living quarters, but are not considered dwellings or structures, regardless of any on-site modifications thereto.
- A. Camping Trailer- A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle, and unfolds at a camp site to provide temporary living quarters for recreational, camping or travel use.
 - B. Motor Home- A vehicular unit built on a self-propelled motor vehicle chassis primarily to provide temporary living quarters for recreational, camping or travel use.
 - C. Travel Trailer- A vehicular unit mounted on wheels designed to provide temporary living quarters for recreational, camping or travel use. A travel trailer is of such size and weight as not to require special movement permit when towed behind a motorized vehicle (MDOT requires a Commercial Vehicle Permit for a trailer more than eight and one-half (8 ½) feet wide). A travel trailer has a gross trailer area not greater than three hundred and eighty-two and one half (382.5) square feet (calculated by a maximum width of eight and one half (8 ½) feet wide and a maximum length of forty-five (45) feet long).
 - D. Truck Camper- A portable accessory unit constructed to provide temporary living quarters for recreational, camping or travel use, consisting of a roof, floor, and sides designed to be loaded unto and unloaded from the bed of a pickup truck.
- 302.93 Recreational Vehicle Park: An area of land which has a purpose of providing a location for transient recreational vehicles to locate. The park is actively managed to provide services to the transient users.

- 302.94 Rest Homes: The rooming or boarding of any aged or convalescent person, whether ambulatory or non-ambulatory, for which a license is required by a city, county, state or federal agency.
- 302.95 Right-Of-Way (ROW): A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied by a road or other transportation pathway, communication device, electric transmission line, oil or gas pipeline, water line, sanitary sewer line, storm water or other drainage line, and similar uses.
- 302.96 Right-of-way line: The line delimiting the public/private boundary of the right-of-way (ROW), and being identical with the property line of persons owning property fronting upon the ROW.
- 302.97 Setback Line: The distance from the public right-of-way or abutting property lines to the nearest point of a building, excluding uncovered porches.
- 302.98 Sign: A lettered, numbered, symbolic, pictorial, light or audio means of attracting and holding public attention out of doors and directly evident from a public way, or to identify, announce, direct, inform, or promote any condition, circumstance, event, enterprise or activity. Types of signs:
- A. Attached: An on-premises sign that is attached to a building or other surface. Awning signs, canopy signs, window signs, projecting or suspended signs, and wall signs are all considered attached.
 - B. Awning or Canopy: An on-premises sign, displayed, attached to or incorporated into the surface of an architectural projection or shelter projecting from or supported by the exterior wall of a building and composed of a covering of non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.
 - C. Banner: A sign which is designed 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.
 - D. Construction: A construction sign indicating the parties involved in the project such as contractors, financial interests, engineers, and the potential occupant(s). The allowable sign area of a construction sign varies according to the zoning district in which it is sited.
 - E. Directory: A sign listing multiple occupants or activities on a parcel.
 - F. Electronic Message Board: A sign or portion of a sign that displays an electronic image and/or video to form a sign message or messages which may or may not include text. Such signs include any sign or portion of a sign that uses changing lights to form a sign message or messages or uses electronic means to change the sign message. Electronic message boards include but are not limited to signs known as Electronic Reader Boards.

- G. Freestanding: A sign supported by one or more uprights, posts, bases, or directly fixed in the ground and not attached to any part of a building.
- H. Gas Price: A sign located on the premises of a retail fuel vendor which displays only the prices of the fuels sold and the name or logo of the company or brand name.
- I. Identification: A freestanding sign identifying a commercial, industrial, residential, institutional, or governmental development, park, district, subdivision, mall or campus.
- J. Menu Board: A sign solely for the drive through food service establishments designed and located to be viewed by patrons.
- K. 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.
- L. Outdoor Advertising (Off-premises): The words "Outdoor Advertising Sign" are applied exclusively to signs which advertise activities or events of any kind offered or taking place elsewhere than on the premise where the sign is located.
- M. Portable: A sign which is not permanently attached or designed to be permanently attached to the grounds or to a building. All portable signs are considered temporary.
- N. Projecting: A sign attached to and projecting from the wall of a building, and not in the same plane as the wall.
- O. Real Estate: A sign to advertise the offering of a property for sale, rental or lease on each public way on which the property has frontage. The allowable size of the real estate sign varies according to the zoning district in which it is sited.
- P. 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 premise outdoor advertising signs.
- Q. 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.
- R. Window: An on-premise sign that is permanently etched into, attached to, or painted on the outside of a window and is legible from the outside of the window.

302.99 Signable Area: An area of the wall of a building which is free of architectural details on the façade of the building or part of the building in which the activity associated with the sign is located.

302.100 Site Plan Review Committee: A committee of City officials which reviews site plans for consistency with municipal regulations and ordinances.

- 302.101 Specialty Retail: An establishment selling unique items or lines of items that may include apparel, art, decorative accessories, pre-packaged foods and jewelry.
- 302.102 Story: That portion of a building included between the surface of any floor and the surface of the floor next above it; if there is no floor above it, then the space between the floor and the ceiling next above it.
- 302.103 Street: A public thoroughfare open to general public use and having a pavement or road-bed width of not less than twenty (20) feet which affords the principal means of access to abutting property.
- A. Arterial: A major street or highway, which is characterized by high volumes of traffic at higher speeds, with limited access to adjacent properties.
 - B. Collector: An intermediate level street that carries traffic from local streets to arterials at moderate speed, and provides access to adjacent properties.
 - C. Cul-de-sac (or Cove): A short local street having one end open to traffic and being permanently terminated by a vehicle turn-around.
 - D. Dead End Street: Any local street, other than a cul-de-sac which has only one outlet. It is anticipated that dead end streets could be extended with additional development.
 - E. Local Street: A minor street designed primarily to provide access to abutting properties and low speed travel.
 - F. 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 serves only that lot is not considered a private drive.
- 302.104 Structure: Anything constructed or erected, the use of which required more or less permanent location on the ground, or which is attached to something having more or less permanent locations on the ground.
- 302.105 Supermarket: A large self-service retail market that sells food and household goods.
- 302.106 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. Usable open space may include play lots, gardens, sundecks, courts, courtyards and other yard areas.
- 302.107 Utility Substation: A facility containing high voltage electrical equipment, transformers or specialized transmission facilities for gas, water, sewer, telephone or other public utilities enclosed in a single area and connected to a transmission network, but not requiring office space, or other space with regular

attendants.

302.108 Utility Trailer: A trailer used to transport materials, goods, equipment, or boats. It shall not have more than two axles and not exceed twenty-five (25) feet in length.

302.109 Variance: A variance is a minor adjustment of terms in this Ordinance where such variance will not be contrary to the public interest. Variances are caused by conditions peculiar to the property and not the result of the actions of the applicant, where a literal enforcement of the Ordinance would result in unnecessary and undue hardship. The 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.

302.110 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 through 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.

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

302.112 Wireless Communication Facilities (WCF): Any unstaffed facility for the transmission and/or reception of wireless telecommunication services, usually consisting of an antenna array, cabling and associated ground equipment and a support structure. Also called cell towers.

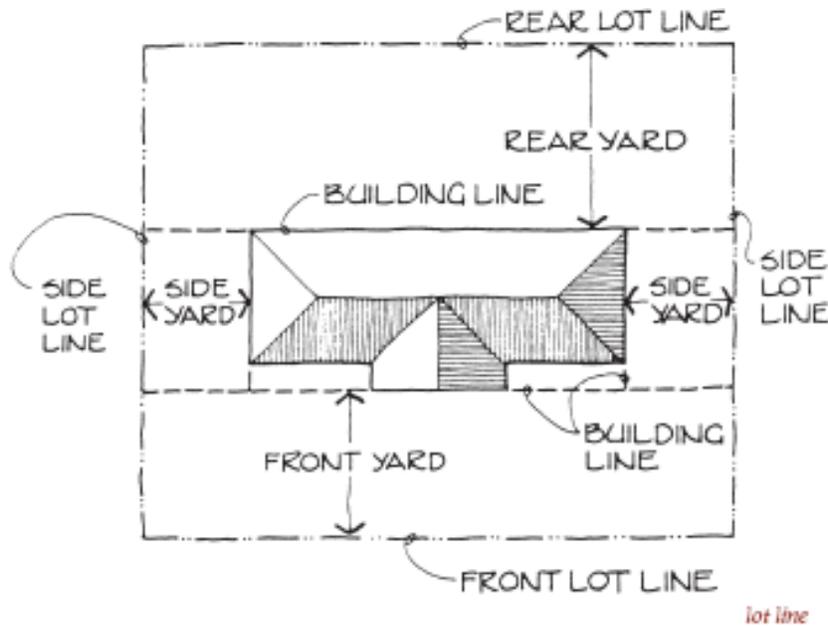
302.113 Yard: A space on the same lot with the principal building open, unoccupied and unobstructed by buildings or structures from ground to sky, except where encroachments and accessory buildings are expressly permitted (see illustration below).

302.114 Yard, Front: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street lines and the front line of the building projected to side lines of the lot.

302.115 Yard, Rear: An open, unoccupied space, except by a possible accessory building, on the same lot with a principal building, extending the full width of the lot and situated between the rear lines of the building projected to side lines of the lot.

302.116 Yard, Side: An open, unoccupied space on the same lot with a principal building, situated between the building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Illustration of types of Yards & Lot lines:



Source: A Planners Dictionary, PAS report 521/522 (2004)

302.117 Zoning Official: The individual designated by the City of Waveland to administer this Ordinance. Duties of the Zoning Official shall include receiving applications, assisting applicants and appellants in the procedures required hereunder, reviewing development plans, and acting as Secretary to the Planning and Zoning Commission.

Article IV General Regulations

Section 401. Regulations for All Development

401.1 Coordination with the 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 X 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 Ordinance

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's Subdivision Ordinance shall apply in addition to the provisions of the Zoning Ordinance.

401.3 Principal Building Regulations

Unless a plan has been approved for a Residential Planned-Development Project, Special Use District or upon recommendation by the Planning and Zoning Commission and approved by the Board of Mayor and Aldermen, only one principal building may be erected on any lot of record or any conforming lot. Temporary structures are permitted during the construction period only.

401.4 Use

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

401.5 Approved Water Supply and Sewage Disposal for Building

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

401.6 No nuisance, as defined herein, shall be allowed as a permitted, conditional, or non-conforming use.

401.7 Junkyards

Junkyards are not designated as permitted uses in any zoning district and are consequently non-conforming uses in all zoning districts. They shall conform to the section of the Zoning Ordinance prescribing regulations for non-conforming uses (see Section 402). The Building Official shall ensure that all existing junkyards maintain valid permits to operate issued by the Mississippi Department of Transportation as required by the Mississippi revised statutes, and he shall ensure that all screening required by the Mississippi Department of Transportation is maintained. The Planning and Zoning Commission may recommend that the Building Official require that all existing junkyards, in addition to the permit to operate, shall maintain valid certificates for occupancy as non-conforming uses according to this Zoning Ordinance and not be a nuisance.

401.8 Residential Planned Development Projects

A Residential Planned Development Project of at least three (3) acres may be permitted in those zoning districts where it is designated as a conditional use under the Zoning District regulations. A Residential Planned Development Project may depart from literal conformance with individual lot dimension and area regulations. A Residential Planned Development Project may be under single or divided ownership. All Residential Planned Development Projects shall be subject to the following regulations:

A. Procedure

When a Residential Planned-Development Project is proposed, the procedure for subdivision approval as set forth in the Subdivision Ordinance shall be followed in its entirety even though the ownership of land may not be divided. A conceptual plan, preliminary plat and final plat, subject to decision by the Board of Mayor and Aldermen based upon a recommendation by the Planning and Zoning Commission shall be required for every Residential Planned-Development Project. The Board of Mayor and Aldermen may set a schedule of reasonable fees to be charged for plat review, upon recommendation of the Planning and Zoning Commission. The project shall be developed according to the approved final plat. Zoning Permits, Building Permits and Certificates of Occupancy shall be required for each building.

B. Uses

The use of premises in a Residential Planned-Development Project shall conform to the permitted uses of its zoning district in which it is located when it is permitted as a conditional use.

C. Conditions

The Planning and Zoning Commission may recommend reasonable conditions to ensure that there shall be no departure from the intent of this

Zoning Ordinance, subject to approval from the Board of Mayor and Aldermen. The Residential Planned-Development Project shall conform to all such conditions. Since a Residential Planned-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 standard for such projects cannot be inflexible. The Planning and Zoning Commission may attach conditions based on all the following standards, pending approval of the Board of Mayor and Aldermen:

1. 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.
2. Wherever there is an abrupt change in use (i.e., residential to commercial), it is desirable that a buffer area of open space or protective planting be placed between the land uses which will protect each use from the undesirable affects of each other.
3. Parking and other public areas used at night shall contain adequate lighting. 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.
4. The Planning and Zoning Commission may recommend any other reasonable conditions as it deems necessary to the Board of Mayor and Aldermen.

401.9 Motor homes, camper trailers, and recreational vehicles shall not be used for occupancy outside of approved Manufactured Home Parks in any district unless specifically permitted by other provisions of this Zoning Ordinance.

Section 402. Regulations for Continuing Non-Conforming Existing Uses and Structures

402.1 Purpose

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

However, it is the intent of this Zoning Ordinance to permit these non-conformities to continue in their present condition. It is further the intent of this Zoning Ordinance that non-conformities shall not be enlarged upon, expanded, extended, or used as grounds for adding other structures or uses prohibited elsewhere in the same zone.

A non-conforming use of a structure, a non-conforming use of land or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this Zoning Ordinance by attachment of additional signs to a building, the placement of additional signs or display devices on the land outside 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.

To avoid undue hardship, nothing in this Zoning Ordinance shall be deemed to require a change in the plans, construction or designated use of a building on which actual construction was lawfully begun prior to the effective date of adoption of this Zoning Ordinance, or amendment thereto, 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, demolition, elimination and removal of an existing structure in connection with such construction, provided that actual construction work will be diligently carried on until the completion of the building involved.

402.2 Explanation

When a lot, structure or use legally exists prior to the adoption of this Zoning Ordinance or amendments hereto, but does not meet the requirements of this Zoning 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: This structure comes closer to the lot lines, is taller than, or otherwise violates the minimum area 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 Zoning Ordinance. Uses in existence at the time of the adoption of this Zoning Ordinance which fall within the category of conditional uses 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 Board of Mayor and Aldermen for the use.

402.3 Non-Conforming Lots of Record

In any zone in which single family dwellings have been continually permitted pursuant to prior Zoning Ordinances, notwithstanding limitation imposed by other provisions of this Zoning Ordinance, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption of this Zoning Ordinance, or amendment hereto. 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 Board of Mayor and Aldermen in the usual manner.

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

402.4 Non-Conforming Use of Land

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

- A; 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 of this Zoning Ordinance or amendment hereto.
- B. If 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 Zoning Ordinance for the district in which the land is located.
- C. Notwithstanding the foregoing, a variance may be granted to modify the application of subsections A and B above upon recommendation by the Planning and Zoning Commission to and approval of the Board of Mayor and Aldermen.

402.5 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 of this Zoning Ordinance, or amendment hereto, which would not be allowed in the zone under the terms of this Zoning 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 in this Zoning Ordinance in the zone in which it is located shall not be enlarged, extended, constructed, reconstructed, 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 the building which was manifestly arranged or designed for such use at the time of adoption of the Zoning Ordinance, or Amendment hereto, 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 had been made to conform may not thereafter be changed in such manner as would be non-conforming.
- E. A variance is required if the structure is old and in non-compliance, only if the addition to be made is added to the existing non-compliance area. Otherwise, if the structure is old and in non-compliance and the new addition is in compliance, no further action need be taken.
- F. Notwithstanding the foregoing, a variance may be granted to modify the application of Subsections A, B, C, D, and E above upon recommendation by the Planning and Zoning Commission to and approval of the Board of Mayor and Aldermen.

402.6 Repairs

Repairs and modernizations are permitted on any building devoted in whole or in part to any non-conforming use provided that the cubical content of the building as it existed at the time that it became non-conforming shall not be increased.

Nothing in this Zoning 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.

402.7 Loss of Non-Conforming Status

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

- A. If non-conforming land is generally joined under common ownership with other adjoining land so the entirety is conforming.
- B. If a non-conforming use of land ceases 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 six (6) consecutive months, or for eighteen (18) months during any three (3) year period. (NOTE: as used herein, the word "discontinued" means that the owner, or party responsible for the use of the property, cannot demonstrate that they had clear intent to continue using the property for the non-conforming purpose and that they 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 sub-section is defined as damage to the 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 403. Regulations for Off-Street Parking and Loading Areas

403.1 Total Amount of Space Required

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

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 doctors’ offices), off-street requirements shall be the sum of the requirements for 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 Zoning Ordinance. The minimum number of required spaces shall be determined by the following criteria.

403.2 Guide to Calculating Number of Parking Spaces Required

When a 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.

A.	Minimum Number of Parking Spaces Required
Dwellings and Lodgings Single-family dwellings, two-family dwellings, parish houses; multiple-family dwellings and other places containing dwelling units; Manufactured Homes, Mobile Homes and Manufactured Home/ Mobile Home Parks	Two (2) spaces per dwelling unit (on the lot and in immediate proximity to the unit).
Hotels, motels, Bed & breakfasts, rooming houses, dormitories, and other structures containing sleeping rooms, other than or in	One (1) space per guest room, bedroom, or sleeping room, but no fewer than two (2) spaces.

addition to, dwelling units.	
B.	Public and Semi-Public
Mortuaries and Funeral Homes	Minimum twenty (20) spaces or one (1) space for each fifty (50) square feet of gross floor area up to a maximum of seventy (70) spaces.
Churches	One (1) space for every four (4) seats in the principal place of assembly, plus one (1) space for any vehicle customarily used in the operation of the use or stored on the premises, plus the standard parking requirements for an accessory use such as a school or child care center.
Public buildings, museums, public libraries, post office, art galleries	Five (5) spaces for every one-thousand (1,000) square feet of floor area, and one (1) space for each employee, plus one (1) space for any vehicle customarily used in the operation of the use or stored on the premises.
Vocational and music schools, dance studios, and other private schools and colleges for non-academic instruction.	One (1) 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, nursing and rest homes, sanitariums, and like uses	One (1) parking space for each resident and staff doctor, employee, intern and nurse plus one (1) space for each five (5) beds plus one (1) space for each institutional vehicle plus one (1) visitor space for every 1,000 square feet of floor area.
Child care, nurseries and kindergarten	Two (2) spaces, plus one (1) space per employee, plus a paved, unobstructed, off-street pick-up area with five (5) stacking spaces in addition to the standard driveway and parking requirements.
Schools offering academic instruction	One (1) space for every classroom and office, plus one (1) space for every three (3) students over 16 years of age, plus one (1) space per bus or other vehicle customarily used in the operation of the use or

	stored upon the premises.	
	Auditoriums, theatres, meeting rooms, fraternal and exhibit halls, and other places of public assembly	One (1) space for every four (4) seats or one (1) space for every fifty (50) square feet of gross floor area used for assembly, exhibition, dancing or dining when there is no fixed seating.
C	Offices	
	Office buildings, Professional and medical office buildings, and financial Institutions	One (1) space for every two hundred (200) square feet of floor area. Where the use involves drive up banks, five (5) stacking spaces shall be provided for each drive-up window, automatic teller unit or delivery station.
D	Entertainment & Services	
	Pool halls, billiard parlors	Three (3) spaces for each table.
	Bowling alleys	Six (6) spaces for each alley.
	Restaurants without drive-thru or carry out facilities, lounge, bar, tavern or saloon	One (1) space for every one-hundred (100) square feet of gross floor area.
	Beauty and barber shops and personal services	One (1) space for every two hundred (200) square feet of gross floor area.
	Laundry and dry-cleaning pick-up stations	One-half (1/2) space for each employee plus two (2) spaces.
	Self-service dry cleaning and laundry establishment.	One-half (1/2) space per four (4) washing machines and/or dry cleaning machine.
	Veterinarian Offices, dog hospitals, clinics and kennels	One (1) parking space for each doctor and employee plus two (2) spaces for visitors.
	Construction services	One (1) space for every two-hundred and fifty (250) square feet of gross floor area, plus two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in operation of the use stored on the property.
		One (1) space per three thousand (3,000) square feet of outdoor sales lot area devoted to sales, display, and/or rental of said vehicles or one

E	Automotive service and/or sales	space for every two-hundred and fifty (250) square feet of indoor floor area, whichever is larger; plus three (3) spaces for every bay in garage repair areas, as well as one (1) space for every two (2) employees on the maximum shift.
	Restaurants with drive-thru and carry out facility	One (1) space for every one hundred (100) square feet of gross floor area, plus five (5) stacking spaces for each drive-in window or delivery station.
	Commercial	
	Grocery Store, Supermarket	One (1) space for every one hundred and fifty (150) square feet of gross floor area.
	Nurseries, greenhouses, building materials stores, lumber yards	One (1) space for each employee not living on the premises plus five (5) spaces of customer parking. Five (5) spaces for every one-thousand (1,000) square feet of gross floor area, plus one space for every vehicle customarily used in the operation of the use or stored onsite.
	Shopping Center 25,000 to 400,000 square feet	Four (4) spaces per one thousand (1,000) square feet of gross floor area.
	400,000 to 600,000 square feet	Four and one-half (4 ½) spaces per one thousand (1,000) square feet of gross floor area.
	More than 600,000 square feet	Five (5) spaces per one thousand (1,000) square feet of gross floor area.
	Retail and wholesale stores	One-half (1/2) space for each employee plus one (1) space for each company vehicle plus (1) space for each two hundred (200) square feet of sales area.
	Retail and wholesale stores of bulky items (e.g. furniture and major appliances)	One-half (1/2) space for each employee plus one (1) space for each company vehicle plus one (1) space for each one thousand

	(1,000) square feet of gross floor area.
Wholesale, retail and commercial storage.	One-half (1/2) space for each employee plus one (1) space for each company vehicle, plus two (2) spaces, but a total of no less than four (4) spaces.
Grocery and Convenience stores under 5,000 square feet	One (1) space for every five hundred (500) square feet of gross floor area. Where the use involves a drive up window, five (5) stacking spaces shall be provided for each window or delivery station. Where the use involves gasoline pumps, see below Automobile Service Station.
Automobile Service Station	One (1) space for every fuel dispensing pump, plus three (3) stacking spaces per fuel dispensing pump plus three (3) spaces for every service bay or similar facility, plus one (1) space used directly in the conduct of business, plus one (1) space for every two (2) employees on the maximum shift.
Self-Service Car Wash	Five (5) stacking spaces for each car washing stall, plus two (2) drying spaces for each stall.
F. Industry	
All Industries (except listed below)	One (1) 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.
Convenience storage facility, mini-warehouse	One (1) space for every fifty (50) storage units.
Trucking terminal, storage yards, building contractors, lumber yards, etc.	One (1) parking space for each employee plus one (1) parking space for each company vehicle, truck, tractor or trailer stored at the site when not in use.

