

CITY OF WAVELAND  
PLANNING & ZONING COMMISSION  
SPECIAL MEETING AGENDA  
APRIL 10TH, 2023 6:00 PM

1. Call to Order / Roll Call.
2. Motion to discuss amendments to the Zoning Ordinance #349 Article IV: General Regulations.
3. Motion to have changes to Zoning Ordinance #349 adopted at set for public hearing at P&Z Regular Meeting on May 15, 2023 @ 6:00 pm.
4. Motion to discuss amendment to the Tree Ordinance #379.
5. Motion to have changes to Tree Ordinance #379 adopted at set for public hearing at P&Z Regular Meeting on May 15, 2023 @ 6:00 pm.
6. Motion to discuss new Short-Term Rental Ordinance.
7. Motion to have new Short-Term Rental Ordinance adopted at set for public hearing at P&Z Regular Meeting on May 15, 2023 @ 6:00 pm.
8. Comments from Chair, Commissioners, & Staff
9. Public Comments to the Commissioners
10. Adjourn: AT \_\_\_\_\_ P.M.

# **Planning & Zoning Workshop 1**

**Item #2**

**Discuss changes to  
Article IV: General Regulations  
Zoning Ord. #349**

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## **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.

Dwellings and Lodgings	Minimum Number of Parking Spaces Required
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 indentify "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.



# **Planning & Zoning Workshop 1**

**Item #4**

**Discuss changes to  
Protected Tree Ordinance #379**

ORDINANCE NO. 379

ORDINANCE 349 (ZONING ORDINANCE) TO MAKE AMENDMENTS TO SECTION 408.1 – PRESERVATION OF LIVE OAK AND MAGNOLIA TREES

WHEREAS, the Planning and Zoning Commission of the City of Waveland, Mississippi (the "City") took up for consideration the matter of Amendments to Ordinance 349 (Zoning Ordinance).

WHEREAS, the Planning and Zoning Commission does hereby find, determine, adjudicate and declare as follows:

1. Ordinance 349 of the City of Waveland contains the provisions regarding; Section 408.1 – Preservation of Live Oak (*Quercus virginiana*) and Magnolia (*Grandiflora*) Trees.
2. Ordinance 349 requires amendments to Section 408.1 - Preservation of Live Oak and Magnolia Trees – based upon changes in conditions and circumstances that have occurred since the original adoption of Ordinance 349.
3. Pursuant to Miss. Code Ann. 21-13-1 *et seq*, a municipality is authorized to pass all ordinances and enforce the same.
4. It is the desire of the majority of the Planning and Zoning Commission of the City of Waveland that Ordinance 349 - Section 408.1 – Preservation of Live Oak and Magnolia Trees be amended as provided hereinafter.
5. The amendments to Ordinance 349, have been forwarded to the Mayor and Board of Aldermen and reviewed and revised by the City Attorney.
6. As required by Ordinance 349, a notice of public hearing was published setting the time, place, and content regarding the Amendments to Ordinance Number 349, in a newspaper of general circulation in Hancock County, Mississippi 15 (fifteen) days prior to the public hearing and the Planning and Zoning Commission conducted a hearing for same.
7. At said Planning and Zoning Meeting interested agencies and citizens were given an opportunity to be heard. No public objections were made by or received from the public.
8. The Planning and Zoning Commission has forwarded a Resolution to the Mayor and Board of Aldermen recommending certain amendments to the Ordinance 349, Section 408.1 and the City Attorney after reviewing same has made certain recommendations for changes.

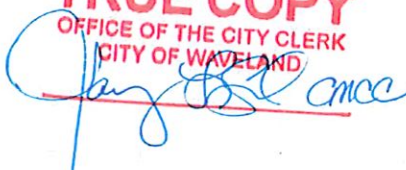
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF WAVELAND THAT ORDINANCE 349, SECTION 408.1 – PRESERVATION OF LIVE OAK AND MAGNOLIA TREES IS HEREBY AMENDED AS FOLLOW

SECTION 1. Purpose and intent. The Mayor and Board of Aldermen find that it is necessary to protect the existing Live Oak and Magnolia trees within the City of Waveland in order to maintain air quality, defend ecological integrity and preserve beauty and tranquility of said City and adopt this Ordinance in the interest of the Health, Safety and General Welfare of the residents of said City.