403.3 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.

403.4 How to Figure Fractional Spaces

When units or measurements determining 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 any fraction of one-half (1/2) or more shall require one (1) off-street parking or one (1) off-street loading space.

403.5 Determining Parking Requirements When Use Changes

Additional off-street parking spaces shall be provided whenever in any structure there is a change in use, an increase in floor area, or in the number of employees, or other unit of measurement specified in this Zoning Ordinance if such change creates a need for an increase in more than ten (10%) percent in the off-street parking requirements. The additional space required for the new use or changes in units of measurement shall be determined by the standards in this section. In case of 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 facilities shall be required.

403.6 Exception

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.

403.7 Commercial Parking Areas

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

403.8 Parking Commercial Vehicles in Residential Zones

Of the vehicles allowed as accessory to a dwelling, one (1) may be a commercial motor driven vehicle and one may be a utility trailer subject to the following limits:

- A. The Gross Vehicle Weight Rating (GVWR) of the accessory commercial motor driven vehicle shall not exceed ten-thousand (10,000) pounds;
- B. The accessory utility trailer shall be used solely for the storage and transport of equipment, materials, merchandise or tools and shall have not more than two (2) axles and not exceed twenty-five (25) feet in overall length;

- C. Where any commercial vehicle is allowed as accessory to a dwelling there shall be provided off street parking sufficient to accommodate same and such space shall be in addition to the parking spaces required by Section 403.2.A. Parking required for a utility trailer shall conform to the requirements of Section 403.10 below; and
- D. Nothing in this Section shall be construed so as to authorize or otherwise encourage the storage of fuel to support any accessory commercial vehicle or equipment parked or stored in a residential area.

403.9 Joint Use of Parking Space and Interior Block Parking

Nothing in this Ordinance shall be construed to prevent the collective provisions of off-street parking facilities for two (2) or more buildings or uses. Where joint facilities are provided, the minimum requirements 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.

403.10 Location of Parking Space

- A. 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.
- B. Utility trailers, boats, and recreational vehicles shall be parked or stored entirely behind a line formed by the sideward extension of the forward-most portion of any street facing façade of the main dwelling.
- C. A garage or carport may be located wholly or partly inside the walls of the principal structure or attached to the outer walls. If separated from the principal building the garage shall conform to all accessory building requirements. The garage may be constructed under a building, yard or a court.
- D. Jointly used parking areas in businesses and manufacturing zones may be located on lots adjacent to the principal use or within four hundred (400) feet thereof. If located in a residential area, the following provisions shall be made to protect existing or proposed residences.
 - 1. The parking area shall be screened from the street and pedestrian traffic by means of an edge fence, planted strip or other similar means of enhancement, to a height of four (4) feet.
 - 2. No portion of the area used for parking shall be within twenty (20) feet of a residential structure.
 - 3. No portion of the area used for parking shall be closer than five (5) feet to a sidewalk.
- E. Jointly used parking areas in businesses and manufacturing zones may be located on lots adjacent to the principal use or within four hundred (400) feet thereof.
 - 1. The property occupied by the accessory parking lot is in the same possession, by deed, as the property upon which the principal use is located.

2. The property owner shall record covenants upon both properties, acceptable to the City Attorney, binding the owner, future owners, heirs, and assigns to maintain the required number of parking spaces for the duration of the existence of the structure to which they are appurtenant.

403.11 Off-Street 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. Such space shall have access to a public alley, or if there is no alley, to a street. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking space. 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. Off-street loading and unloading space which is utilized for the location of trash collection or compaction shall be provided for separately and subject to the following off-street loading and unloading requirements. The minimum off-street loading and unloading space required for specific uses shall be as follows:

- A. Retail businesses and service establishments shall provide one (1) off-street loading and unloading space at least twelve (12) feet wide and thirty-five (35) feet long with a fourteen (14) foot height clearance.
- 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. All off-street loading shall be improved with an all-weather surface which is suitably designed for the intended purpose.

403.12 Parking Improvement Standards

Surfacing, lighting, landscaping, maintenance and underground improvements shall be developed according to the standards set forth.

- A. All parking spaces and areas, and access ways to and from such spaces and areas shall be constructed with permanent, hard surface materials, and so drained as to avoid the flow of water across sidewalks.
- B. The minimum width shall be ten (10) feet for access ways serving residences.
- C. The minimum width shall be twelve (12) feet for all other access ways.
- D. Minimum Parking Dimensions

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

Parking Angle	Stall depth	Stall width	Aisle width
90	20'0"	9'0"	25'0"
60	20'0"	9'0"	18'6"
45	20'6"	9'0"	13'6"
30	20'0"	9'0"	13'0"
Parallel	8'0"	23'0" curb length	12'0" one-way 25'0" two-way

- E. Drainage: All off-street parking areas shall be designed and constructed so as to prevent drainage to abutting properties. The manner of site drainage proposed shall be subject to review and approval of the City Engineer.
- F. Exterior Lighting: The following standards are required for all exterior lighting for all non-residential uses and all multiple-family dwellings containing three (3) or more dwelling units:
 1. Private streets, driveways, parking lots, walks and service area shall be kept properly and adequately lighted at all times so that the area will be safe for occupants and visitors. All entrances and exits to the subject property and proposed structures shall be lighted.
 2. Lighting fixtures, whether mounted upon a building, or independently upon a pole, light standard, or other structure, shall not exceed sixteen (16) feet in height.
 3. The lighting from any luminary shall be so shaded, shielded, or directed to prevent direct light from being cast upon an adjacent residential property, and to prevent glare or other objectionable problems to surrounding areas.
 4. Neither the direct or reflected light from any luminary shall fall upon an adjacent public street.
 5. No exterior lighting fixtures shall have any blinking, flashing, or fluttering light or other illuminating device, which has a changing light intensity or brightness or color.
 6. Lighting fixtures shall be compatible with the architecture of their associated buildings.
- G. Curbing and Wheel Stops: All parking area and loading areas shall be provided with a permanent curb. In addition, all landscaped areas that can be encroached upon by a motor vehicle shall be protected by a wheel stop, appropriately anchored to the pavement, and set a minimum of two (2) feet from the curb to restrict such encroachment.
- H. Street Signs and Traffic Control Devices: When as a result of the proposed project, street signs, traffic signals, or traffic regulatory signs are required, the applicant shall be responsible for the installation of such devices, which must be approved by the City Engineer.
- I. Fire Lanes: Every non-residential use shall provide access for fire vehicles and emergency apparatus from a public street, as required by the Fire Chief of the City of Waveland.

- J. Rear Access to Buildings: Vehicular access shall be provided along the entire rear of all non-residential buildings for emergency access purposes.

403.13 Regulations for Off Street Parking and Loading Areas for the Coleman Limited (CO-1) and Coleman Open (CO-2) Zoning Districts.

In the Coleman Limited (CO-1) and Coleman Open (CO-2) Zoning Districts, Section 403 regulations shall apply, except that where the following additional or substitute requirements apply, they shall prevail.

- A. Office parking shall be provided on the basis on one (1) parking space per four-hundred (400) square feet of gross floor area.
- B. Retail store parking shall be provided on the basis of one (1) parking space per three- hundred (300) square feet of gross floor area.
- C. On-Street parking available along the frontage lines that correspond to each lot shall be counted toward the parking requirements of the building on that lot.
- D. Where alleys or rear lanes are available, parking shall be accessed by same.
- E. Open parking areas shall be located no closer to the lot frontage line than one-third (1/3) the lot depth, except that driveway aprons and drop offs may be located at or near the frontage line and driveways may extend rearward from the frontage line.
- F. Except for ingress and egress, parking lots shall be screened from view from public streets.
- G. Where the space in the first level of a building is used as parking it shall be screened from view from public streets.

403.14 Landscaping and Screening

Parking areas for ten (10) cars or more shall include landscaping and screening as follows. All parking and loading areas shall be properly screened and landscaped as hereinafter set forth. It is the purpose and intent of this Section to require adequate protection for contiguous property against the undesirable effects resulting from the creation and operation of parking or loading areas and to protect and preserve the appearance and character of the surrounding areas through the screening effects of landscaping.

- A. All landscaping shall be installed in conformance with ANSI Z60.1, the "American Standard for Nursery Stock," and the accepted standard of the American Association of Nurserymen.
- B. Perimeter landscaping. One large, shade tree for every thirty-five (35) linear feet of street frontage or portion thereof shall be planted upon the subject right-of-way line. Said trees may be clustered or arranged within the setback, and need not be placed at a uniform thirty-five (35) foot interval. To provide a more immediate effect and to off-set the larger scale of structures, street trees shall be three to three and one-half (3 to 3½) inch caliper in size as measured three (3) feet above the ground.
- C. Interior Landscaping

1. There shall be a minimum of twenty (20) square feet of interior landscaped area provided within the parking area for each parking space. The landscaping shall be in one or more areas so as to minimize and reduce the apparent size of the parking area.
 2. Parking areas shall be organized as a series of small parking bays with landscape islands separating them. A landscape island shall be placed for every ninety (90) linear feet of parking, as follows:
 - a. Single Loaded Parking Rows. A raised island, not less than six (6) inches in height, five (5) feet wide by twenty (20) feet in length shall be located at both ends of every single loaded parking row, and at a point every 90 (ninety) linear feet along the parking row (every ten (10) parking spaces). Each island shall contain a minimum of one (1) medium shade tree, two to two and one-half (2 to 2 ½) inches in caliper, as measured three (3) feet above the ground.
 - b. Double Loaded Parking Rows. A raised island, not less than six (6) inches in height, five (5) feet wide by forty (40) feet in length shall be located at both ends of every double loaded parking row, and at a point every ninety (90) linear feet along the parking row (every ten (10) parking spaces). The island shall contain a minimum of two (2) medium shade trees, two to two and one-half (2 to 2½) inches in caliper, as measured three (3) feet above the ground.
 - c. All islands shall be protected by a six (6) inch concrete curb.
 3. Trees planted for the purpose of complying with the perimeter landscaping requirements shall not be double counted for compliance with the interior landscaping requirements.
- D. Ground Cover. Areas adjacent to streets and pedestrian walkways, as well as interior landscape areas, shall be treated with grass and/or other types of vegetative ground cover. Such areas shall be sod or established lawn prior to building occupancy.
- E. Maintenance of Existing Trees
1. Whenever possible, healthy existing trees should be retained, as they are an amenity that increases the value of property and requires many years to replace. The parking site and landscape plan must identify all existing trees eight (8) inches in caliper, as measured three (3) feet above the ground, or larger, as well as, which trees shall be retained and which trees shall be removed. The applicant must submit a justification for the removal of any such trees.
 2. Existing Tree Credit. Every existing tree, a minimum of eight (8) inches in caliper or larger which is maintained as a part of the proposed development may be used as a credit on a 1:1 basis against the tree requirements of either the perimeter or interior landscape standards, dependent upon the location of the existing tree(s) to be maintained upon the subject property. The

maintenance of existing tree(s) shall only be considered as a credit against the perimeter street tree requirements if the existing trees to be maintained lie within the subject site, but also within a reasonable proximity to the street right-of-way.

3. Undeveloped Areas. Areas of natural vegetation shall be preserved along property lines including fence rows and drainage ways and shall be incorporated into the site's overall landscape concept. The parking site plan shall identify "no-grade" zones for this purpose.
- F. Tree Standards. Potentially "large" trees shall be three to three and one-half (3 to 3½) inches in caliper, as measured three (3) feet above the ground, at planting. Potentially "medium" and "small" trees shall be two to two and one-half (2 to 2½) inches in caliper at planting, as measured three (3) feet above the ground at planting.
- G. Maintenance. The trees, shrubs and other landscaping materials depicted upon the parking site and landscape plan shall be considered as binding elements of the project in the same manner as parking, building, materials, and other details. The applicant, his successors, assigns, and/or subsequent owners and their agents shall be responsible for the continued maintenance of all landscaping materials. All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping as originally approved. Plant materials which exhibit evidence of insects, disease and/or damage shall be appropriately treated. Dead plants shall be removed and replaced within thirty (30) days following notification by the City.

403.15 Maintenance of Parking and Loading Facilities

Any persons operating or owning a commercial parking area of ten (10) or more spaces or a parking area for a multiple-family dwelling of twelve (12) or more spaces shall keep it free of dust, loose particles, trash, debris, and broken glass. Such person shall also keep all adjacent sidewalks free from dirt and debris and keep the sidewalks in safe condition for use by pedestrians. All signs, markers or other methods used to indicate the direction of traffic movement and the location of parking spaces shall be maintained in a neat and legible condition. Likewise, any walls and landscaping, as well as the surfacing and curbing of the parking area shall be maintained in good condition throughout its use for parking purpose. The Building Official or Zoning Official shall have the authority to prohibit the use of an area for parking purposes unless and until proper maintenance, repair, or rehabilitation has been completed.

403.16 Site Plan Review Committee Approval Required

- A. Plans for any parking area hereafter designed to be constructed or altered for the purpose of providing off-street parking for ten (10) or more automobiles and/or plans for decreasing parking spaces for a parking area providing ten (10) or more automobiles must be submitted to the Site Plan

Review Committee for its review and approval consistent with existing Ordinances.

- B. The proposed parking plan shall include the following information:
1. Delineation of individual parking and loading spaces by intended striping, parking space dimensions, and identification of parking spaces by number.
 2. Circulation area necessary to serve the parking area, delineation of anticipated obstacles to parking and circulation within the finished parking area.
 3. Access to streets and property to be served.
 4. Driveway and traffic aisle widths, location of all curbs and curbing materials.
 5. Grading, drainage, surfacing, and sub-grade details.
 6. Dimensions, continuity, and substance or required landscaping and screening.
 7. Exterior lighting locations, height, and type of fixture.
 8. Critical dimensions indicating setback and parking lot layout design.
 9. All sidewalks and pedestrian ways.
 10. Where applicable, any and all existing parking facilities currently serving the applicable buildings, structures or uses.

Section 404. Regulations for Auto Oriented Commercial Establishments

404.1 Entrances and Exits

For filling stations, commercial parking areas, automobile repair shops, drive-in restaurants and similar establishments catering to shoppers conducting business transactions primarily while in or near their automobile.

- A. 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 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-five (25) 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. Drive through establishments shall provide five (5) cars stacking in the drive through lane counting from the pick-up window.

404.2 There shall be a six (6) foot high solid fence or a ten (10) foot wide planting strip predominantly containing plants, trees and shrubs so planted and maintained as to provide a screen along all lot lines adjoining residential uses.

Section 405. Regulations for Signs

405.1 Purpose

This section is intended to provide a comprehensive system of signs and advertising displays consistent with traffic safety and with due regard to business opportunities, the environment of residential neighborhoods, community appearance and property values in all districts.

405.2 See Definitions in Section 302

405.3 Applicability

- A. A sign may be erected, placed, established, painted, created or maintained only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance and all other applicable laws, ordinances, and regulations. Temporary and permanent signs requiring a permit shall comply with the permitting procedures established herein and shall be erected or installed only after issuance of such a permit and in accordance with such permit.
- B. Existing permanent signs legally erected prior to the effective date of this ordinance may remain in place and in use, subject to restrictions on modification, replacement and other actions. Certain temporary signs, including banners and portable signs, shall be subject to removal in accordance with this section.
- C. Any business sign or billboard legally existing prior to the effective date of this ordinance or which this section is a part and which does not conform to the provisions of this section shall not be altered or changed in overall dimension, except to conform to the provisions of this section. If damaged to an extent in excess of one-half of its current replacement value, it shall not be rebuilt, provided that nothing contained in this section shall be construed to prevent normal maintenance and repairs, repainting or posting of such signs or structures.
- D. Holders of permits for signs issued legally prior to the effective date of this ordinance may erect the permitted signs within the times allowed by such permits. Such permits may not be extended or amended unless the permitted sign will conform to all of the requirements of this section.

405.4 Exempt Signs

- A. Government and public utility signs when concerned with the safety, traffic regulations, giving directions, or legal notice requirements.
- B. Flags of any unit of government.
- C. Decorations, including light displays, in connection with generally recognized holidays, provided such decorations do not permit undue light within a residential district.
- D. Historical markers as recognized by Local, State, or Federal Authorities.
- E. Traffic control signs on private commercial or industrial property, such as stop, yield or similar signs, the faces of which meet the Mississippi

Department of Transportation standards and which contain no commercial message or art.

405.5 Prohibited Signs

- A. Signs which by color, location, shape, or design resemble or conflict with traffic signals, or obstruct free and clear vision of traffic as defined in applicable accepted traffic safety standards.
- B. Signs displaying matter that is deemed vulgar, pornographic, or otherwise illegal.
- C. Any sign attached to a utility pole, to a road sign, to any public utilities structure or equipment, or placed on a public right-of-way.
- D. Portable signs, except permitted temporary signs under this Section.
- E. Flashing signs, except that a small portion of the total illumination may be intermittent for purposes of emphasis or giving the illusion of movement.
- F. Temporary signs located off premise or on a public highway, street or right-of-way, except as specifically permitted under this Section.
- G. Signs attached to, suspended from or painted on any vehicles which are regularly parked on any street or private property to display, demonstrate, advertise or attract the attention of the public.
- H. Signs used as a fence or any fence used as a sign.
- I. Windblown signs consisting of fluttering, spinning, windblown or inflatable device, including pennants, streamers, and propeller discs.
- J. Signs that are attached to or painted on a roof structure, panels, or walls constructed to screen rooftop mechanical equipment or a rooftop penthouse.
- K. Abandoned signs.
 - 1. The Building Official shall determine that the following signs have been abandoned:
 - a. Any sign that is located on property, which becomes vacant and is unoccupied for a period of six consecutive months or more. The Building Official shall serve notice of the abandonment at the end of the six months of such vacation.
 - b. Any sign relating to or identifying an activity or establishment that is not conducted or sited on the premises for a period of six (6) consecutive months or more. The Building Official shall serve notice of the abandonment at end of the six (6) months period of inactivity.
 - c. Any sign which pertains to a time specific event, the time of which has passed, shall be deemed to have been abandoned and subject to removal in the manner herein described. The Building Official shall serve notice of the abandonment upon observation of the inapplicable sign copy.
 - d. Any sign that fails to meet the code and maintenance requirements described herein shall be deemed to be abandoned and subject to removal if the deficiencies are not

- corrected. The Building Official shall serve notice of the abandonment upon determining said deficiencies.
- e. A determination of abandonment shall include the sign's structure if the structure cannot be lawfully used or does not comply with the height, area or other physical requirements of this section.
2. Removal and Remediation.
- a. General: A sign shall be removed or its noted deficiencies remedied within thirty (30) days of written notice of abandonment to the property owner and/or tenant from the Building Official. The Building Official shall have the discretion to grant an additional thirty (30) days for the required removal or improvements to be made provided that substantial progress is being made toward removal or correcting the deficiencies and a written request for such an extension is received at least five (5) working days before the end of the initial thirty (30) day period.
 - b. Should the responsible parties to whom the abandonment notice has been made fail to timely respond to said notice, the City may remove the sign and all costs thereof shall be charged to the owner, agent, or person having the beneficial interest in the building or premises upon which the sign is located or in the sign itself.
 - c. Hazardous signs. Notwithstanding the above notice and remedial provisions, should the Building Official find that a sign's condition constitutes an imminent public hazard, the Building Official shall require the immediate removal of the sign. Should the responsible parties fail to comply, the City may remove the sign and all costs thereof shall be charged to the owner, agent, or person having the beneficial interest in the building or premises upon which the sign is located or in the sign itself.
 - d. A sign which meets the height, area, or other physical requirements of this ordinance shall not be removed from its cabinet unless a new sign will replace that sign in the structure. An abandoned sign not replaced shall be left in its cabinet structure and shall be painted or otherwise masked using a solid uniform color covering the sign.

405.6 Signs Not Requiring a Permit

Pursuant to the specific requirements and limits for the zoning district in which a sign is to be sited, the following types of signs may be allowed without a permit.

- A. Nameplates not exceeding two (2) square feet in area and bearing only the name of the occupants on 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 on the public way nearest the sign.

- B. Signs that are a permanent architectural feature of the structure.
- C. Directional signs without commercial messages that guide persons on premises are allowed in all zoning districts, however the allowable sign areas and destinations vary by zoning district.
- D. Vehicular Entrance and Exit signs are allowed in all zoning districts provided they do not exceed four (4) square feet in area.
- E. Temporary signs including portable signs announcing non-commercial open to the public such as carnivals and festivals do not require a permit. Such signs are exempt from the requirements of being on the same property as the activity advertised, provided such signs are:
 - 1. Limited to one sign per parcel frontage;
 - 2. Placed only on property with the permission of the owner;
 - 3. Erected not more than thirty (30) days prior to the event advertised;
 - 4. Removed no later than three (3) days following the end of the event advertised.
- F. Yard Sale Signs:
 - 1. One on-premise sign advertising a yard or garage sale is allowed per parcel, provided such signs are:
 - (a). Not greater than three (3) feet in area;
 - (b). Erected not more than seven (7) days prior to the event;
 - (c). Removed within two (2) days after the event.
 - 2. Lead-in (directional) off-premise yard sale signs are permitted from Friday noon to Monday noon.
- G. Real Estate Signs. One sign to advertise the offering of a property for sale, rental or lease on each public way on which the property has frontage. The allowable size of the real estate sign varies according to the zoning district in which it is sited.
- H. Construction Signs. One construction sign indicating the parties involved in the project such as contractors, financial interests, engineers, and the potential occupant(s). The allowable sign area of a construction sign varies according to the zoning district in which it is sited. A construction sign may be displayed as long as the construction is actively underway. If no significant construction activity is evident at a signed construction site for a period of sixty (60) days or more, the Building Official will notify the owner to remove the sign within sixty (60) days, and after that time the Building Official may remove the sign and assess the owner of the property for the removal expenses incurred by the City.
- I. Political Signs. Non-illuminated political signs not to exceed a total of thirty-two (32) square feet of total sign area per one hundred (100) feet of street frontage are allowed in all zoning districts. Such

signs shall not be erected more than sixty (60) days prior to the election or referendum concerned and shall be removed within ten (10) days following such election or referendum. Political signs may be placed only on private property and only with the permission of the property owner.

- J. Window signs up to two (2) square feet and not internally illuminated are allowed in all zoning districts.
- K. Menu Board Signs. Where a drive through food service establishment is a permitted use or approved as a conditional use, the establishment may display one back to back menu sign not exceeding thirty-two (32) square feet in area, provided that the sign is not readily visible from the public way.
- L. Gas Price Signs. Where retail fuel sales are permitted, or approved as a conditional use, a fuel retailer may display one back to back Fuel Price Sign not exceeding thirty-two (32) square feet in area.

405.7 Sign Permit Required.

- A. Except as provided in this section, no sign may be erected or displayed within view of a public street or way unless the Building Official has issued a permit pursuant to this section.
- B. On-Premise Signs Permitting. Applications to the Building Official for a sign permit shall put forth in writing and illustrations all of the following information:
 - 1. The name, address and phone number of the applicant, the name of the property owner, and the property location.
 - 2. For all signs subject to permit, the overall height (or position on a building), shape, dimensions, area, materials, method of support or attachment, lighting, location of the property, and planned date of erection.
 - 3. A drawing to scale of the sign, clearly showing internally lighted or moving, or both, components. When the sign is an attached type, the building façade will be shown in the drawing or in an accompanying photograph.
 - 4. The location, dimensions, and height (or position on a building) of existing signs displayed by the same interest of activity.
 - 5. A site plan drawn to scale, showing the location of the proposed sign, and all other signs displayed by the same interest or activity.
 - 6. Whether the sign is within the area and height limits for the applicable category of activity as required.
- C. Off-Premise Advertising Sign Application. In addition to the information noted in Subsection B, applications for off-premise advertising signs shall contain the following information:
 - 1. The name of the person, firm, corporation, or business that will be erecting the sign.

2. A statement that evidence of the required liability insurance is on file with the Building Official.
 3. Proof of approval from the Mississippi Department of Transportation to erect the sign.
 4. Proof that the applicant is legal owner of the property where the sign is to be erected, or a copy of a valid lease from the legal owner of the property permitting the applicant to erect and maintain the sign.
 5. The fee for a permit application will be proportional to the value of the sign, using the same schedule as applies to building permits for commercial construction at the time of the application.
 6. Applications for a permit to erect a sign made by an individual or corporation, who has previously erected a sign deemed to be in noncompliance with the provisions of this ordinance shall not be considered until the deficiencies cited with the previous sign are remedied.
- D. Actions of the Building Official in response to an application to permit a sign:
1. The Building Official will determine if the information submitted pursuant to Section 405.7B and 405.7C is complete, and if the proposed sign complies with all requirements and standards of this ordinance. If the sign does not conform to said requirements and standards, the Building Official will advise the applicant as to how to bring the proposed sign into conformity therewith.
 2. The Building Official will, after studying the application, act to approve, approve with modifications, or disapprove. If the action is disapproval, the applicant will be advised of the reasons and procedures for application for hearing by the Board of Mayor and Aldermen.

405.8 General Sign Requirements and Standards.

- A. No portion of any sign shall be located within the public right-of-way (ROW). This includes all above ground and below ground supports, frames, and embellishments or any portion of a sign, attached to, affixed to, or painted on a utility pole, light standard, utility box or any pedestal, tree, rock or natural object located within the public right-of-way.
- B. No sign shall be located in a manner which creates a traffic hazard.
- C. No sign shall be located in such a manner to impair ingress and egress through windows, doors or other means of entering or exiting from a structure or building.
- D. All signs shall be installed and maintained in compliance with the applicable provisions of the building code and the electrical code of the City of Waveland and the requirements of the Mississippi Department of Transportation.
- E. All signs and their immediate environs shall be maintained in good condition and appearance. Signs shall remain clean, understandable to

viewers, and clear of all markings, or postings not part of the permitted sign.

F. Illuminated Signs.

1. Illuminated Signs shall not have blinking, flashing or other illuminating devices which change light intensity, brightness or color. Beacon lights are not permitted. Automatic changing signs displaying time, temperature, date or electronically controlled message centers are permitted subject to the requirements herein.
2. The light for or from any illuminated sign shall be so shaded, shielded or directed that the light intensity will not be objectionable to surrounding areas.
3. No colored lights shall be used on any sign at any location in any manner so as to be confused with or construed as traffic control devices.
4. Neither direct nor reflected light from a primary light source shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

G. Electronic reader boards shall constitute no more than thirty (30) percent of a sign surface area and shall present messages in fonts other than dot matrix patterns and shall be integrated into the overall sign design. Messages shall not change in less than sixty (60) second intervals.

H. General Sign Measurement Rules.

1. As a general rule the area of a sign shall be determined as the area of the smallest rectangle or sum of contiguous rectangles which completely encompass the sign message, including letters, words and graphic elements. This method of measurement shall also apply to word and graphics elements painted onto windows, awnings and canopies.
2. The height of a freestanding sign shall be measured from the highway or street grade to which the sign is oriented or to the average grade of the site on which the sign is located to the top of the sign or any appurtenance extending above same. Any change in the site's grade specifically to increase the sign's height shall be included in measuring the sign's height.
3. The area of internally illuminated signs and signs consisting of a permanent structure with panels designed to be removed and/or replaced for periodic maintenance or change of tenant(s) shall be computed as the smallest rectangle that will encompass the extreme limits of the illuminated or changeable panels and framing structure less than three (3) inches wide, regardless of sign space or whether or not open space exist. Any cut outs or extensions shall be included in considering the total area in the case of separate signs sharing a common structure however, the open spaces between the panels shall not count as sign area.
4. Only the area of one face of signage with two faces shall be considered in determining the area of a two-faced sign, provided

the two faces are joined at an angle of not more than ninety (90) degrees. Fifty (50) percent of the area each face with three (3) or more faces shall be considered in determining the area of a sign with three (3) or more faces.

5. The face and frame of a sign that includes the name of individual occupants and provides an area for changeable or electronic copy shall count toward the total area of the sign for signs of multi-occupant, changeable copy or electronic signs.
6. The signable area of the wall sign of a building is that area which is free of architectural details on the façade of the building or part of the building in which the activity associated with the sign is located.
7. In certain zoning districts the allowable wall sign area is determined as a percentage of the total signable area based on the use of the structure to which it is applied or attached.
8. A sign consisting of irregular, non-rectangular shapes shall be allowed to exceed its area requirements by thirty (30) percent where thirty (30) percent or more of the sign's area consists of open space and/or cutouts.
9. The single largest face of back to back and "V" signs will be used to determine permitted sign area for off-premise signs, provided the two sign faces intersect at an angle of ninety (90) degrees or less.

405.9 Specific Requirements for Temporary Signs.

- A. The display of temporary signs other than banners, which announce commercial events or activities are to be permitted pursuant to the following requirements:
 1. Each sign and each display period therefor requires a permit.
 2. No person, firm, entity, business, or corporation shall be entitled to more than two (2) temporary sign permits per calendar year.
 3. A temporary sign must be on the premises of the activity or event noted on the sign.
 4. A temporary sign may be displayed for up to thirty (30) days following the start date stated in the permit or until the event or activity noted on the sign ceases, whichever shall occur first.
 5. A temporary sign may be portable provided it is solely displayed on the premises for which the permit was issued.
 6. Light or audio displays may be permitted as temporary signs if the Building Official determines that the instance will not allow an undue presence of light or sound in any residential area.
- B. In addition to the above display of temporary signs, banners are to be permitted pursuant to the following requirements:
 1. For each commercial activity banners are allowable for a total of one (1) period of two (2) weeks in duration per quarter for each year, however no two (2) periods may be consecutive.
 2. Banners must be on the premises of the activity or event noted on the sign.

3. An individual banner or group of banners simultaneously displayed on a parcel shall not exceed twenty-five (25) square feet in total area.
4. Banners shall not be located within twenty (20) feet of any street. If such a setback is not possible because of the proximity of the business property to the street, the Building Official may approve a lesser setback provided that the public safety is not compromised.
5. The permit fee for a banner shall be \$15.00 per application until modified by Resolution of the Board of Mayor and Aldermen.

405.10 Specific Requirements for Permanent Signs.

- A. Awning, Canopy and Window Signs
 1. The copy area of an awning, canopy or permanent window sign shall not exceed thirty (30) percent of the awning, canopy or window pane, section or door or grouping of such.
 2. Awning and canopy signs shall not be illuminated.
- B. Projecting Signs.
 1. A projecting sign shall not extend horizontally more than four (4) feet beyond the surface to which the sign is attached.
 2. Where public sidewalks exist, projecting signs may extend over the public right-of-way by up to four (4) feet beyond the right-of-way line, provided there is a clearance of nine (9) feet above the sidewalk surface.
 3. No permit shall be issued for any sign overhanging the public right-of-way in accordance with this ordinance unless the applicant posts a bond, or public liability insurance, in the amount of ten thousand (10,000) dollars per person, twenty thousand (20,000) dollars for any accident, and five thousand (5,000) dollars for property damage. Such bond or liability insurance shall remain in force at all times while such signs overhangs the public right-of-way.
 4. A projecting sign shall not extend above the height of the surface of a flat roof, the mid-point of a sloping roof, or the top of a parapet wall.
 5. A projecting sign shall remain nine (9) feet above the surface of any sidewalk or pedestrian way.
 6. A projecting sign shall be attached at least six (6) inches but not more than twelve (12) inches from the building.
 7. A projecting sign must be attached at right angles to the building façade.
 8. A projecting sign may be suspended from an eave, balcony or gallery provided the width thereof is equal to, or greater than, the width of the sign.
 9. If the projecting sign contains written information other than the name of the activity, it must be placed fifty (50) feet or more from other projecting signs on the same way.
- C. Wall Signs.

1. Wall signs may be up to twelve (12) inches from wall and should be designed not to interrupt architectural details.
2. A wall sign shall have a rigid backing material at least ¼ inch thick.
3. A wall sign of boxed graphic or individual letters designed to be placed over one window and under another should be limited in height to two-thirds (2/3) of the distance between the windows.
4. A wall sign displayed by an activity of one story should not extend above the window sill of the story above or below the top of the window of a story below.

D. Off-Premise Outdoor Advertising Signs.

The following requirements for off-premise outdoor advertising signs shall be subject to any additional limitations that may be imposed by the Mississippi Department of Transportation.

1. The distance (measured horizontally) from the highway right-of-way to the nearest point of the sign shall be at least twenty (20) feet but not greater than sixty (60) feet.
2. The permitted sign area shall be one-hundred and twenty (120) to four-hundred (400) square feet.
3. No outdoor advertising sign may be erected within less than one-thousand (1,000) square feet from any other outdoor advertising sign on the same side of the highway. Said distance is to be measured on a line parallel to the highway.
4. Single side, back to back, and “V” structures which include an angle of up to forty-five (45) degrees are permitted. The single largest face of back to back and “V” signs will be used to determine permitted sign area.
5. Stacked signs shall not be permitted.
6. No point of an outdoor advertising sign structure shall be more than forty (40) feet above the roadbed of the highway, nor shall the bottom of the sign portion be less than twenty (20) feet above the roadbed; both measurements relative to the highway roadbed nearest to the sign.
7. Construction Requirements:
 - a. Only mono-pole type outdoor advertising signs shall be permitted.
 - b. The Building Official at his or her discretion may require that a registered Professional Engineer certify that the sign proposed to be constructed complies with all applicable codes.
 - c. No person or corporation shall engage in the business of outdoor advertising within the City of Waveland unless such person files and maintains with the City Building Official evidence of liability insurance in the amount of \$100,000 for property damage, \$250,000 for personal injury to any one person, and \$500,000 for personal injury growing out of one occurrence. Such insurance

policy shall be written to hold the city and its officials and employees harmless from any and all losses, damages, liabilities, and judgments resulting by reason of the erection or maintenance of any outdoor advertising sign.

8. Illumination of any outdoor advertising sign within one-hundred (100) feet of a residential area shall be diffused and indirect as seen from the residential area, and designed to the greatest practical extent to avoid any light entering the residential area.
9. In no case shall intermittent illumination be permitted when the sign is visible from a dwelling in a residential area

405.11 Signs in the R-1, R-2, M-1 and R-3 Zoning Districts

- A. Signs allowed without a permit include:
 1. Nameplates
 2. Signs that are a permanent architectural feature of a structure.
 3. Customary signs in conjunction with residential usage, such as mailbox signs, names of residents and house numbers.
 4. A non-illuminated sign, not more than five (5) inches by eighteen (18) inches attached to the mailbox, may be displayed for home occupations.
 5. Directional signs not exceeding four square feet and not containing a commercial message or logo. Directional signs are limited to providing notice of parking/no parking zones, telephones, rest rooms and entrances and exits to the site and structures thereon.
 6. One sign to advertise the offering of a property for sale, rental or lease on each public way on which the property has frontage. Such signs will be limited to an area of four (4) square feet and not be illuminated.
 7. One construction sign indicating the parties involved in the project such as contractors, financial interests, engineers, and the potential occupant(s). A construction sign may be displayed as long as the construction is actively underway and shall be removed when construction ends or ceases for more than sixty (60) days. Such signs may be up to nine (9) square feet and may not be illuminated.
 8. Window signs up to two (2) square feet and not internally illuminated.
 9. Non-illuminated political signs not to exceed a total of thirty-two (32) square feet of total sign area per one hundred (100) feet of street frontage are allowed in all zoning districts. Such signs shall not be erected more than sixty (60) days prior to the election or referendum concerned and shall be removed within ten (10) days following such election or referendum. Political signs may be placed only on private property and only with the permission of the property owner.
 10. Yard Sale signs.
- B. Signs requiring a permit include:

1. Residential Development signs. A subdivision of five (5) lots or more or a multi-family complex of five (5) dwelling units or more shall be allowed one freestanding identification sign for each vehicular entrance to the development. Each sign shall be limited to four (4) feet in height and an area of not more than twelve (12) square feet. The area around the sign must be landscaped.
2. Churches, clubs, schools, and child care centers.
 - a. For each frontage on a public street the activity shall be permitted, alone or in combination thereof, one (1) freestanding sign if space permits, and one (1) projecting sign, one (1) wall sign and one (1) awning or canopy sign with a total area of three (3) square feet for each ten (10) feet of frontage on a public street.
 - b. Freestanding and attached signs shall be permitted within the applicable parcel lines provided the signs shall bear only the name, address, and services rendered by the specific permitted used located on the site.
 - c. Freestanding signs shall be limited to an area of not more than sixteen (16) square feet.
 - d. Freestanding signs shall be set back at least four (4) feet from the street right-of-way and its height may not exceed the distance of the setback or eight (8) feet, whichever is lesser.
 - e. Projecting signs shall have two back to back faces and shall not exceed sixteen (16) square feet in area.
3. Signs specifically prohibited include;
 - a. Off-Premise Outdoor Advertising Signs
 - b. Electronic Message Boards

405.12 Signs in the Coleman Limited (CO-1) Zoning District

- A. All signs listed in Subsection 405.11.A are allowed without a permit.
- B. Signs requiring a permit include:
 1. For each frontage on a public street a business shall be permitted, alone or in combination thereof, one (1) freestanding sign if space permits, and one (1) projecting sign, one (1) wall sign and one (1) awning or canopy sign with a total area of four (4) square feet for each ten (10) feet of frontage on a public street.
 2. All signs shall be permitted within the applicable parcel lines provided that:
 - a. The signs shall bear only the name, address, and services rendered by the specific permitted used located on the site.
 - b. Professional offices and personal services shall be permitted one sign not to exceed six (6) square feet in the vicinity of each establishment.
 - c. Freestanding signs shall be limited to an area of not more than twenty (20) square feet for a single occupant. For

directory signs identifying multiple occupants, the allowable square footage may be increased 10% for each additional occupant listed for a maximum of five (5) additional occupants.