A. The Purpose of this Section of the Ordinance is to regulate, control and promote the planting of trees, to encourage the protection of existing trees in the streets and public grounds within the City, to regulate tree preservation, replacement and indiscriminate removal of trees on private property, both on unimproved lands and on land which has heretofore been improved to any extent whatsoever, and to establish procedures and practices for fulfilling these purposes.

B. The intent of this Section of the Ordinance is to encourage the protection of existing trees and to promote the planting of additional trees in order to facilitate the control of soil conservation, air pollution and noise and to enhance the beauty, health and safety of the environment for the city.

SECTION II. Definition. The trees covered by this Ordinance are defined as "Live Oak (*Quercus virginiana*) and Magnolia trees (*Magnolia Grandiflora*)" of the size hereinafter indicated.

TRUE COPY  
OFFICE OF THE CITY CLERK  
CITY OF WAVELAND  


SECTION III. Removal of live oak and magnolia trees - Permit Required.

- A. Without a permit therefore, it shall be unlawful for any person firm or corporation to cut down, remove, destroy or effectively destroy through damaging any Live Oak Tree of eighteen (18") in Diameter or greater or any Magnolia Tree of eight (8") in diameter or greater, measured at a point three feet above ground level, growing within the City of Waveland. The penalty for any unlawful action is stated in Section 811.2 of the Zoning Ordinance.
- B. A permit for the cutting down or destruction of a Live Oak or Magnolia tree or trees as hereindescribed shall be issued only if the tree or trees proposed to be cut are diseased, injured, in danger of falling and causing destruction or damage to an existing structure, interferes with existing utility service, creates unsafe vision clearance, is currently causing damage to an existing structure or property, is structurally unsound or dangerous, or for such other good cause as shall be determined by the City.

SECTION IV. Permit for cutting of live oak or magnolia trees - Procedure.

- A. Application. Any person, firm or corporation desiring to cut down any Live Oak or Magnolia tree or trees as described in Section III shall fill out an application therefore with the City Building Official and later pay an application fee of Seventy-Five Dollars (\$75.00). Each application shall state the legal description of the property on which the tree or trees is located; the mailing address and telephone number of the applicant and the reason for the request. As part of the application, the applicant must provide a report from a certified and licensed Arborist in Mississippi that includes an evaluation of the tree as well as any recommendations regarding the tree or other affected trees on the property. In some cases, it may be required that a second report from a Certified Arborist in Mississippi be submitted. There will be a separate fee of \$50.00 for the permit that will be due when it is issued.

If the application for removal of a tree(s) does not qualify for such removal, relocation or substantial alteration under the condition of the above subsection, or in the event a tree is removed without a permit, then the Building Official or the *Planning & Zoning Board*, as the case may be, shall either require the applicant to relocate on said premises each protected tree being removed, and to keep such tree in a healthy living condition for at least two (2) years following relocation. Alternatively, in the event the tree cannot be relocated, the owner shall be required to compensate the city in an amount equal to the value of the lost protected tree, is determined by a City approved Certified Arborist in Mississippi by reference to the current edition of the *Guide for Plan Appraisal* by the International Society of Arboriculture. Such replacement funds will be administered by the Mayor and Board of Aldermen and used for replacement trees and shrubbery at the

applicant's site or alternate public property locations as may be recommended by the City Approved Certified Arborist in Mississippi.

- B. Inspection. Within four working days of the receipt of such application (with weather permitting or such other reasons as shall be outside of his/her control) the Building Official in consultation with the Chairman of the Planning and Zoning Board and a certified arborist from the MS. Extension Service or such other licensed arborist as the City shall designate shall inspect such tree or trees and indicate on said application.
1. The approximate spread and the actual trunk circumference from which shall be calculated, diameter, measured at a point three feet above ground level, of the tree or trees.
  2. The health and physical condition of the tree or trees.
  3. Whether or not in his opinion removal is justified by reason of any of the following:
    - a. The required report from a Certified Arborist in Mississippi.
    - b. The tree or trees proposed to be cut are diseased, injured, in danger of falling and causing destruction or damage to an existing structure, interferes with existing utility service, creates unsafe vision clearance, is currently causing damage to an existing structure or property, is structurally unsound or dangerous, or for such other good cause as shall be determined by the City.
    - c. Construction or other improvements to be made on the property
- C. Approval or Denial. If the Building Official in consultation with the Chairman of the Planning and Zoning Board and a certified arborist from the MS. Extension Service or such other licensed arborist as the City shall designate shall deny the application, upon written notice to the applicant the City Planning and Zoning Board shall review the application together with the information gathered under Section IV, B, at its meeting and in accordance with this Section shall recommend approval or denial of the application. If the application is denied by the Planning and Zoning Board, the written notice of such action specifying the date thereof and the reasons therefore shall be mailed to the applicant at the address shown in such application. If the applicant is aggrieved by the decision of the City Planning and Zoning Board, the applicant may file a written request for review of such decision to the Board of Mayor and Aldermen by filing same with the City Clerk's office within fifteen days of the date of such decision. If approved, by the Board of Mayor and Alderman at a Board meeting, the Building Official shall issue