- d. Freestanding signs shall be set back at least four (4) feet from the street right-of-way and its height may not exceed the distance of the setback or eight (8) feet, whichever is lesser.
 - e. In special, unique circumstances where a business activity's principle entrance fronts on an off-street parking area or pedestrian walkway and at least twenty (20) feet of space exists between the entrance and the parking or walkway, the Building Official may approve a freestanding individual activity sign pursuant to the requirements of this section.
 - f. The area beneath and around a ground sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the sign with buildings, parking area, surrounding vegetation and natural features of the landscape.
 - g. Projecting signs shall have two back to back faces and shall not exceed twenty (20) square feet in area.
3. Signs specifically prohibited include;
- a. Off-Premise Outdoor Advertising Signs
 - b. Electronic Message Boards

405.13 Signs in the Coleman Open (CO-2) and Neighborhood Commercial (C-1) Zoning District

- A. Signs allowed without a permit include:
 1. All signs listed in Subsection 405.11.A.
 2. In addition to the Directional signs allowed in Subsection 405.12, non-commercial directional signs may provide directions to Automated Teller Machines (ATMs), vending machines and provide such other non-commercial information useful to persons likely to be on the premises.
 3. One sign to advertise the offering of a property for sale, rental or lease on each public way on which the property has frontage. Such signs will be limited to an area of sixteen (16) square feet and may be illuminated.
 4. One construction sign indicating the parties involved in the project such as contractors, financial interests, engineers, and the potential occupant(s). A construction sign may be displayed as long as the construction is actively underway and shall be removed when construction ends or ceases for more than sixty (60) days. Such signs may be up to sixteen (16) square feet and may not be illuminated.
- B. Signs requiring a permit include:

1. Signs permitted in the CO-1 zoning district.
 2. For each frontage on a public street a business shall be permitted, alone or in combination thereof, one (1) freestanding sign if space permits, and one (1) projecting sign, one (1) wall sign and one (1) awning or canopy sign with a total area of six (6) square feet for each ten (10) feet of frontage on a public street.
 3. The signs shall bear only the name, address, and services rendered by the specific permitted uses located on the site.
 4. Professional offices and personal services shall be permitted one sign not to exceed six (6) square feet in the vicinity of each establishment.
 5. A freestanding sign that shall be limited to an area of not more than twenty-four (24) square feet for a single occupant.
 6. For directory signs identifying multiple occupants, the allowable square footage may be increased 10% for each additional occupant listed for a maximum increase of fifty (50) percent.
 7. Freestanding signs shall be set back at least four (4) feet from the street right-of-way and its height may not exceed the distance of the setback or ten (10) feet, whichever is lesser.
 8. In special unique circumstances where a business activity's principle entrance fronts on an off-street parking area or pedestrian walkway and at least twenty (20) feet of space exists between the entrance and the parking or walkway, the Building Official may approve a freestanding individual activity sign pursuant to the requirements of this section.
 9. The area beneath and around a ground sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the sign with buildings, parking area, surrounding vegetation and natural features of the landscape.
 10. Projecting signs shall have two back to back faces and shall not exceed twenty-four (24) square feet in area
- C. Signs specifically prohibited include;
1. Off-Premise Outdoor Advertising Signs
 2. Electronic Message Boards

405.14 Signs in the Highway Commercial (C-3) and Industrial (I-1, I-2, and I-3) Zoning Districts

- A. Signs allowed without a permit include:
1. All signs listed in 405.11.A.
 2. One sign to advertise the offering of a property for sale, rental or lease on each public way on which the property has frontage. Such signs shall be limited in area as follows:
 - a. In the C-3 Zoning District to an area of twenty-four (24) square feet and the sign may be illuminated.
 - b. In the Industrial zoning districts to an area of thirty-six (36) square feet and the sign may be illuminated.

3. One construction sign indicating the parties involved in the project such as contractors, financial interests, engineers, and the potential occupant(s). A construction sign may be displayed as long as the construction is actively underway and shall be removed when construction ends or ceases for more than sixty (60) days. Such signs shall be limited in area as follows:
 - a. In the C-3 Zoning District to an area of twenty-four (24) square feet and the sign may be illuminated.
 - b. In the Industrial zoning districts to an area of thirty-six (36) square feet and the sign may be illuminated.
 4. Menu Boards. Where a drive through food service establishment is a permitted use or approved as a conditional use, the establishment may display, one back to back menu sign not exceeding thirty-two (32) square feet in area, which shall be designed and located to be viewed exclusively by patrons of the establishment and not plainly visible from off-site.
 5. Gas Price Signs. Where retail fuel sales are permitted, or approved as a conditional use, a fuel retailer may display one back to back Gas Price Sign not exceeding thirty-two (32) square feet in area.
- B. On-Premise signs requiring a permit include:
1. Professional offices and personal services shall be permitted one sign not to exceed twelve (12) square feet in the vicinity of each establishment.
 2. The allowable area for freestanding signs and the allowable area for attached signs shall be separately calculated for a development and the activities therein as set forth below.
 3. Freestanding sign area formula for each street frontage:
 - a. The area of a freestanding sign for any activity shall not exceed three (3) square feet for each ten (10) feet of street frontage. When an activity has frontage exceeding one hundred (100) feet, its freestanding sign may exceed thirty (30) square feet by one (1) square foot for every linear foot of frontage over one hundred (100) feet.
 - b. A directory sign listing multiple occupants of a development may contain the name and logo of the development, plus each occupant thereof and the total area of the sign may be increased by ten (10) percent of the allowable area for each occupant up to a fifty (50) percent increase.
 4. Attached sign area formula. The total allowable area for awning and canopy, projecting and wall signs attached, or applied, to a structure for each frontage on a street, parking area, or walkway of an establishment shall be based on the maximum allowable area for a wall sign, which is calculated as follows:
 - a. The aggregate signable area of the wall of a building will be determined by measuring the area which is free of architectural details on the frontage façade of the building or

on that part of the building in which the activity associated with the sign is located.

- b. After determining the aggregate signable area, the maximum allowable area of a wall sign displayed toward one street, parking lot, or walkway on which it has frontage shall be calculated as a percentage thereof based on the building or activity's classification with the following percentages to be applied.

Industrial 30%

Commercial 40%

5. Freestanding signs may be either:
 - a. Identification signs that identify a single business or a single development such as campus, shopping center or office or industrial park with the name, address, and logo of the entity
 - b. Directory signs that identify the development and individual occupants of the development.
6. Freestanding signs shall be separated by one hundred (100) feet or more along a street.
7. A development with at least three hundred (300) feet of frontage on a street wherein the principle structure is set back at least seventy-five (75) feet from the street right-of-way may, in addition to the freestanding signs otherwise allowed, erect one (1) freestanding identification sign of up to three hundred (300) square feet in area and sixty (60) feet in height.
8. Other than the sign allowed in Subsection 405.14.B.7 above, no single freestanding sign shall exceed one hundred fifty (150) square feet in total area.
9. The presence of a freestanding identification or directory sign shall not affect the signage area allowed for the attached signs of any activity or occupant within the development.
10. In special circumstances where a business activity's principle entrance fronts on an off-street parking area or pedestrian walkway and at least twenty (20) feet of space exists between the entrance and the parking or walkway, the Building Official may approve a freestanding individual activity sign pursuant to the requirements of this section.
11. Freestanding signs in the C-3 zoning district that front US Highway 90 and MS Highway 603 shall not exceed twenty (20) feet in height. Elsewhere signs in the zoning district shall not exceed twelve (12) feet in height.
12. The area beneath and around a ground sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the sign with buildings, parking area, surrounding vegetation and natural features of the landscape.
13. Projecting signs may be multi-faced and shall be separated by fifty (50) feet or more along the same right-of-way or pathway.

- C. Off-Premise Outdoor Advertising Signs are permitted along the frontage of US Highway 90 and MS Highway 603 provided they fully comply with the standard and regulations cited above in Subsections 405.7.C and 405.10.D.

405.15 Signs in the Special Use District

- A. Signage in the special use district shall conform to a comprehensive signage plan specifically developed for the district and approved by the Board of Mayor and Aldermen upon the recommendation of the Planning and Zoning Commission.
- B. Applications for a Special Use District shall set forth a comprehensive sign plan for the district which shall address the near-term and long-term signage applications for the proposed district.

Section 406. Fences, Wall and Hedges

Notwithstanding other provisions of this Zoning Ordinance, fences, walls and hedges may be permitted in any required yard or along any yard, subject to the following restrictions:

- 406.1 Said fence in the rear and side yard may be of solid construction or may be open to light and air, including steel mesh, chain link, louvered, stake or similar materials.
- 406.2. Fences may be constructed on corner lots; however, no such fence, whether solid or otherwise, constructed in such a manner that the view of the drivers on the adjacent thoroughfare or thoroughfares shall be obstructed (see Section 715).
- 406.3 No fence shall exceed six (6) feet in height measured from the finished grade of the lot or property upon which the fence is being erected except as otherwise provided in this article.
- 406.4 A six (6) foot opaque/privacy fence may stop, or commence to slope down to a height of three (3) feet, either at a point even with the front plane of the main or the forward most building or at a point twenty-five (25) feet from the front property line, whichever is the shorter distance.
- 406.5 Fence materials permitted are wood, wrought iron, stone and masonry. Vinyl or fiberglass composite material may be utilized if the material is designed and constructed for fencing material. No fence shall be constructed of or contain canvas, cloth, or other impermanent material, corrugated metal, metal plates, plastic or plexi-glass.
- 406.6 In R-1 and R-2 Districts, barbed wire fences are prohibited.

406.7 In no case shall a fence be erected so as to divert or impede the natural flow of storm drainage or block a storm water catch basin, culvert, outlet pipe, or other storm water structure.

406.8 The finished, good, or attractive side of the fence shall face the adjoining property or street if the appearance of the fence structure is not the same on both sides. For fences other than chain link, the fence shall be so constructed that the horizontal and vertical support posts are hidden from public view.

Section 407. Facades on Metal Buildings in Commercial Zones

All metal buildings constructed within the City of Waveland's commercial zoning districts shall comply with the following:

407.1 All metal buildings facing public streets and built in commercial areas shall be faced with facade on the sides facing public streets with brick, wood or stucco or other comparable surface materials covering the exterior metal surface.

407.2 The proposed façade treatments shall be included in an application submitted to the Building Official to obtain necessary permits.

Section 408. General Landscaping Requirements

408.1 Preservation of Live Oak and Magnolia Trees. Requirements in Section 409 apply to all zoning districts within the City of Waveland.

- A. Without a permit, it shall be unlawful for any person, firm or corporation to cut down, remove, destroy or effectively destroy any Live Oak growing within the City of Waveland with a trunk size of more than eighteen (18) inches in diameter measured at a point three (3) feet above ground level or a Magnolia tree growing within the City of Waveland with a trunk size of more than eight (8) inches in diameter measured at a point three (3) feet above the ground level.
- B. A permit for the cutting down or destruction of a Live Oak or Magnolia tree or trees as herein described shall be issued only if the tree or trees proposed to be cut are in such poor health or bad physical condition as to be a hazard to human safety or if proposed construction cannot be practically located in such a way as to preserve the tree or trees.
 1. Any person, firm or corporation desiring to cut down any Live Oak or Magnolia tree or trees, as described, shall fill out an application with the Building Official accompanied by a fee.
 - a. The application shall state the legal description of the property on which the tree or trees is located;
 - b. The mailing address and telephone number of the applicant; and
 - c. The reason for the request.

2. Inspection by Building Official. Within four (4) working days of the application, the Building Official shall inspect such tree or trees specified on the application and report to the Planning and Zoning Commission with respect to:
 - a. The approximate spread and the actual trunk diameter measured at a point three (3) feet above ground level, of tree or trees.
 - b. The health and physical condition of the tree or trees.
 - c. Whether or not in his opinion removal is justified by reason of:
 - (i) The poor health or dangerous condition of the tree or trees.
 - (ii) Construction or other improvements to be made on the property.
 3. Approval or Denial. The Planning and Zoning Commission shall review the application together with the information gathered under the Section 409.1.B and shall make a recommendation to the Board of Mayor and Alderman to either approve or deny the application. If approved by the Board of Mayor and Aldermen, the Building Official shall issue the permit to the applicant.
- C. The applicability of any permit issued hereunder shall not be transferred from one tree to another tree; such permit shall expire three (3) months from the date of issuance, and such permit shall expire in the event the specified construction project for which it was issued is cancelled.

408.2 Multi-family and non-residential structures located in commercial, industrial and multi-family zoning districts are required to adhere to landscaping standards prescribed in the City of Waveland Design Guidelines Ordinance.

Section 409. Temporary and Portable Buildings and Structures

409.1 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 Zoning Official after posting a sufficient bond to ensure 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 of tools, equipment and materials.

409.2 Subdivision sales offices may be erected only after approval of the Board of Mayor and Aldermen, subject to such conditions as may be determined by the Board to be necessary to ensure termination of the use after a reasonable period by removal or conversion to a nonconforming use.

409.3 Except as provided in Section 403.8, no trailers for dwelling, storage or business shall be parked in any district, except upon approval by the Board of Mayor and

Aldermen in connection with a permanent building or construction project. Such approval shall be for a period of time not to exceed (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.

409.4 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 the requirements of this and other City Ordinances.

Section 410. Accessory Buildings

A building permit is required for all accessory buildings in all zoning districts in the City of Waveland.

Article V Establishment of Zoning Districts

Section 501. Division into Districts

For the purposes of this Ordinance the City of Waveland is hereby divided into twelve (12) districts. These are:

- R-1 Residential
- R-2 Residential
- R-3 Residential
- CO-1 Coleman Limited District
- CO-2 Coleman Open District
- M-1 Manufactured/Mobile Home Park
- C-1 Neighborhood Business District
- C-3 Highway Commercial
- I-1 Planned Industrial Park
- I-2 Light Industrial
- I-3 Heavy Industrial
- S-1 Special Use District

Section 502. Boundaries

The boundaries of districts as listed in Section 501 of this Ordinance are as shown upon the map on file in the Office of the City Clerk of the City of Waveland and designated as the "Zoning Map, City of Waveland, 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 apart of this Ordinance by reference as though fully set forth herein in detail.

502.1 Amendments to the Official Zoning Map

All amendments and changes to the Official Zoning Map shall be made pursuant to Article XI and shall be recorded by the City Clerk 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, City of Waveland, Mississippi."

502.2 Revision of the Official Zoning map

The Board of Mayor and Aldermen 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 maps that have not been made in the regular form by the Board of Mayor and Aldermen of the City of Waveland, Mississippi.

502.3 Location of the Official Zoning Map

Regardless of the existence of proposed copies of the "Zoning Map, City of Waveland, 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 Waveland. A copy of said map shall be in the office of the Zoning Official for his/her use.

Section 503. Interpretation 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 appropriately 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 the boundaries approximately follow lot lines, such lot lines shall be construed to be said boundaries.

503.3 Where district boundaries are so indicated that the boundaries are approximately parallel to the center lines of 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 of 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 (2) 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 as such shall prevail.

503.6 Where frontage of the properties lies in two (2) or more zoning districts, the property shall be governed by the district with the least restrictions, provided area and height requirements are met, as established elsewhere in this Ordinance (Article VII).

503.7 Boundaries indicated as following shorelines shall be construed to follow the legally established shorelines; in the event of change in the shore line, boundaries 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.

Section 504. Classification of Annexed Territory

All territory which may hereafter become part of the corporate area of the City of Waveland by revision of corporate boundaries shall remain in its existing zoning classification and with its existing zoning requirements until such time as they can be changed by an amendment to this Zoning Ordinance as provided by law.

Section 505. Vacation of Streets

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

Section 506. 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 supersedes the prior Official Zoning Map.

Section 507. Re-designation of Zoning Districts

Zoning Districts designated C-1 Commercial Business District and C-2 Commercial Neighborhood District are hereby re-designated C-1 Neighborhood Business District without any change to the boundaries thereof.

Article VI Use Requirements by District

Section 601. Use Requirements for Residential District R-1

Within a Residential R-1 District as shown on the “Zoning Map, City of Waveland, Mississippi”, the following use provisions shall apply:

601.1 Uses Permitted

- A. Detached single-family dwellings, but not including mobile homes or manufactured homes.
- B. Churches and related accessory buildings, provided they are located on a lot fronting a major artery or connecting route and are placed not less than fifty (50) feet from any property line with required off-street parking spaces separated by property lines by a planted buffer of at least ten (10) feet in width and an impenetrable fence not less than three (3) feet in height.
- C. Church bulletin boards provided they not exceed twelve (12) square feet in area.
- D. Public and private schools offering general education courses.
- E. Golf courses and country clubs occupying an area of not less than forty (40) acres.
- F. Railroad right-of-way and passenger stations.
- G. Public utility stations such as electrical substations, sewage pumping stations, etc., provided that they are surrounded by an impenetrable fence at least eight (8) feet high, have a reasonable buffer zone on all four sides, and there is no storage of vehicles or equipment on the premises.
- H. Public parks and playgrounds.
- I. Customary signs in conjunction with residential usage, such as mailbox signs, names of residents and house numbers.
- J. Non-commercial greenhouses, as an accessory use to a single family home, provided that no structure, odor or dust-producing substance or use shall be permitted within one hundred (100) feet of any property line and that no products shall be publicly displayed or offered for sale.
- K. Accessory buildings (after completion of main dwelling), provided such shall be permitted only in a rear yard. Accessory buildings may contain up to five-hundred (500) square feet.
- L. The renting of rooms within the residential structure provided that the number of persons so accommodated shall not exceed two (2).
- M. Customary home occupations, including the professional offices of a physician, dentist, musician, lawyer, architect, artist and engineer. All activity shall be conducted within the dwelling. There shall be no external evidence of such occupation except that a non-illuminated sign not more than five (5) inches by eighteen (18) inches, attached to the mailbox may be displayed. The following criteria shall be employed to determine a valid home occupation:
 - 1. There shall be no one employed by the Home Occupation business other than members of the resident family and one other person.

2. The use shall not generate pedestrian or vehicular traffic beyond that reasonable to the district in which it is located.
 3. There shall be no storage of equipment, materials, merchandise or supplies outdoors.
 4. The use shall not involve the display of signs other than those permitted in the district of which it is a part.
 5. An office for home occupational purposes shall be located in the main dwelling and shall not occupy more than one room therein.
 6. 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, either by color, materials, construction, lighting, sound, noises or vibrations, as serving a non-residential use.
- N. Model home utilized as a sales office located within developing subdivisions to be used for the promotion of original sales of lots and houses within that subdivision only.

601.2 Conditional Uses

The following uses may be permitted by the Board of Mayor and Aldermen, upon review and recommendation by the Planning and Zoning Commission with the procedures and under the conditions set forth in Article IX, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Zoning Ordinance.

- A. Child care centers in private homes for no more than six (6) children.
- B. New cemeteries and the enlargement of existing cemeteries.
- C. Radio and television towers or antennas or cell towers.
- D. Municipal buildings.
- E. Accessory garage apartment or guest house which may not be separately rented or leased apart from the main structure. There shall be a minimum of four thousand (4,000) square feet of lot area above the minimum required for the principal structure.
- F. Accessory buildings that contain more than five hundred (500) square feet.
- G. Residential Planned-Development Projects pursuant to Section 401.8.
- H. Uses not anticipated in this Ordinance which are otherwise consistent with the goals for and requirements of this zoning district.

601.3 Additional Requirements

- A. Development plan review, consistent with the requirements and the process defined in Article VIII is required for applicable uses.
- B. City of Waveland Design Guidelines Ordinance shall apply.

Section 602. Use Requirements for a Residential R-2 District

Within a Residential R-2 District, as shown on the “Zoning Map, City of Waveland, Mississippi”, the following use provisions shall apply:

602.1 Uses permitted

- A. All residential uses permitted in the R-1 District.
- B. All non-residential uses permitted in the R-1 District, subject to the R-1 Use Requirements.
- C. Two-family dwellings including the development of up to twelve (12) units requiring eight thousand five hundred (8,500) square feet per unit per lot.
- D. One (1) garage apartment, to be occupied by not more than one (1) family provided that, such garage apartment, there shall be a minimum of four thousand (4,000) square feet of lot area above the minimum required for the principal structure.
- E. Child care centers offering basic child care for no more than twelve (12) children.
- F. Senior adult care offering basic day care for no more than twelve (12) senior adults. Overnight stays are not allowed.

602.2 Conditional Uses

The following uses may be permitted by the Board of Mayor and Aldermen, upon review and recommendation by the Planning and Zoning Commission with the procedures and under the conditions set forth in Article IX, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Ordinance.

- A. New cemeteries and enlargement of existing cemeteries.
- B. Radio and television towers or antennas or cell towers.
- C. Municipal buildings.
- D. In excess of twelve (12) two-family dwellings including duplexes and semi-detached structures requiring eight thousand five hundred (8,500) square feet per unit per lot.
- E. Residential Planned-Development Projects pursuant to Section 401.8.
- F. Uses not anticipated in this Ordinance which are otherwise consistent with the goals for and requirements of this zoning district.

602.3 Additional Requirements

- A. Development plan review, consistent with the requirements and the process defined in Article VIII is required for applicable uses.
- B. City of Waveland Design Guidelines Ordinance shall apply.

Section 603. Use Requirements for a Residential District (R-3)

Within a Residential R-3 District, as shown on the "Zoning Map, City of Waveland, Mississippi," the following use provisions shall apply:

603.1 Uses Permitted

- A. Any use permitted in an R-2 District.
- B. Multi-family dwellings, including cooperative apartments and condominiums, requiring a minimum of seven thousand five hundred (7,500) square feet of land area per unit, and limited to twenty-four (24) units per lot.

- C. Rooming houses and boarding houses not catering to overnight visitors.
- D. Offices and clinics for medical or dental practice.
- E. Professional offices and studios, including executive, administrative writing, clerical, stenographic and drafting uses, provided there be no sales, exterior displays, exterior storage of goods and materials, warehousing or indoor storage of goods or materials beyond that normally incidental to the above permitted occupations, and provided no more than fifteen (15) people be employed in any establishment on any one (1) lot.
- F. Private clubs and lodges, excepting those in which the conduct of commercial affairs plays a major role.
- G. Child care center.
- H. Senior adult care centers offering sitting services during the day. Overnight stays are not allowed.

603.2 Conditional Uses

The following uses may be permitted by the Board of Mayor and Aldermen, upon review and recommendation by the Planning and Zoning Commission with the procedures and under the conditions set forth in Article IX, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Ordinance.

- A. New cemeteries and the enlargement of existing cemeteries.
- B. Radio and television towers or antennas or cell towers.
- C. Municipal buildings.
- D. Multi-family dwellings, including cooperative apartments and condominiums, requiring a minimum of seven thousand five hundred (7,500) square feet of land area per unit, and in excess of sixteen twenty-four (24) units or more per lot.
- E. Transitional Home.
- F. Residential Planned-Development Projects pursuant to Section 401.8.
- G. Uses not anticipated in this Ordinance which are otherwise consistent with the goals for and requirements of this zoning district.

603.3 Additional Regulations

- A. Development plan review, consistent with the requirements and the process defined in Article VIII is required for applicable uses.
- B. City of Waveland Design Guidelines Ordinance shall apply.

Section 604. Amenity Incentives in Residential Districts

The purpose of providing amenity incentives for the residential zoning districts R-2 and R-3 is to encourage the provision of specified amenities in connection with development in exchange for development bonuses such as higher permitted densities. The amenities can include the preservation of natural features such as natural drainage ways, wetlands, lakes, woods and common space and floodplain, as well as the provision for the creation of a tree canopy.

604.1 Preliminary Site Plan Required

The Site Plan Review Committee shall have the authority to review site plans 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 provisions of this Section.

604.2 Procedures

An application for an amenity bonus 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 that 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 Site Plan Review Committee in connection with the review of the site plan shall determine whether an amenity to be provided complies with the provisions of this Section, and if so, shall approve the amenity incentive provided for in this Section. If the amenity to be provided for which the amenity incentive is requested does not comply with the provisions of this Section, the amenity shall be disapproved.

The applicant may appeal the decision of the Site Plan Review Committee with respect to the applicant’s eligibility for an amenity incentive and the amount thereof to the Board of Mayor and Aldermen pursuant to Article X.

604.3 Amenity Incentives Allowed

The provision of the following amenities in the residential zoned districts R-2 and R-3 will qualify a residential development for the following increases in density, provided that the total density increase does not exceed ten percent (10%) of the maximum density permitted in the district where the property is located.

Amenity	Density Increase
A. Additional permanent open space through public dedication, dedication to a Land Trust, or through the creation of homeowner’s association.	One-half of one (0.5) percent for each ten-thousand (10,000) square feet of amenity provided up to a maximum of five (5) percent.
B. Preservation of site’s natural features such as lakes, woods, and natural drainage ways or drainage system and the provision of permanent access to and use of such natural features by	One (1) percent for each ten-thousand (10,000) square feet of amenity preserved or provided up to a maximum

<p>providing amenities such as bike and pedestrian paths and nature trails. Preservation should be ensured through a deed restriction and through dedication to a Land Trust or public dedication, or the creation of a homeowner's association.</p>	<p>increase of ten (10) percent</p>
<p>C. Provision of cluster development as an alternative to conventional lot-by-lot development in residential R-2 or R-3 zone districts, Provided that the resulting permanent open space is preserved through public dedications, through dedication to a Land Trust, or through the creation of homeowner's association.</p>	<p>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.</p>
<p>D. Provision of a tree canopy, which will cover thirty (30) percent of the site within fifteen (15) years.</p>	<p>One-quarter of one (0.25) percent for each ten-thousand (10,000) square feet of amenity preserved or provided up to a maximum of two (2) percent.</p>
<p>E. Floodplain Preservation through public dedication or dedication to a Land Trust.</p>	<p>One-half of one (0.5) percent for each ten-thousand (10,000) square feet of amenity provided up to a maximum of five (5) percent</p>

Section 605. Use Requirements for the Coleman Limited District, (CO-1)

Within a Coleman Limited (CO-1) District as shown on the "Zoning Map, City of Waveland, Mississippi," the following provisions shall apply:

605.1 Uses Permitted:

- A. Any use permitted in an R-2 District.
- B. Any use that lawfully existed on August 28, 2005 on a site may continue or resume on said site.
- C. Enclosed premises for the retail sale of merchandise or services shall not exceed two thousand (2,000) square feet of gross floor area.
- D. Antique stores.
- E. Arts and craft supply stores.
- F. Art Galleries.
- G. Artist Studios.
- H. Bed and Breakfast facilities limited to six guest bedrooms.
- I. Book and stationary stores.
- J. Clothing stores.
- K. Florist shops.
- L. Jewelry stores.
- M. Marinas.
- N. Municipal buildings.

- O. Newspaper office.
- P. Open air markets.
- Q. Public parks.
- R. Professional offices and studios, including executive, administrative, writing, clerical, stenographic and drafting uses, provide there be no sales, exterior displays, exterior storage of goods or materials beyond the normally incidental to the above permitted occupations, and provided that not more than fifteen (15) people be employed in any one establishment.
- S. Specialty retail shops.
- T. Single-family and two-family residences above the ground floor commercial space.
- U. Parking lots, provided that they are paved so as to provide a durable and dustless surface and dispose of all surface water accumulation, and lighted with lighting so arranged as to illuminate the parking area and reflect away from any adjacent premise, and otherwise meet the requirements of Section 403.

605.2 Conditional Uses

The following uses may be permitted by the Board of Mayor and Aldermen, upon review and recommendation by the Planning and Zoning Commission with the procedures and under the conditions set forth in Article IX, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Ordinance.

- A. Radio and television towers or antennas or cell towers.
- B. Development of more than twelve (12) two-family residential dwellings structures requiring eight thousand five hundred (8,500) square feet per unit.
- C. Uses not anticipated in this Ordinance which are otherwise consistent with the goals for and requirements of this zoning district.

605.3 Additional Regulations

- A. Development plan review, consistent with the requirements and the process defined in Article VIII is required for applicable uses.
- B. City of Waveland Design Guidelines Ordinance shall apply.

Section 606. Use Requirements for the Coleman Open (CO-2) District

Within a Coleman Open (CO-2) District as shown on the "Zoning Map, City of Waveland, Mississippi," the following provisions shall apply:

606.1 Uses Permitted

- A. Any use permitted in the CO-1 Zoning District, except that the retail square footage limits in Section 604.1.C shall not apply. However, in the CO-2 district enclosed premises for the retail sale of merchandise or services shall not exceed five thousand (5,000) square feet of gross floor area.

- B. Any use that lawfully existed as of August 28, 2005 on a site may continue or resume on said site.
- C. Multi-family dwellings consistent with the Minimum Lot Area chart from Article VII.
- D. Single family and two-family residences above the ground floor.
- E. Bakeries, limited to the retail sales of baked goods.
- F. Federal, state, county and local government offices.
- G. Convenience stores.
- H. Drug stores.
- I. Financial institutions.
- J. Flea markets.
- K. Grocery stores occupying not more than four thousand (4,000) square feet of sales space.
- L. Laundries, self-service or automatic, and laundry and dry cleaning pick up stations.
- M. Marine supply stores (retail).
- N. Offices or clinics for medical or dental practice.
- O. Restaurants.
- P. Souvenir shops.
- Q. Theaters limited to two hundred (200) seats.

606.2 Conditional Uses

The following uses may be permitted by the Board of Mayor and Aldermen, upon review and recommendation by the Planning and Zoning Commission with the procedures and under the conditions set forth in Article IX, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Zoning Ordinance.

- A. Radio and television towers or antennas or cell towers not exceeding thirty-five (35) feet in height.
- B. Health club/ gymnasium, health spa.
- C. Gas pumps as an accessory to a convenience store.
- D. Multi-family dwellings, including cooperative apartments and condominiums requiring a minimum of seven thousand five hundred (7,500) square feet of land area per unit in excess of twenty-four (24) units.
- E. Commercial building larger than five thousand (5,000) square feet.
- F. Bars, taverns, and night clubs.
- G. Uses not anticipated in this Ordinance which are otherwise consistent with the goals for and requirements of this zoning district.

606.3 Additional Regulations

- A. Development plan review, consistent with the requirements and the process defined in Article VIII is required for applicable uses.
- B. City of Waveland Design Guidelines Ordinance shall apply.

Section 607. Use Requirements for a Manufactured Home Park District, M-1

Within a Manufactured Home Park District, as shown on the “Zoning Map, City of Waveland, Mississippi,” the following use provisions shall apply:

607.1 Uses Permitted:

- A. Any use permitted in an R-3 Multi-family District.
- B. Manufactured Home Park, pending issuance of a Zoning Permit and meeting the standards prescribed within this Zoning Ordinance Section 606.3.C.

607.2 Conditional Uses

The following uses may be permitted by the Board of Mayor and Aldermen, upon review and recommendation by the Planning and Zoning Commission with the procedures and under the conditions set forth in Article IX, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Zoning Ordinance.

- A. Any use listed as conditional in an R-3 Multi-family District.

607.3 Additional Regulations

- A. Development plan review, consistent with the requirements and the process defined in Article VIII is required for applicable uses. In addition to information required for the Development Plan, applicants for a Manufactured Home Park shall submit the following information.
 - 1. Name and address of applicant.
 - 2. Name and location of the Manufactured Home Park.
 - 3. Dimensions and locations of all lot lines, roads and easements. Each manufactured home lot shall be numbered.
 - 4. Contour lines to indicate slopes and drainage.
 - 5. Location of all utilities including public and private water, sewage, drainage and electrical facilities and easements.
 - 6. Public areas such as visitors’ parking, recreational areas, etc., if such areas are proposed.
 - 7. Large scale plan of one typical manufactured home lot showing location, automobile parking space, size and location of pad, etc.
 - 8. Location of planting for landscaping purposes or as required for protective buffer purposes as a special condition.
- B. All Manufactured Home Parks shall conform to the following standards for development.
 - 1. All Manufactured Home Parks shall include lots for at least ten (10) manufactured or mobile homes.
 - 2. Each manufactured or mobile 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 with a public sewer.
 - 3. No manufactured or mobile home shall be located closer than twenty (20) feet to another mobile home.

4. A road with pavement at least twenty (20) feet wide shall provide direct access to a public street and to each manufactured or mobile home lot. The area occupied by the road shall not fulfill part of the area requirements for any lot. All roads shall be designed to enable the movements of manufactured homes entering the park to reverse directions without having to back more than one manufactured home length.
 5. Two (2) paved automobile parking spaces shall be provided on every manufactured or mobile home lot. The parking spaces will measure ten feet (10) wide by twenty (20) feet deep and will be adjacent to the manufactured or mobile home.
 6. All Manufactured Home Parks shall conform to the State Board of Health Regulations which prescribes standards for water supply, sewage disposal and other facilities. Each Manufactured Home Park shall be adequately drained so that no manufactured home or mobile home lot shall be subject to the collection of storm water.
 7. Manufactured Home Parks shall be surrounded by a buffer strip at least fifteen (15) feet in depth on the sides and rear, and fifty (50) feet in depth along the front measured from the street right-of-way lines, provided, however, that no side or rear buffer is required between adjacent Manufactured Home Parks. The interior twenty (20) feet of a fifty (50) foot front buffer may be used for interior street, road or driveway.
 8. Buffers shall otherwise be unoccupied except for landscaping, utility facilities, signs or entrance ornamentation.
 9. A minimum of five (5) percent of the gross land area of the Manufactured Home Park shall be required for recreational purposes.
 10. All streets, roadways and driveways within the park shall meet the minimum construction standards recommended by the City Engineer.
 11. All streets, roadways and driveways within the park shall be adequately lighted at night.
 12. No Manufactured Home Park district shall contain less than five (5) acres.
 13. No part of a manufactured or mobile home or a facility will be closer than ten (10) feet to the Manufactured Home Park street.
 14. A manufactured or mobile home stand (pad) is required for each manufactured or mobile home lot. Each pad shall be well drained, uniformly graded and compacted as approved by the City Engineer.
- C. City of Waveland Design Guidelines Ordinance shall apply.
- D. Issuance of Zoning Permit
The Planning and Zoning Commission may recommend reasonable conditions for a Manufactured Home Park pending approval by the Board of Mayor and Aldermen, who upon their decision may direct the Zoning Official to issue a zoning permit. A zoning permit shall not be issued until

the Zoning Official has received written authorization from the Board of Mayor and Aldermen, and the applicant shall not start construction until he has also obtained a valid construction permit from the State Department of Health as required by the Mississippi Revised Statutes.

- E. Issuance of Certificate of Occupancy:
The Building Official shall issue a Certificate of Occupancy only after the Building Official has determined that the Manufactured Home Park was prepared according to all applicable regulations and conditions. The applicant must also obtain a valid permit to operate from the State Department of Health as required by Mississippi Revised Statutes.

Section 608 Use Requirements for a Neighborhood Business District, C-1

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

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

608.1 Uses Permitted

- A. Light rail and passenger rail.
- B. Federal, state, county and local government offices and buildings.
- C. Restaurants.
- D. Retail dry goods, variety, appliance, hardware and tobacco sales.
- E. Barber shops, beauty salons and other personal service establishments.
- F. Office buildings and personal services.
- G. Public parks.
- H. Newspaper offices.
- I. Parking areas located on the same site as the business served and the parking area shall be of a durable and dustless surface so as to dispose of all surface water accumulation. Lights so used to illuminate the parking area will be so arranged as to reflect away from adjacent premises.
- J. Laundry and dry cleaning pick-up stations.
- K. Florist shops.
- L. Book shop or stationary store.
- M. Drug stores.
- N. Music store.
- O. Office supply store.
- P. Jewelry store.
- Q. Child care facility or nursery school.
- R. Clubs and lodges.
- S. Bakery.
- T. Convenience store.
- U. Dwelling located on the second floor of the business.

- V. Art or photo studio.
- W. Bed and breakfast.
- X. Repair or service shops for repair and servicing of bicycles, electrical, radio, television, appliances, keys and similar articles with all repairs taking place solely inside the building.
- Y. Any use allowed in an R-2 Zone, with the exception of public and private schools.
- Z. Non-residential building of 5,000 square feet of gross floor area or less.

608.2 Conditional Uses

The following uses may be permitted by the Board of Mayor and Aldermen, upon review and recommendation by the Planning and Zoning Commission with the procedures and under the conditions set forth in Article IX, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Zoning Ordinance.

- A. Clinic.
- B. Club, lodge or country club.
- C. Schools, public or private.
- D. Theaters, but not drive in theaters.
- E. Radio and television towers or antennas or earth stations.
- F. Health club/ gymnasium, health spa.
- G. Music or dancing academy.
- H. Gas pumps as an accessory to a convenience store.
- I. Car wash.
- J. Multi-family dwellings, including cooperative apartments and condominiums requiring a minimum of eight thousand five hundred (8,500) square feet of land area per unit for twelve (12) units or more located on a lot.
- K. Non-residential building larger than five-thousand (5,000) square feet of gross floor area.
- L. Uses not anticipated in this Ordinance which are otherwise consistent with the goals for and requirements of this zoning district.

608.3 Additional Regulations

- A. Development plan review, consistent with the requirements and the process defined in Article VIII is required for applicable uses.
- B. City of Waveland Design Guidelines Ordinance shall apply.

Section 609. Reserved

Section 610. Use Requirements for a Commercial Highway District, C-3

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 primarily along heavily travelled state and federal highways.

Within a Commercial C-3 District as shown on the “Zoning Map, City of Waveland, Mississippi,” The following use provisions shall apply:

610.1 Uses Permitted

- A. Comprehensive Auto Repair, provided that these and other operations shall be conducted within a building enclosed on at least three (3) sides, 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 opening other than doors or stationary windows, and such doors shall be permitted only if the building is adjacent to an alley and the doors may be opened only at intervals necessary for ingress and egress.
- B. Auto sales, provided that all repair and servicing shall be done within an enclosed building subject to Subsection 609.1A (see above).
- C. Laundries, self-service or automatic, and laundry pick-up stations.
- D. Mortuaries or funeral home.
- E. Feed stores, including accessory storage of liquid or solid fertilizers.
- F. Motels.
- G. Drive-in theaters.
- H. Drive-in eating establishments where customers may or may not dine within their automobiles.
- I. Wholesale fruit markets.
- J. Commercial nurseries.
- K. Pawn shops.
- L. Dry cleaning and pressing establishments where cleaning and pressing is done on the premises.
- M. Gasoline service stations.
- N. Restaurants drive-in or otherwise, bars, taverns, and night clubs.
- O. Building material yards.
- P. Public utility stations and facilities.
- Q. All commercial uses permitted in C-1 district.
- R. Animal and veterinary clinics.
- S. Bus terminal or service facility.
- T. Contractor’s storage (storage of contractor’s materials, vehicles and trailers).
- U. Department or discount store.
- V. Farm implements and heavy equipment sales and repair services establishments.
- W. Flea markets, indoor.
- X. Lawn, tree or garden services.
- Y. Parking, automobile parking lot or parking garage.
- Z. Plumbing shop.
- AA. Radio and television towers, antennas, or cell towers not exceeding thirty-five (35) feet in height.

- BB. Recreational center, arcade with video and pinball games.
- CC. Schools, public and private.
- DD. Tanning salons.
- EE. Vehicle wash and car wash.
- FF. Machine shops.
- GG. Massage therapist in conjunction with a beauty or nail salon, barber shop, hair stylist or medical office.
- HH. Pawn shop.
- II. Multi-family development up to forty-eight (48) units with a minimum of two thousand (2,000) square feet per unit on a lot.
- JJ. Grocery store.
- KK. Health club, gymnasium/ health spa.
- LL. Theaters.
- MM. Non-residential building of not less than one thousand (1,000) square feet of gross floor area and not more than twenty thousand (20,000) square feet of gross floor area.
- NN. Off-Premise Outdoor Advertising Sign on US Highway 90 and Mississippi Highway 603 which meets the requirements defined in Section 405.10.D.