the permit to the applicant. Any person feeling aggrieved at the findings and decision of the Board of Mayor and Aldermen shall have the right to appeal to a court of competent jurisdiction and shall be governed by applicable statutes of the State of Mississippi for such appeals.

D. Permit Non-Transferable: Restricted. Any permit issued herein is not transferable from one tree to another tree or to a different owner of the property, unless provided in the permit. The permit shall expire three months from date of issuance, unless renewed, and shall expire in the event a specific construction project for which it was issued is cancelled.

SECTION V. Remaining Trees to be protected. Prior to cutting down any Live Oak or Magnolia tree, as herein described, and pursuant to a permit issued hereunder, the applicant shall protect all other trees in the vicinity of those to be cut which could be damaged in the process of construction. It shall be unlawful for any person to place material or machinery within the established tree canopy drip line of any live oak or magnolia tree as herein described.

As a condition to the granting of a tree removal permit, the applicant shall be required to:

A. Relocate those protected trees which would otherwise be destroyed to another location upon the site; or  
B. To replace those protected trees which will be destroyed with suitable replacement trees elsewhere within the site. In determining the required relocation or replacement of trees, the Building Official and the Planning & Zoning Board, when appropriate, shall consider the needs of the intended use of the property, including all lands dedicated to public use, together with an evaluation of the following:

1. Existing tree coverage on the site and in the immediate surrounding area.
2. The number of trees to be removed on the entire site.
3. The type, size and condition of the tree or trees to be removed.
4. The area to be covered with structures parking and driveways.
5. The feasibility of relocating the particular tree or trees.
6. The topography and drainage of the site.
7. The extent to which the tree or trees contribute to the aesthetic, economic and environmental integrity of the surrounding area.

C. Live Oaks (*Quercus virginiana*) - (Each replacement tree shall have characteristics comparable to those of the proposed tree to be removed and shall be a minimum of one and one-half inch (1½") in diameter nursery stock, eight (8') feet minimum height after planting. The type of replacement trees and location of relocated or replacement trees shall be identified as approved by the Building Official prior to the issuance of a tree permit. Each replacement tree shall enjoy the same protection as any protected trees defined herein. Each protected tree shall be replaced at the following ratios; Live Oaks eighteen (18) inches in diameter shall be replaced at a two (2) to one (1) ratio, Live Oaks twenty-four (24) inches in diameter shall be replaced at a three (3) to one (1) ratio. Live Oaks thirty (30) inches in diameter shall be replaced at a four (4) to one (1) ratio. Live Oaks thirty-six (36) inches in diameter shall be replaced at a five (5) to one (1) ratio. Live Oaks forty-two (42) inches in diameter shall be replaced at a six (6) to one (1) ratio. Live Oaks forty-eight (48) inches or larger in diameter shall be replaced at a seven (7) to one (1) ratio. The applicant will also pay for the cost of planting the replacement of each tree. If the replacement trees cannot be located on the property, they will be donated to the City at the same ratios listed above. The trees determined to be planted on the property must survive for at least twelve (12) months to fulfill the regulations of this section. If any such replacement tree on the property should die within the twelve (12) month period, then it shall be replaced under the same provisions previously stated, but not including trees donated to the City. The applicant will also pay for the cost of planting each replacement tree.

"Magnolia Trees (*Magnolia Grandiflora*). Each protected tree shall be replaced at the following ratios: Magnolias eight (8) inches in diameter shall be replaced at a one (1) to one (1) ratio. Magnolias nine (9) inches in diameter shall be replaced at a two (2) to one (1) ratio. Magnolias ten (10) inches in diameter shall be replaced at a three (3) to one (1) ratio. Magnolias eleven (11) inches or greater in diameter shall be replaced at a four (4) to one (1) ratio. The trees determined to be planted on the property must survive for at least twelve (12) months to fulfill the regulations of this section. If any such replacement tree on the property should die within the twelve (12) month period then it shall be replaced under the same provisions previously stated not including the trees donated to the City. The applicant will also pay for the cost of planting each replacement tree.