610.2 Conditional Uses

The following uses may be permitted by the Board of Mayor and Aldermen, upon review and recommendation by the Planning and Zoning Commission with the procedures and under the conditions set forth in Article IX, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this Ordinance.

- A. Amusements, commercial outdoor.
- B. Auditorium/ conference center.
- C. Church.
- D. Collection, storage and transport of used oil products.
- E. Contractor's yard or storage, outdoor.
- F. Flea markets, outdoor.
- G. Laboratories.
- H. Mini-warehouses:
 - 1. The site must contain a minimum of two (2) acres, but no more than five (5) acres.
 - 2. The minimum distance between buildings shall be twenty-five (25) feet.
 - 3. One parking space for each fifty (50) compartments must be provided.
 - 4. All driveways, parking, loading and vehicle circulation areas shall be paved.
 - 5. A minimum six (6) foot high fence shall be erected, the composition of which shall be approved by the Building Official.
 - 6. Only one (1) sign is allowed.
 - 7. Only dead storage is allowed, no transfer and storage business will be allowed.

8. No explosives, radioactive, or other hazardous materials will be sited on the premises.
- I. Processing and manufacturing incidental to a retail establishment but which creates no noticeable adverse effects to surrounding property owners or tenants.
- J. Manufactured home sales, service, repair and storage facilities, including camping trailers, tents, and touring vans, but not including a manufactured or mobile home park and not allowing storage of damaged manufactured or mobile homes or damaged recreational vehicles or travel trailers.
- K. Retail service truck route center.
- L. Multi-family residential complexes, located with access on a collector or minor arterial roadway in excess to forty-eight (48) units per lot.
- M. Buildings with more than twenty thousand (20,000) square feet of gross floor area.
- N. Buildings with less than one thousand (1,000) square feet of gross floor area.
- O. Recreational vehicle parks. The following requirements must be met to operate a recreational vehicle park:
 1. Density of the site shall not exceed fifteen (15) recreational vehicles sites per acre.
 2. The minimum size of the area for each recreational vehicle shall be a minimum of one thousand five hundred (1,500) square feet.
 3. A paved or graveled parking pad at least twelve (12) feet by forty (40) feet shall be provided for each recreational vehicle site.
 4. Each recreational vehicle site shall be a minimum of fifteen (15) feet wide.
 5. There shall be a minimum of ten (10) feet between successive recreational vehicles.
 6. Front, rear and side yard setbacks for management and accessory structures on the site shall be the same as those required in R-1 Zoning District.
 7. A twelve (12) foot wide paved or graveled path shall be provided from the Park road to the pad and parking spaces.
 8. Roads within the recreational vehicle park shall be paved according to standards established by the City of Waveland. No two-way roads within the recreational vehicle park shall be less than twenty-five (25) feet wide and one-way roads shall not be less than fifteen (15) feet wide.
 9. The recreational vehicle park shall be screened from all other adjoining properties and from all public roadways or rights-of-way with a six (6) foot opaque fence. Additionally, sustainable landscaping shall be installed along the fence that fronts major public roadways.
 10. Electrical, water, sewer, and solid waste utility services shall be provided to each recreational vehicle site. All utilities shall be placed underground.

11. Fire protection measures shall be provided as approved by the Waveland Fire Chief.
12. A central trash collection area shall be provided, and it shall be screened from view.
13. One washer and dryer will be provided for every twenty (20) spaces designated for recreational vehicles.
14. Sanitary restrooms facilities shall be provided on site. One shower, sink and toilet shall be provided for every twenty (20) spaces designated for recreational vehicles. The sanitary restroom facility shall have hot and cold running water and the toilets shall be water flush type.
15. Space for recreational activities in the amount of two thousand (2,000) square feet shall be provided within the recreational vehicle park for use by park visitors. The space between the recreational vehicle pads shall not be counted toward the required recreational space.
16. A centrally located public telephone shall be provided for the use of park visitors.
17. For each one hundred (100) vehicles, there shall be one site reserved and equipped solely for receiving discharge from the vehicles. This discharge facility shall be located so as not to present unpleasantness to tenants and neighboring residents or businesses.
18. The applicant for the recreational vehicle park shall be responsible for installing and maintaining at its expense any waste lift stations required by the City of Waveland.
19. A minimum of one and one-half (1 ½) parking spaces for each recreational vehicle shall be provided per site with at least one (1) parking space at each site. All parking shall be paved or graveled.
20. Recreational vehicles shall be occupied solely by the registered owner of the vehicle and their immediate family; and the recreational vehicle may not be sub-let by the vehicle owner(s) or by the management of the recreational vehicle park.
21. Persons occupying vehicles shall not occupy any space for a period exceeding ninety (90) days in any twelve (12) month period, nor shall the cumulative occupancy by such persons in different spaces exceed a total of one hundred and twenty (120) days in any twelve (12) month period. The recreational vehicle park manager shall maintain a log of the names and dates of occupancy of spaces and make such log available to Waveland officials.
22. All vehicles within the recreational vehicle park shall be kept mobile so they can be evacuated on a one-hour notice.
23. No permanent structures shall be attached to a recreational vehicle or installed within the Recreational Vehicle Park other than buildings for park management, laundry, sanitary and recreational purposes.

24. Prior to the issuance of any permit for construction on the site, the Planning and Zoning Commission shall review and the Board of Mayor and Aldermen shall approve a comprehensive site plan for the facility.
- P. Uses not anticipated in this Ordinance which are otherwise consistent with the goals for and requirements of this zoning district.

610.3 Additional Regulations

- A. Development plan review, consistent with the requirements and the process defined in Article VIII is required for applicable uses.
- B. City of Waveland Design Guidelines Ordinance shall apply.

Section 611. Use Requirements for Planned Industrial Park District, I-1

Within a Planned Industrial Park District as shown on the “Zoning Map, City of Waveland, Mississippi,” the following use provisions shall apply:

611.1 Uses Permitted

The owner or owners of any contiguous and compact tract of land shall submit to the Planning and Zoning Commission a petition for the rezoning and subsequent exclusive use and development of all such tracts of land as Planned Industrial Park District.

In a Planned Industrial Park District, no building or structure shall hereafter be erected, constructed, re-constructed or altered until such use, erection, construction, re-construction or alteration shall have been specifically authorized by the governing authority, after study and recommendation by the Planning and Zoning Commission.

Any industrial use, upon recommendation by the Planning and Zoning Commission and the approval by the Board of Mayor and Aldermen, may be permitted in a Planned Industrial Park District, provided no nuisance will result with regard to excessive:

- A. Smoke and other particulate matter
- B. Noise
- C. Odor
- D. Fire or explosive hazard
- E. Gases
- F. Glare or heat
- G. Vibration
- H. Water pollution
- I. Other factors detrimental to the health, safety and welfare of the area

611.2 Special Requirements

The Planning and Zoning Commission shall determine that the conditions listed above are met before recommending approval to any use in a Planned Industrial Park District, pursuant to this Section; the applicant shall be required to furnish:

- A. Overall development plan.
- B. Data describing all processes and equipment involved in the proposed use.
- C. Plans showing location and design of structures, delivery points, loading and storage areas, walls, fences, screen planting, signs, lighting devices and pedestrian walks.
- D. Plans illustrating adequate off-street parking according to standards established by the Planning and Zoning Commission.
- E. Traffic routing system so designed as to minimize nuisance effects due to the generation of traffic to and from the use.
- F. Comprehensive landscaping plan.
- G. Any other information that the Planning and Zoning Commission may need to adequately consider the effect the proposed uses may have upon the cost of providing adequate service to the area.

The Planning and Zoning Commission shall further determine that the uses proposed for any Planned Industrial Park District shall be compatible with the adjacent and nearby uses of land and that they are consistent with the intent and purposes of this Zoning Ordinance to promote the public health, safety, morals and general welfare.

611.3 Off-Street Parking and Loading Requirements

The off-street parking and loading requirements shall conform to Article IV, General Requirements.

611.4 Signs and Off- Premise Outdoor Advertising

Signs and Off-Premise Outdoor Advertising Signs shall conform to Article IV, General Regulations.

611.5 Additional Regulations

- A. Development plan review, consistent with the requirements and the process defined in Article VIII is required for applicable uses.
- B. City of Waveland Design Guidelines Ordinance shall apply.

Section 612. Use Requirements for a Light Industrial District, I-2

This industrial district is intended primarily for production and assembly plants that are conducted so the noise, odor, dust and glare of each operation are properly controlled. Within a Light Industrial District as shown on the "Zoning May Map, City of Waveland, Mississippi," the following use provisions shall apply:

612.1 Uses Permitted

- A. Armory.
- B. Automobile and truck maintenance shops and garages.
- C. Automobile and truck laundry, including steam cleaning.
- D. Automobile and truck dealership.

- E. Automobile storage.
- F. Automobile and truck body repair.
- G. Battery manufacture.
- H. Beverage manufacturer.
- I. Billboard.
- J. Carting, express, hauling and storage.
- K. Clothing manufacture.
- L. Cold storage plant.
- M. Concrete and concrete products manufacture.
- N. Contractor's storage yard for vehicles, equipment, materials and/or supplies.
- O. Compounding of cosmetics, toiletries, drugs and pharmaceuticals.
- P. Animal Shelter.
- Q. Dry cleaning.
- R. Electroplating.
- S. Elevator maintenance and service.
- T. Farming and truck gardening, nursery and greenhouse for growing or propagation of plants, trees and shrubs.
- U. Feed store.
- V. Food locker plant.
- W. Manufacturing of food products including beverage blending or bottling, bakery products, candy manufacture, dairy products and ice cream, fruit and vegetable processing and canning, packing and processing of meat and poultry products, but not distilling or brewing of beverages or slaughtering of poultry or animals.
- X. Food products, wholesale storage and sale.
- Y. Foundry.
- Z. Freight depot, railway and/or truck.
- AA. Frozen food plant.
- BB. Fruit and produce, wholesale.
- CC. Hardware manufacture.
- DD. Hatchery.
- EE. Hosiery mill.
- FF. Laboratory.
- GG. Laundry.
- HH. Lumber yard and building materials.
- II. Machine shop.
- JJ. Machinery, tools and construction equipment, sales and service.
- KK. Mattress manufacturing and rebuilding.
- LL. Metal sharpening.
- MM. Metal products fabrication.
- NN. Millinery manufacture.
- OO. Millwork and similar wood products manufacture.
- PP. Novelty and souvenir manufacture.
- QQ. Office equipment and supplies manufacturer.
- RR. Oil well supplies and machinery.

- SS. Packing and gasket manufacture.
- TT. Painting and decorating contractor.
- UU. Paper products manufacture.
- VV. Paper supplies, wholesale.
- WW. Passenger depot, railway or bus.
- XX. Pipe storage.
- YY. Plumbing shop.
- ZZ. Printing, publishing and allied industries.
- AB. Railroad facilities.
- AC. Restaurant supplies sales.
- AD. Restaurant.
- AE. Riding academy.
- AF. Roofing and sheet metal shop.
- AG. Rug cleaning.
- AH. Shoe manufacture.
- AI. Sign shop.
- AJ. Sporting goods store, wholesale.
- AK. Taxidermist.
- AL. Toy manufacture.
- AM. Trailer sales.
- AN. Transit vehicle storage and servicing.
- AO. Trade school.
- AP. Venetian blind and metal awning fabricating and cleaning.
- AQ. Water distillation.
- AR. Water storage.
- AS. Water or sewerage pumping station.
- AT. Welding shop.
- AU. Well drilling company.
- AV. Wholesale and warehousing.

612.2 Conditional Uses

Uses Permitted upon Review and Recommendation of the Planning & Zoning Commission include other similar light manufacturing uses.

612.3 Off-Street Parking and loading Requirements shall conform to Article IV, General Regulations.

612.4 Signs and Off-Premise Outdoor Advertising Signs shall conform to Article IV, General Regulations.

612.5 Additional Regulations

- A. Development plan review, consistent with the requirements and the process defined in Article VIII is required for applicable uses.
- B. City of Waveland Design Guidelines Ordinance shall apply.

Section 613. Use Requirements for a Heavy Industrial District, I-3

This industrial district is intended to provide for heavy industrial use. Within a Heavy Industrial District, as shown on the “Zoning Map. City of Waveland, Mississippi”, the following use provisions shall apply:

613.1 Uses Permitted:

- A. Any use permitted in I-2 Light Industrial District.
- B. Abrasives manufacture.
- C. Accessory Use.
- D. Acetylene gas manufacture and/or storage.
- E. Alcohol distillation and/or storage.
- F. Ammonia, bleaching power and chlorine manufacture.
- G. Asphalt product manufacture.
- H. Automobile and truck body manufacture.
- I. Billboard.
- J. Boiler or tank works.
- K. Brewery.
- L. Caustic soda manufacture.
- M. Celluloid manufacturer.
- N. Chemical (heavy or industrial) manufacturer and/or processing.
- O. Cotton compress.
- P. Cotton ginning and baling.
- Q. Dye stuff manufacturer.
- R. Electric power generating station.
- S. Fungicides manufacture.
- T. Glass manufacture.
- U. Grain drying or feed manufacture from refuse, mash or grain.
- V. Grain milling, storage and elevators.
- X. Graphic manufacture.
- Y. Hair products manufacturer or processing.
- Z. Hardware manufacture.
- AA. Incinerator.
- BB. Insulation manufacture or fabrication.
- CC. Linoleum manufacture.
- DD. Oil and fats (animal and vegetable) manufacture.
- EE. Paints, pigments, enamels, japans, lacquers, putty, varnished, whiting and wood filler, manufacture or fabrication.
- FF. Paper, pulp, cellulose and rayon manufacture.
- GG. Plastics manufacture.
- HH. Potash works.
- II. Rock crusher.
- JJ. Sand and Gravel Storage Yard.
- KK. Saw mill or planing mill.

- LL. Sewage disposal plants.
- MM. Soda and washing compound manufacture.
- NN. Shipbuilding..
- OO. Stone cutting.
- PP. Sugars and starches manufacture.
- QQ. Syrup manufacture.
- RR. Tar distillation or manufacture.
- SS. Trailer manufacture.
- TT. Wood preserving by creosote or other impregnation treatment.

613.2 Conditional Uses

Uses permitted on review and recommendation by the Planning & Zoning Commission and approval by the Board of Mayor and Alderman including other similar heavy manufacturing uses and Junkyards.

613.3 Off-street parking and loading requirements shall conform to Article IV, General Regulations.

613.4 Signs and Off-Site Outdoor Advertising Signs shall conform to Article IV, General Regulations.

613.5 Additional Regulations

- A. Development plan review, consistent with the requirements and the process defined in Article VIII is required for applicable uses.
- B. City of Waveland Design Guidelines Ordinance shall apply.

Section 614. Use Requirements for a Special Use District, S-1

Within a Special Use District, as shown on the “Zoning Map, City of Waveland, Mississippi”, the following use provisions shall apply:

614.1 Purpose of District

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

- A. 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.
- B. Types of Districts
The types of Special Use Districts which could be established shall include, but not be limited to:
 - 1. Medical Complex District to include activities such as hospital, public health centers, nurses training facilities, pathology laboratories, doctor’s clinics and offices, extended care and nursing facilities, dental clinics and offices and other closely related and compatible uses.

2. Recreational District to include active and passive activities such as neighborhood centers, parks, playground, swimming pools, picnic areas and other closely related and compatible uses.
3. Educational Institutions Districts to include activities such as grade schools, secondary schools and colleges, auditoriums, libraries, recreational facilities and other closely related and compatible uses.
4. Central Business District to include retail and wholesale activities, light industrial uses, high density residential use and uses outlined in the following public district.
5. Public district to include municipal function and services such as city hall, county courthouse, fire departments, police departments, post office, public utilities, public parking complexes and other closely related and compatible uses.
6. Housing district to include residential uses as single and two-family residences, garden apartments, town houses and high density development.

614.2 General Procedures

- A. Consideration of a proposed Special Use District shall follow the procedures for subdivision approval even if the ownership of land is not to be subdivided. These procedures require that the Board of Mayor and Alderman sequentially approve a Conceptual Plan, a Preliminary Plat, and a Final Plat after the review by and upon the recommendation of the Planning and Zoning Commission.
- B. In applying for a Special Use District or an amendment to such a district, an applicant shall first submit to the Zoning Official a conceptual plan showing the boundaries of the proposed district in relationship to surrounding properties, all uses sought to be permitted in such district and the areas or zones in which each such use shall be conducted, and the proposed streets and lot patterns. Accompanying the conceptual plan shall be a report showing the need for such a District and a general assessment of its impact on adjacent and surrounding areas. This step does not require a formal application of filing fee. Upon receipt of this material, the Zoning Official may with the concurrence of the Planning and Zoning Commission request that the Site Plan Review Committee timely review the plan and report to the Planning and Zoning Commission with respect to such plan and report.
- C. In addition to the requirements of the Subdivision Ordinance, the overall Development Plan to be submitted for Preliminary Plat approval shall include, but not be limited to:
 1. Plans showing the locations of delivery points, loading and storage areas, walls, fences, screen planting, signs, lighting devices and pedestrian walks and the sites and conceptual footprints of principal structures.
 2. Plans illustrating adequate off-street parking pursuant to the standards established in this Ordinance.

3. Plans showing entrances and exits to the Special Use District and traffic routing systems designed to minimize effects of traffic generated by the district and areas within the district.
 4. Such other information as the Planning and Zoning Commission may require, including information needed for the City to adequately estimate the cost of the City's providing essential services to the proposed Special Use District.
- D. The Planning and Zoning Commission may recommend to the Board of Mayor and Alderman to attach reasonable special conditions to the approval of such district or amendments thereto in order to ensure that there will be no departure from the intent of this Zoning Ordinance.
 - E. The Board of Mayor and Alderman may establish a schedule of reasonable fees to be charged for plat review.
 - F. The district shall be developed according to the approval of the Final Plat. Building Permits and Certificates of Occupancy shall be required for each building according to this and other applicable ordinances.

614.3 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 existing Special Use District does not contain five (5) acres, then the additional acreage shall contain at least the amount needed to bring the total land area to five (5) acres.
- B. Be compatible with adjacent land use; if not, adequate buffers and screening shall be required.
- C. Have street construction commenced within one (1) year of the approval of Final Plat. If initial construction (for example footings, foundations, etc.) does not begin within one year, all land shall revert to the original zoning. In any case, where there was no original zoning, all land will be re-zoned to conform to adjacent uses.
- 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 district. For example, all commercial uses in this district will comply with the applicable commercial regulations as set forth in this Zoning Ordinance.
- E. Be binding upon the applicant or applicants, their successors and assigns and shall limit the development to all conditions and limitations established in such plans.
- G. Submit proposed expansions or revisions to any originally approved Special Use District, construction, plan or use to the Planning and Zoning Commission.
- H. The Planning and Zoning Commission shall review and make recommendations to the Board of Mayor and Alderman which shall approve, deny or modify any such construction or use.

Article VII 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 in this Article.

Section 701. Area, Yard and Height Requirements for R-1 Single Family Residential District

The following area, yard and height requirements shall apply to all structures in this zoning district:

701.1 Minimum Lot Area 12,000 square feet

701.2 Minimum Lot Width 100 feet

701.3 Minimum Front Yard 25 feet except as required in Section 720.

701.4 Minimum Side Yard 15 feet except as required in Section 720.

701.5 Minimum Rear Yard 25 feet except as required in Section 720.

701.6 Maximum Lot Coverage 45%

701.7 Maximum Building Height 35 feet, except that all specified building heights may be exceeded 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 Waveland.

And, all buildings that exceed thirty-five (35) feet in height shall be protected by an automatic sprinkler system, installed in accordance with applicable codes and standards adopted by the City of Waveland Building Official.

701.8 Accessory Building

A. The size of an accessory building shall be limited to a one story building not larger than 500 square feet in area.

B. Accessory Building Disposition

1. Shall not exceed fifteen (15) feet in height in residential zones.

2. Shall occupy no part of the front yard or required side yard of a residential lot, except a garage or accessory building may occupy five (5) feet of the required side and ten (10) feet of the required rear yard dimension if the garage or accessory building is to be not less than twelve (12) feet from a principal structure. In no instance is a structure to be located closer than five (5) feet to any property line.

3. May occupy one-half (1/2) the dimension of the required side yard if the garage is to be not less than twelve (12) feet from a principal structure.
4. Where applicable, the requirements of Section 720 shall apply.

Section 702. Area, Yard and Height Requirements for R-2 Single and Two-Family Residential District.

The following area, yard and height requirements shall apply to all structures in this zoning district:

702.1 Minimum Lot Area	Single-family unit	12,000 square feet
	Two-family unit	8,500 square feet for each dwelling unit.

702.2 Minimum Lot Width 100 feet

702.3 Minimum Front Yard 25 feet

702.4 Minimum Side Yard 15 feet

702.5 Minimum Rear Yard 20 feet

702.6 Maximum Lot Coverage 45%

702.7 Maximum Building Height 35 feet, except that all specified building heights may be exceeded 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 Waveland.

And, all buildings that exceed thirty-five (35) feet in height shall be protected by an automatic sprinkler system, installed in accordance with applicable codes and standards adopted by the City of Waveland Building Official.

702.8 Accessory Building

A. The size of an accessory building shall be limited to a one story building not larger than 500 square feet in area.

B. Accessory Building Disposition

1. Shall not exceed fifteen (15) feet in height in residential zones.

2. Shall occupy no part of the front yard or required side yard of a residential lot, except a garage or accessory building may occupy five (5) feet of the required side and ten (10) feet of the required rear yard dimension if the garage or accessory building is to be not less than twelve (12) feet from a principal structure. In no instance

is a structure to be located closer than five (5) feet to any property line.

3. May occupy one-half (1/2) the dimension of the required side yard if the garage is to be not less than twelve (12) feet from a principal structure.

Section 703. Area, Yard and Height Requirements for R-3 Single, Two-Family and Multi-Family Residential District.

The following area, yard and height requirements shall apply to all structures in this zoning district:

703.1 Minimum Lot Area	Single-family unit	12,000 square feet
	Multi-family unit	7,500 square feet for each dwelling unit
703.2 Minimum Lot Width	100 feet	
703.3 Minimum Front Yard	25 feet	
703.4 Minimum Side Yard	15 feet	
703.5 Minimum Rear Yard	20 feet	
703.6 Maximum Lot Coverage	45%	

703.7 Maximum Building Height 35 feet, except that all specified building heights may be exceeded 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 Waveland.

And, all buildings that exceed thirty-five (35) feet in height shall be protected by an automatic sprinkler system, installed in accordance with applicable codes and standards adopted by the City of Waveland Building Official.

703.8 Accessory Building

- A. The size of an accessory building shall be limited to a one story building not larger than 500 square feet in area.
- B. Accessory Building Disposition
 1. Shall not exceed fifteen (15) feet in height in residential zones.
 2. Shall occupy no part of the front yard or required side yard of a residential lot, except a garage or accessory building may occupy five (5) feet of the required side and ten (10) feet of the required rear yard dimension if the garage or accessory building is to be not less than twelve (12) feet from a principal structure. In no instance

- | | |
|---------------------------|--|
| 1. Minimum front set back | 20 feet minimum from main building, except as required in Section 720. |
| 2. Minimum Side Setback | 5 feet, except as required in Section 720. |
| 3. Minimum rear set back | 5 feet, except as required in Section 720. |
| 4. Maximum Height | 15 feet. |

Section 705. Area, Yard and Height Requirements for CO-2 Coleman Open District Mixed Use Commercial

The following area, yard and height requirements shall apply to all structures in this zoning district:

705.1 Minimum Lot Area Single-family unit 12,000 square feet
Two-family or multi-family units See Minimum Lot Area Table Section 721

705.2 Maximum Building Area 70%

705.3 Main Building Disposition

- A. Minimum Frontage Build Out 60%
- B. Minimum Lot Width 60 feet
- C. Minimum Front Setback 0 feet except as required by Section 720.
- D. Maximum Front Setback 12 feet except as required by Section 720.
- E. Minimum Side Setback 0 feet except as required by Section 720.
- F. Minimum Rear Setback 3 feet except as required by Section 720.
- G. Maximum Height 35 feet, except that all specified building heights may be exceeded 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 Waveland.

And, all buildings that exceed thirty-five (35) feet in height shall be protected by an automatic sprinkler system, installed in accordance with applicable codes and standards adopted by the City of Waveland Building Official.

Any ground level built space shall be designed and used for either parking or storage space concealed from view from all streets, an open air market or loggia or combination thereof, closed commercial or retail space, or other permitted use as and to the extent allowed by applicable FEMA requirements.

705.4 Accessory Building Disposition

rear yard dimension if the garage or accessory building is to be not less than twelve (12) feet from a principal structure. In no instance is a structure to be located closer than five (5) feet to any property line.

3. May occupy one-half (1/2) the dimension of the required side yard if the garage is to be not less than twelve (12) feet from a principal structure.

Section 707. Area, Yard and Height Requirements for C-1 Neighborhood Business District.

The following area, yard and height requirements shall apply to all structures in this zoning district:

707.1 Minimum Lot Area	Single-family unit 12,000 square feet Two-family or multi-family units See Minimum Lot Area Table Section 721 Non-residential not applicable
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707.2 Minimum Lot Width	Not applicable
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707.3 Minimum Front, Side and Rear Yard

- A. All requirements relative to front, side and rear yards shall be the same as required in the residential district to which the front, side, or rear of the property in a C-1, C-3, I-1, I-2, or I-3 District adjoins.
- B. Twenty-five (25) feet front, no side or rear yards shall be required on a side of such property adjacent to a non-residential district. When a residential district use is permitted in any area classified as commercial or industrial, such residential use shall comply with a minimum setback restrictions provided for in an R-3 classification.

707.4 Maximum Lot Coverage	Not Applicable
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707.5	Maximum Building Height	35 feet, except that all specified building heights may be exceeded 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 Waveland.
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And, all buildings that exceed thirty-five (35) feet in height shall be protected by an automatic sprinkler system, installed in accordance with applicable codes and standards adopted by the City of Waveland Building Official.

709.1 Minimum Lot Area Not applicable

709.2 Minimum Lot Width Not applicable

709.3 Minimum Front, Side and Rear Yard

- A. All requirements relative to front, side and rear yards shall be the same as required in the residential district to which the front, side, or rear of the property in a C-1, C-3, I-1, I-2, or I-3 District adjoins.
- B. Twenty-five feet (25') foot front yard, but no side or rear yards shall be required on a side of such property adjacent to a non-residential district.
- C. When a residential district use is permitted in any area classified as commercial or industrial, such residential use shall comply with a minimum setback restrictions provided for in an R-3 classification.

709.4 Maximum Lot Coverage Not Applicable

709.5 Maximum Building Height

- A. Permitting of construction of a structure in excess of forty-five (45) feet in height shall require written approval of the Chief of the Waveland Fire Department.
- B. Buildings within one hundred and fifty (150) feet of an R-1 or R-2 District shall not exceed the maximum height requirements of that district that being 35 feet, except that all specified building heights may be exceeded 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 Waveland.
- C. All buildings that exceed thirty-five (35) feet in height shall be protected by an automatic sprinkler system, installed in accordance with applicable codes and standards adopted by the City of Waveland Building Official.

Section 710. Area, Yard and Height Requirements for I-2 Light Industrial District

The following area, yard and height requirements shall apply to all structures in this zoning district:

710.1 Minimum Lot Area Not applicable

710.2 Minimum Lot Width Not applicable

710.3 Minimum Front Yard 60 feet

710.4 Minimum Side Yard 25 feet

710.5 Minimum Rear Yard 25 feet

In instances where this district use abuts a residential district, a minimum side yard of sixty (60) feet shall be required. The district structures and uses shall be screened from the abutting residential district by walls, fences or other screening not less than six (6) feet in height in a manner recommended by the Planning and Zoning Commission and acceptable to the Board of Mayor and Alderman.

710.6 Maximum Lot Coverage Not Applicable

710.7 Maximum Building Height

- A. Permitting of construction of a structure in excess of forty-five (45) feet in height shall require written approval of the Chief of the Waveland Fire Department.
- B. Buildings within one hundred and fifty (150) feet of an R-1 or R-2 District shall not exceed the maximum height requirements of that district that being 35 feet, except that all specified building heights may be exceeded 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 Waveland.
- C. All buildings that exceed thirty-five (35) feet in height shall be protected by an automatic sprinkler system, installed in accordance with applicable codes and standards adopted by the City of Waveland Building Official.

Section 711. Area, Yard and Height Requirements for I-3 Heavy Industrial District

The following area, yard and height requirements shall apply to all structures in this zoning district:

711.1 Minimum Lot Area Not applicable

711.2 Minimum Lot Width Not applicable

711.3 Minimum Front Yard 100 feet

711.4 Minimum Side Yard 25 feet

In instances where this district use abuts a residential district, a minimum side yard of one hundred (100) feet shall be screened from abutting residential district by walls, fences or other screening not less than six (6) feet in height in a manner recommended by the Planning and Zoning Commission and acceptable to the Board of Mayor and Alderman.

711.5 Minimum Rear Yard 50 feet

In instances where this district use abuts a residential district, a minimum rear yard of not less than one-hundred (100) feet shall be provided as measured from the rear lot line to the nearest building or structure. Such space shall be

screened from the abutting residential district by walls, fences, and other screening not less than six (6) feet in height in a manner recommended by the Planning and Zoning Commission and acceptable to the Board of Mayor and Alderman.

711.6 Maximum Lot Coverage Not Applicable

711.7 Maximum Building Height

- A. Permitting of construction of a structure in excess of forty-five (45) feet in height shall require written approval of the Chief of the Waveland Fire Department.
- B. Buildings within one hundred and fifty (150) feet of an R-1 or R-2 District shall not exceed the maximum height requirements of that district that being 35 feet, except that all specified building heights may be exceeded 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 Waveland.
- C. All buildings that exceed thirty-five (35) feet in height shall be protected by an automatic sprinkler system, installed in accordance with applicable codes and standards adopted by the City of Waveland Building Official.

Section 712. Area, Yard and Height Requirements for Special Use District

The following area, yard and height requirements shall apply to all structures in this zoning district:

712.1 Minimum Lot Area 5 acres or 217,180 square feet (also see Section 721)

712.2 Minimum Lot Width

All area yard and height requirements for this district, except the minimum lot area, shall comply with each applicable land use category. For example since different uses will be combined, within this district, the residential portion will apply to the appropriate residential requirements previously set forth in this ordinance.

712.3 Minimum Front, Side and Rear Yard

All area yard and height requirements for this district, except the minimum lot area, shall comply with each applicable land use category. For example since different uses will be combined, within this district, the residential portion will apply to the appropriate residential requirements previously set forth in this ordinance.

712.4 Minimum Lot Coverage

All area yard and height requirements for this district, except the minimum lot area, shall comply with each applicable land use category. For example since different uses will be combined, within this district, the residential portion will apply to the appropriate residential requirements previously set forth in this ordinance.

712.5 Maximum Building Height

All area yard and height requirements for this district, except the minimum lot area, shall comply with each applicable land use category. For example since different uses will be combined, within this district, the residential portion will apply to the appropriate residential requirements previously set forth in this ordinance.

Section 713. Regulations for Space Requirements

713.1 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 described 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 line intersects the side lot line.
3. When adjoining front yards are less than required in the zone and 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 on corner lots:

Where a lot is a corner lot fronting on two existing, or proposed, streets that intersect, the front yard may be designated by the owner without respect to the location of the front yard.

713.2 Rear Yard

A. When abutting an alley, the rear yard may be measured to the center line of the alley.

B. 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: The minimum depth is at least one-half (1/2) the normally required rear yard depth, and 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. 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 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 or lines shall be computed as the rear yard area.

- C. In less restrictive zones and within one hundred (100') feet of a residential or business zone, rear yards shall have a minimum depth equal to that required in the more restricted zone.

713.3 Side Yard

- A. On corner lots in residential zones, the side yard fronting on an existing street, or platted and recorded street, that is unimproved shall have a depth of not less than fifty (50) percent of the required front yard depth or ten (10) feet, whichever is greater.
- B. In less restrictive zones and within one hundred (100) feet of a residential or business zone, side yards 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.
- C. For a lot of record, which qualifies pursuant to Section 402.3 as legally non-conforming and which measures fifty (50) feet or less in width, the Zoning Official is authorized to grant a variance of side yard minimum footage to allow a side yard setback equal to, but not less than, twenty-five percent (25%) of the lot width. Said action may be taken without notice to or action by the Planning and Zoning Commission or the Board of Mayor and Aldermen.

713.4 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 ten (10) feet at any point and the front yard not less than fifteen (15) feet at any point.

713.5 Courts

- A. The width of an outer court is that "horizontal dimension" which is substantially parallel to 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 mid-points of the opposite sides).
- B. The depth of an outer court is the horizontal distance between the mid-point of the principal open end to the mid-point of the opposite end.
- C. The minimum space shall be fifty (50) feet if the buildings are located so that the front of one building faces either the front or rear of another building and twenty (20) feet when buildings are oriented in any manner (e.g., front to side).

Section 714. Visibility at Intersections

On a corner lot, in any Residential Zone, nothing shall be parked, 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 (2-1/2) and ten (10) feet above the center-line grades of the intersecting streets and within twenty-five (25) feet of the corner as measured at the property line, with the exception of the intersection of Beach Boulevard and Nicholson Avenue, where parking shall be prohibited within fifty (50) feet of these two (2) intersections.

Section 715. Projections

715.1 Cornices, coves, belt courses, ornamental features and fire escapes may extend into the required yard area a maximum of one and one-half (1 ½) feet, or one-third (1/3) the required yard depth, whichever is less, if they are at least seven (7) feet above ground level at their lowest point.

715.2 Covered porches, terraces and enclosed vestibules or entry-ways, not over twelve (12) feet in width may extend five (5) feet into a required front or rear yard provided the nearest point of the projection is at least ten (10) feet from the front or rear lot line.

715.3 Chimneys, open stairways, eaves and gutters may extend two (2) feet into the required side yard or one-third (1/3) the required distance, 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.

Section 716. Accessory Buildings

716.1 Accessory Buildings shall not exceed fifteen (15) feet in height in residential zones.

716.2 An accessory building shall occupy no part of the front yard or required side yard of a residential lot, except a garage or accessory building may occupy five (5) feet of the required side and ten (10) feet of the required rear yard dimension if the garage or accessory building is to be not less than twelve (12) feet from a principal structure. In no instance is a structure to be located closer than five (5) feet to any property line.

716.3 An accessory building shall be included in determining lot coverage by the principal building, or buildings. The following shall be exceptions:

- A. Swimming pools.
- B. Not more than one-single story accessory building that occupies five hundred (500) square feet or less of the rear yard area of a lot.

Section 717. Area Cannot Be Reduced

717.1 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.

717.2 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 building, unless provided for in this Zoning Ordinance.

Section 718. Front Yard Setback for Certain Dwellings

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

Section 719. Height Limits

The height limits of this Zoning Ordinance shall not apply to church spires, belfries, monuments, transmission towers, water towers, flagpoles, derricks, chimneys, cooling towers, fire towers and other structures not intended for human occupancy. These exceptions shall not apply in an airport flight zone.

Section 720. Beach Boulevard

In all zoning districts for property abutting Beach Boulevard, any and all setbacks shall be no less than fifty (50) feet from Beach Boulevard.

Section 721. Minimum Lot Area for Residential Development by Zoning District Table

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

Zoning District	Single-Family	Two-Family	Multi-Family
R-1	12,000		
R-2	12,000	8,500	
R-3	12,000	7,500	7,500
CO-1	12,000	8,500	
CO-2	12,000	2,000 / 7,500 *A	2,000 / 7,500 *A
M-1	4,000 / 9,000		
C-1	12,000	2,000 / 7,500 *A	2,000 / 7,500 *A
C-3	12,000	2,000	2,000

Note *A. Two thousand (2,000) square feet per dwelling unit is for structures wherein the ground floor of the structure contains independent, viable commercial space along at least sixty (60) percent of the principle frontage of the structure. Independent, viable commercial space shall be considered space that is sufficient to support most permitted commercial uses in the zoning district; and is not related to the sale or operation of the multi-family units.

Seven thousand five hundred (7,500) square feet per dwelling unit is for structures that do not meet the above ground floor independent viable commercial space requirement.

Article VIII Administration, Enforcement and Penalties

Section 801. Building Official

The Building Official, designated by the Board of Mayor and Alderman, shall receive applications, assist applicants and appellants in the procedures required hereunder, review development plans, inspect premises and issue development permits, building permits and certificates of occupancy.

Section 802. Zoning Official

The Zoning Official, designated by the Board of Mayor and Alderman, shall receive applications, assist applicants and appellants in the procedures required hereunder, review development plans, issue zoning permits and act as Secretary to the Planning and Zoning Commission. The Zoning Official shall also administer the Zoning ordinance, Subdivision Ordinance, and other development related ordinances as necessary in coordination with the Building Official and other City Officials as needed.

Section 803, Housing Stock Inventory

803.1 Housing Statistics to be Developed and Maintained. The Building Official and the Zoning Official shall jointly take inventory of and develop and maintain current information on the City of Waveland's housing stock. Such information shall set forth the number of dwelling units per housing type to separately quantify the number of single family, duplex and multi-family dwelling units within the City of Waveland. Multi-family units shall be considered as three (3) or more dwelling units in one building. Multi-family complexes in excess of twelve (12) units shall be further identified by name and location. Information shall be updated timely as building permits are issued.

803.2 Annual Report Required. Each year no later than the second meeting of the Board of Mayor and Aldermen, the Building Official and the Zoning Official shall provide to the Board of Mayor and Aldermen and to the Planning and Zoning Commission a report on the status of the housing stock as of December 31 of the prior year. At a minimum, such report shall include a current tabulation of the various types of housing within the City and the identity and location of multi-family complexes with more than twelve (12) units and the total number of units in such complexes. The Building Official and the Zoning Official may also submit to the Board of Mayor and Alderman and the Planning and Zoning Commission recommendations with their report including, but not limited to, possible amendments to the Zoning Ordinance that may be warranted by changing housing trends.

Section 804, Land Development Permit Required

A Land Development Permit issued by the Building Official is required in advance of the initiation of the following activities on any site: clearing, grading, excavation, filling, and temporary or permanent road construction, unless such activities are specifically addressed and permitted pursuant to a Building Permit. Any drainage alteration including temporary culvert installation proposed to coincide with such activities shall be referred to the Public Works Director for review and permitting.

Section 805, Application for a Land Development Permit

805.1 Applications for a Land Development Permit for site preparation for small scale developments exempt from the Development Plan review requirements of Section 808 shall include the following:

- A. A site plan, drawn to scale, showing the site boundaries, and existing conditions including, drives, roads, paved areas, structures, natural and manmade drainage ways on or abutting the site, rights of way across the property, tree masses, Live Oaks and Magnolia trees that meet the Section 409 preservation requirements.
- B. A site plan showing the proposed site work, including: temporary and permanent roads and drives, temporary and permanent culverts, drainage alteration, areas of excavation and fill, trees or tree masses to be cleared, trees to be preserved, and the dimensions and locations of structures and other improvements proposed to be subsequently constructed.
- C. Where feasible, the above plans may be combined.

805.2 Prior to issuing a Land Development Permit, the Building Official must receive from the Zoning Official written verification that the site is appropriately zoned for the activities and uses proposed or that the Board of Mayor and Alderman has conceptually approved a Preliminary Plat for the site.

- 805.3 Prior to issuing a Land Development Permit, the Building Official must receive from the Public Works Director written verification that the proposed activities are to be conducted consistent with the provisions of the Drainage Ordinance.
- 805.4 Extensive tree clearing or other site work proposed without any subsequent development proposed and detailed shall be allowed only by Site Plan Committee approval.
- 805.5 A Land Development Permit shall become invalid unless the work authorized by it shall have commenced within six (6) months of the date of issuance; and be cancelled by the Building Official if the work authorized by the permit is not substantially completed within one (1) year of the date of issuance. The Building Official shall give written notice that a permit has become invalid or expired and that further work shall not proceed unless, and until, a new Land Development Permit is issued.

Section 806. Building Permit Required

- 806.1 A building permit issued by the Building Official is required in advance of the initiation of the construction, erection, moving or alteration of any building or structure. The permit shall be issued in accordance with the applicable building code in effect at the time of application.
- 806.2 No building permit for a structure shall be issued by the Building Official except where:
- A. The Zoning Official has verified in writing that the building site is appropriately zoned for the activities and uses proposed.
 - B. The Public Works Director has verified in writing that the proposed work complies with applicable utility requirements and the Drainage Ordinance.
 - C. The City Floodplain Manager has verified in writing that the proposed work complies with the Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate Maps (DFIRM) and the Flood Damage Prevention Ordinances of the City of Waveland.

Section 807. Application for a Building Permit

- 807.1 All applicants for a building permit shall be accompanied by plans in duplicate and 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 sizes and locations on the lot of buildings already existing, if any, the location and dimension 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.

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 Waveland, 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.

807.2 Time Limitations: Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months of the 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 cancelled by the Building Official; and written notice thereof shall be given to the person affected, together with notice that further work, as described in the cancelled permit, shall not proceed unless, and until, a new building permit has been obtained.

Section 808. Review of Development Plan Required

808.1 Purpose. To ensure the compatibility of an overall site design, the existence and provision of adequate community facilities, conformity with the Comprehensive Plan, and compliance with this Zoning Ordinance and ordinances relating to the preservation of drainage and natural resources, larger scale and unique development projects shall undergo a development plan review. This review shall be in addition to and may be performed concurrently with the Building Official's construction review for a Building Permit and with the various review and approval processes of the Planning and Zoning Commission and Board of Mayor and Alderman. Other than site preparation work permitted pursuant to Section 805, no other work shall be permitted on a site until the development plan review process is favorably completed.

808.2 Applicability. Development plan review shall be required for the development of all sites, the proposed development of which embodies or requires one or more of the following:

- A. Conditional use approval.
- B. Developer-requested zoning district change to allow more intensive development.
- C. Amenity Incentives per Section 604.
- D. Subdivision approval.
- E. Special Use District creation.
- F. Density variance approval for duplex or multi-family housing.
- G. A site of more than three (3) acres.
- H. Duplex or multi-family housing developments in excess of twelve (12) units.

- I. Alteration or new construction of a commercial or residential parking area for more than ten (10) vehicles.
- J. Construction of a new commercial structure or an addition to an existing commercial structure, either of which create more than 5,000 square feet of gross floor area.
- K. A capital project of the City of Waveland.
- L. Unique or special site or construction circumstances determined by the Building Official to necessitate a development plan review.

808.3 Site Plan Review Committee

- A. The Site Plan Review Committee will be promptly established and notice of its establishment and membership will be forwarded to the Planning and Zoning Commission and the Board of Mayor and Alderman in a timely manner.
- B. The Site Plan Review Committee will consist of the following City of Waveland officials or consultants:
 - 1. Building Official.
 - 2. Zoning Official.
 - 3. Fire Chief.
 - 4. Police Chief.
 - 5. Public Works Director.
 - 6. Floodplain Manager.
 - 7. City Engineer.
- C. The Building Official shall chair the Site Plan Review Committee and schedule and call meetings of the Committee as necessary.
- D. In accordance with the criteria set forth below, the Site Plan Review Committee shall adopt such procedures and schedules as may be required to fulfill the requirements of this ordinance and other municipal ordinances. Once adopted notice of the procedures and schedules shall be timely forwarded to the Planning and Zoning Commission and the Board of Mayor and Alderman.

808.4 Development Plan Review Processes

In formulating the processes and schedules required in Subsection 808.3 the Site Plan Review Committee shall ensure that:

- A. Once the applicant submits a complete application, the Building Official will review the application within five (5) working days to ensure that no additional information is needed.
- B. The Building Official will call a meeting of the Site Plan Review Committee to be held within seven (7) working days subsequent to the Building Official determining the application is complete.
- C. Within seven (7) working days thereafter, the Site Plan Review Committee shall make a determination with respect to the submittal, which determination shall be either:
 - 1. Approval of the development plan with such conditions as the Site Plan Review Committee may require; or

2. Disapproval of the Development plan with the stated reasons for the rejection and recommendations to facilitate further consideration.
- D. Approval and disapproval shall be in writing and include the signatures of all members of the Site Plan Review Committee or their designees. No such notice is valid unless all current members of the Site Plan Review Committee or their designees have signed the notice.
- E. For projects also requiring review by the Planning and Zoning Commission and approval by the Board of Mayor and Alderman such notices shall be forwarded to the Planning and Zoning Commission and the Board of Mayor and Alderman.

808.5 Development Plan Submittal

- A. The following information shall at a minimum be required to be submitted for site plan review. However, on a case by case basis the Building Official may revise the specific information requirements:
1. A vicinity map locating the site and identifying the nearest dedicated streets.
 2. A boundary description, including the bearings and dimensions of all property lines, existing easements and the total square footage of the site.
 3. A plan showing existing site topography with the degree of specificity to be determined by the Building Official.
 4. A scaled depiction of existing tree masses and identifying any existing Live Oak trees with a trunk size of more than eighteen (18) inches in diameter measured at a point three (3) feet above ground level or a Magnolia tree with a trunk size of more than eight (8) inches in diameter measured at a point three (3) feet above the ground level.
 5. A scaled depiction of streams, ponds, floodplains, flood velocity zones, other bodies of water, wetlands, and natural and man-made drainage ways, which drainage ways are located on the site, or abut the site.
 6. A scaled plan showing the location, height, and floor area of existing structures and structures proposed to be constructed on the site with notations as to intended use of each structure.
 7. A scaled plan showing, as applicable, the arrangement and dimensions of existing and proposed:
 - a. Streets and driveways.
 - b. Adjacent streets.
 - c. Sidewalks.
 - d. Points of ingress and egress.
 - e. Parking Areas including number of off-street spaces.
 - f. Off-street loading areas.
 - g. Other proposed vehicular, bicycle or pedestrian paths.
 - h. Signs.
 - i. Exterior lighting.

8. Provisions for handling surface water/stormwater drainage and other utility information such as water and sewer service, fire hydrants, street lighting, gas, electrical, telephone and cable.
 9. Provisions for landscaping including, screening, buffering and creating open space.
 10. A description for any proposed dedicating of common, open space areas including ownership, maintenance and preservation thereof.
 11. Proposed stages of project development.
- B. To avoid duplication of review, for projects where the Subdivision Ordinance also applies, the Preliminary Plat submission criteria of the Subdivision Ordinance shall apply when such required information exceeds in scope or detail of that required solely for development plan review.
- C. For projects wherein the proposed activity or use will minimally impact the site, the Building Official may waive submission of information requirements not applicable to a particular project.

808.6 Adherence to Plan

Once the development plan for a property has been approved by the City of Waveland, building permits for improvement of the property shall be issued only in conformity with the development plan. Other than minor construction changes, revisions to the site plan shall require the review and approval of the Site Plan Review Committee, and where applicable, notice to the Planning and Zoning Commission and the Board of Mayor and Alderman.

Section 809. Certification of Occupancy Required

A Certificate of Occupancy issued by the Building Official is required in advance of occupancy or use of:

809.1 Any lot, or change of use thereof;

809.2 A building hereafter erected, altered or changed in the use of occupancy of an existing building;

809.3 Each nonconforming use created by the passage of, and subsequent amendment to, this Ordinance or its change, extension, alteration, rebuilding thereafter.

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 810. Remedies

If the Building Official shall find that any of the provisions of this Ordinance are being violated, he shall, in writing, notify the persons responsible for such violation, indicating

the nature of the violation and ordering action necessary to correct it, among which he shall order 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, the Building Official may call upon the Waveland Police Department.

In case any building or structure is erected, constructed, re-constructed, altered, repaired, converted, maintained, or any building or land is used in violation of this Ordinance, the Building Official, 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 811. Penalties for Violation

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 and no/100 (\$100.00) dollars 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.

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 in a separate offense and suffer the penalties herein provided.

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

Section 812. Enforcement and Penalties for Violations Regarding Signs and Signage

812.1 The Building Official shall enforce and administer Section 405, making such inspections and investigations as are needed to ensure compliance with regulations governing signs and signage and determine violations.

812.2 In the event that the Building Official determines a violation, the official shall serve written notice of the violation on the violator. The notice shall state the violation, the prescribed remedy under this section, and the date by which the remedy must be complete. The notice will include a statement that action may be taken by the City at the expense of the violator if the violation is not corrected or removed by the date specified.

812.3 Any person aggrieved by any interpretation or order of the Building Official may appeal to the Board of Mayor and Aldermen. The Building Official shall take no further action on the matter pending the Board of Mayor and Aldermen decision,

except for unsafe signs which present an immediate and serious danger to the public as provided in this Section.

812.4 Sign Penalties

- A. The violation of any of the provisions of Section 405 shall be deemed a misdemeanor, with each day of the violation being considered a separate offence.
- B. A fine of up to \$50 for each day may apply for each violation, except in the case of off premise outdoor advertising display where the amount is \$100.

Article IX Planning and Zoning Commission

Section 901. Establishment of the Planning and Zoning Commission

The Planning and Zoning Commission of the City of Waveland shall be composed of five members. Each Alderman shall appoint one member to sit on the Commission, and the Mayor shall appoint the Chairman of the Planning and Zoning Commission. Members shall serve the concurrent term as the Board of Mayor and Aldermen. Vacancies to the Planning and Zoning Commission shall be filled for the unexpired term of any member in the same manner as appointed.

Section 902. Proceedings of the Planning and Zoning Commission

The Planning and Zoning Commission shall adopt rules for the conduct of its business, including quorum requirements and other procedures, and keep a public record of all findings and recommendations. Meetings of the Planning and Zoning Commission shall be at the call of the Chairman of the Planning and Zoning Commission and at such other times as the Planning and Zoning Commission shall determine. Each session of the Planning and Zoning Commission shall be a public meeting. No member of the Board shall participate in the hearing in which he has any pecuniary or special interest.

The Zoning Official shall be the Secretary to the Planning and Zoning Commission of the City of Waveland. The 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, all of which shall be immediately filed in the office of the Board and shall be a public record.

Section 903. Decisions of the Planning and Zoning Commission

The Planning and Zoning Commission is a recommending body. Recommendations from the Planning and Zoning Commission shall be sent forward to the Board of Mayor and Aldermen for the Board's final decision.

Section 904. Applying for a Variance

Applying for a Variance: To apply for a variance from the terms of the Zoning Ordinance, the applicant must submit the following:

1. Letter stating what is being requested and what type of development is proposed.
2. Two (2) copies of plot plan detailing existing structure, proposed development and encroachment, dimensions of property, location of all streets bordering property, and the names and mailing addresses of all property owners adjacent to side of property affected.
3. A fee of Seventy-five (\$75.00) Dollars, payable in advance to help defray the expense of advertising and processing.
4. These items must be submitted to the City of Waveland Zoning Official in time for the variance request to be advertised in the legal section of the local newspaper, a minimum of fifteen (15) days prior to the next regular meetings of the Planning and Zoning Commission. A letter must be mailed by the Zoning Official to all property owners lying adjacent to the property line for which said variance is being requested. The Planning and Zoning Commission will hear testimony from any concerned citizen of Waveland at the designated public hearing and will make a recommendation on the variance request to the Board of Mayor and Aldermen based on testimony heard at the public hearing.

Section 905. Applying for a Zoning Change

Applying for a Zoning Change: In applying for a zoning change, the applicant will be required to submit the same information required for a variance, as well as the following:

1. Names and mailing addresses of all property owners within three hundred (300') feet of the proposed change.
2. A One Hundred and Forty (\$140.00) Dollar fee to defray the cost of advertising and processing.
3. A three (3) foot by three (3) foot sign must be visibly posted near the street or property being considered for a zoning change. The sign must state current classification and classification being requested.

Section 906. Power and Duties of the Planning and Zoning Commission

The Planning and Zoning Commission shall have the following powers and duties:

906.1 To recommend in special cases such variances from the terms of this Zoning Ordinance as will not be contrary to public interest where, owing to the special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Zoning Ordinance shall not be recommended by the Planning and Zoning Commission unless and until:

- A. A written application for a variance is submitted demonstrating:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.
 2. That literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance.
 3. That special conditions and circumstances do not result from the actions of the applicant.
 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Ordinance to other lands, structures, or buildings in the same district.
- B. A public hearing shall be held after giving at least fifteen (15) days notice of the hearings in an official newspaper specifying the time and place for said hearing.
- C. The Planning and Zoning Commission may find in specific cases such variances from the terms of this Zoning Ordinance may not be contrary to the public interest where, owing to special conditions, literal enforcement of the provisions of this Zoning Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be recommended in such case of unnecessary hardship upon a finding by the Planning and Zoning Commission that all of the following conditions exist:
1. There are extraordinary and exceptional conditions pertaining 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.
 2. A literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
 3. 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.
 4. The requested variance will be in harmony with the purpose and intent of this Zoning Ordinance and will not be injurious to the neighborhood or to the general welfare.
 5. The special circumstances are not the result of the actions of the applicant.
 6. The existence of a non-conforming use of neighboring land, buildings or structures in the same district, or non-conforming uses in other districts shall not constitute a reason for the requested variance.

7. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
8. The variance is not a request to permit a use of land, building or structures which are not permitted by right or by conditional use in the district involved.
9. Notice of public hearing shall be given as in section 906.1.B.

906.2 To hear and make recommendations with respect to the following exceptions to this Zoning Ordinance after public hearing as provided for in subsection 906.1.B above:

- A. To permit the extension of a district where the boundary lines thereof divided a lot held by a single ownership at the time of adoption of this Zoning Ordinance.
- B. To interpret the provisions of this Ordinance in such a way as to carry out the intent and the purpose of the plan as shown upon the Zoning District Map where the street layout on the ground varies from the street layout as shown on the Zoning District Map.
- C. To vary the parking regulations by not more than ten (10) spaces where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by this Ordinance. In the C-3 District, parking regulations may be varied more than ten (10) spaces where extreme and unusual hardship is shown.

906.3 Conditional Uses: Subject to the provisions of Sections 901 and 902 of this Article, the Planning and Zoning Commission shall set a hearing and make a recommendation to the Board of Mayor and Aldermen to grant a conditional use for the uses enumerated as conditional uses in any district as herein qualified and may impose appropriate conditions and safeguards including a specified period of time for the use to protect property and property values in the neighborhood.

- A. Applications for conditional use for uses authorized by this Ordinance shall be made to the Planning and Zoning Commission. A public hearing shall be held, after giving at least fifteen (15) days notice of the hearing in an official paper specifying the time and place for said hearing. The application shall be specified by the governing authority. The Planning and Zoning Commission will investigate all aspects of the application giving particular regard to whether such use will:
 1. Substantially increase traffic hazards or congestion.
 2. Substantially increase fire hazards.
 3. Adversely affect the character of the neighborhood.
 4. Adversely affect the general welfare of the city.
 5. Overtax public utilities or community facilities.
 6. Be in conflict with the Comprehensive Plan.

If the findings by the Planning and Zoning Commission relative to the above subjects are that the City would benefit from the proposed use and

the surrounding area would not be adversely affected, then the Commission may recommend the project for approval to the Board of Mayor and Aldermen.

- B. Any proposed conditional use shall otherwise comply with all regulations set forth in this Zoning Ordinance for the district in which such use is located.

Section 907. Review of Permits for the Removal of Live Oak and Magnolia Trees.

The Planning and Zoning Commission shall recommend approval or denial with final decision by the Board of Mayor and Aldermen, for a permit for the cutting of Live Oak and Magnolia trees consistent with Section 409 of this Ordinance, and based upon the following criteria:

1. The tree or trees proposed to be cut are in such poor health or bad physical condition as to be a hazard to human safety; or
2. Construction cannot be practically located in such a way as to preserve the tree or trees.

Article X

The Board of Mayor and Aldermen

Section 1001. Powers and Duties of the Board of Mayor and Alderman

It is the intent of this Ordinance that under this Zoning Ordinance the Board of Mayor and Aldermen shall be the final Zoning Authority of the City of Waveland and shall constitute the City's Zoning Appeals Board.

Section 1002. Final Zoning Authority

After a public hearing by, and based on the recommendations of, the Planning and Zoning Commission, the Board of Mayor and Aldermen acting as the final Zoning Authority may upon its consideration authorize the following.

1002.1 Amendments

Pursuant to Article XI, amendments to the regulations and districts herein established.

1002.2 Conditional Uses

1002.3 Exceptions

Exceptions pursuant to Section 906.2 with respect to zoning district boundary lines, interpretation of the street layout and parking requirements.

1002.4. Permits for the removal of certain Live Oak and Magnolia Trees

1002. 5. Schedule of Fees, charges and Expenses.

The Board of Mayor and Aldermen shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, certificates, appeals and other

matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the City Clerk and may be revised or amended only by the Board of Mayor and Aldermen. No permit, certificate or variance shall be issued unless, or until, such costs, charges, fees or expenses have been paid in full; nor shall any action be taken on proceedings before the Board of Mayor and Aldermen unless, or until, preliminary charges and fees have been paid in full.

1002.6 Variances

Variances from the terms of this Zoning Ordinance may be authorized in specific cases as may 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 this Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such case of unnecessary hardship upon a finding by the Board of Mayor and Alderman that all of the following conditions exist:

- A. There is an extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structure in the same district.
- B. A literal interpretation of the provision 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 a variance requested will not confer upon 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 Zoning 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 non-conforming use of neighboring land, buildings or structures in the same district, or of permitted or non-conforming 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 structures which are not permitted by right, or by special exception in the district involved.

Section 1003. Zoning Appeals Board

Acting as the Zoning Appeals Board of the City of Waveland, the Board of Mayor and Aldermen shall consider and make determinations with respect to the following.

1003.1 Administrative Reviews

To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Official, Zoning Official or Site Plan Review Committee in the administration or enforcement of this Ordinance.

1003.2 Appeals

Appeals to the Board of Mayor and Alderman may be made by any person aggrieved or by any officer, department, commission, committee or bureau of the City of Waveland affected by any decision of the Building Official, Zoning Official or Site Plan Review Committee. Such appeal shall be taken not more than sixty (60) days from date of the decision of the Building Official, Zoning Official or Site Plan Review Committee by filing a notice of appeal with the Zoning Official. Every application for appeal shall: include specifics of the appellant's application for a permit; refer to the specific provision of the Ordinance involved; and set forth the appellant's interpretation of the Ordinance and other such information as the appellant deems necessary to provide full information regarding the appeal. The Zoning Official shall forthwith transmit the appeal or application to the Board together with all papers constituting the record upon which the action appealed from was taken. The Board of Mayor and Aldermen shall fix a reasonable time for the hearing of appeals and give at least fifteen (15) days notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon a hearing, any party may appear in person, by agent or by attorney.

Article XI Amendments

Section 1101. Amendments

The Board of Mayor and Aldermen may, from time to time, on its own motion or on petition from a property owner or on recommendation of the Planning and Zoning Commission, amend the regulations and districts herein established. All amendments shall be forwarded to the Planning and Zoning Commission for its review, comments and recommendations to the Board of Mayor and Aldermen for its consideration.

No change in regulation, 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 newspaper or newspaper of general circulation in Hancock County, Mississippi.

The Planning and Zoning Commission may recommend to the Board of Mayor and Aldermen to attach reasonable special conditions to the approval of any amendment to ensure that there will be no departure from the intent of this Zoning Ordinance.

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 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 three-fifths (3/5) of all members of the Board of Mayor and Aldermen of the City of Waveland, Mississippi.

Article XII Effective Date

Section 601. Effective Date

This Zoning Ordinance shall be in full force and effect from and after August 1, 2010 following its adoption as recorded herein and promulgation as required by law.

UPON MOTION of Alderman _____ moved for adoption, duly seconded by Alderman _____, the aforesaid Ordinance was put to a roll call vote with the Aldermen voting as follows:

Lili Stahler	Voted: Yes
Ricky Geoffrey	Voted: Yes
Brian Schmitt	Voted: Yes
Charles Piazza	Voted: Yes

APPROVED AND ADOPTED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF WAVELAND, HANCOCK COUNTY, MISSISSIPPI on the 28th day of May, 2010.

John T. Longo, Mayor

Lisa B. Planchard
City Clerk