SECTION VI. It shall be unlawful for any person to cut or damage any trees on City property. Any person convicted of this offense shall be punished in accordance with Section 811.2 of the current Zoning Ordinance.

811.2 Any person, owner, or tenant of any building, structure, premises or part thereof or separately any architect, agent, or other person who commits, participates in, or assists in, or maintains such violation of Section 408 (cutting down a protected tree without a permit) of the current or amended Zoning Ordinance shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense by paying a fine or being subject to any penalties provided herein.

SECTION VII. Method of Appeal shall be as provided in Section 1003, Zoning Appeal Board, specifically Section 1003.2 Appeals, of the current Zoning Ordinance.

SECTION VIII. Amendments to Application. The applicant may amend his application so as to reduce the number of trees to be removed at any time prior to the final determination by the Board of Mayor and Aldermen.

SECTION IX. Adoption. The provisions of this Ordinance shall not apply to the removal of trees from City owned property by order of the Mayor and Board of Aldermen or by public utility companies for reasons of public safety.

SECTION X. Penalties. Violation of this Ordinance shall be a misdemeanor punishable by a fine not to exceed One Thousand (\$1,000) per tree illegally removed or damaged, or imprisonment for not more than thirty (30) days, or both, and in addition, payment of all costs of prosecution and expenses involved in the case may be recovered by the City and allowed by law.

SECTION XI. Validity. That if for any reason, any portion, part, section, or paragraph of this Ordinance be held to be invalid or unconstitutional, it shall not affect the remainder thereof.

SECTION XII. Effective Date. That this Ordinance shall become effective thirty (30) days from the date of its adoption and shall be published and posted as required by law and placed in the Ordinance Book of the City of Waveland, Mississippi, and said Ordinance shall repeal and supersede any other Ordinance on said subject.

**THE ABOVE AND FOREGOING ORDINANCE AMENDMENT**, having first been reduced to writing and was submitted to the Board of Mayor and Alderman, and having been adopted by the following vote:

Alderman Piazza made a motion to adopt the foregoing Ordinance, Alderman Burke seconded the motion and the question being put to a roll call vote, the results were as follows:

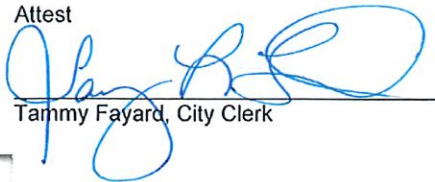
Alderman Jeremy Burke	voted: <u>          Nay          </u>
Alderman Bobby Richardson:	voted: <u>          Yea          </u>
Alderman Shane LaFontaine	voted: <u>          Yea          </u>
Alderman Charles Piazza	voted: <u>          Yea          </u>

The motion having received the affirmative vote of the majority of the members present, the Mayor declared the motion carried and the Ordinance Amendment adopted on this the 16 day of February, 2022.

*Mike Smith*

Mike Smith, Mayor

Attest

  
\_\_\_\_\_  
Tammy Fayard, City Clerk

# **Planning & Zoning**

## **Workshop 1**

**Item #6**

**Discuss creation of a**

**Short-Term Rental Ordinance**

**(See examples from other Communities)**



# City of Pass Christian, MS

## ORDINANCE NO. 615

WHEREAS, Mississippi Code Annotated Sections 21-19-1, 21-19-15, 17-1-3, and 17-1-15, as amended, empower municipalities to adopt and enforce ordinances for the preservation of the general health, good order and peace of the City; for the regulation of the use of buildings or structures for business and residential purposes; and to enforce said ordinances and take appropriate action including, but not limited to, imposing fines; and

WHEREAS, the governing authorities of the City of Pass Christian, Mississippi, have been made aware of the newly arising business of homeowners providing their residences as short-term rental units and the need for regulation of these activities.

WHEREAS, the governing authorities find that it is in the best interests of the public welfare, economic stability and prosperity of its citizens and the protection of their property to adopt this ordinance to license and regulate short term rental units.

WHEREAS, both the Planning Commission and Mayor and Board of Aldermen have conducted an advertised public hearing in the time and manner required by law to receive input concerning the adoption this ordinance and the City has also received advice from its City Planner, and others to study the matter and make recommendations regarding these issues; and

WHEREAS, due to the material and substantial changes in the community since the initial adoption of the SmartCode zoning ordinance and amendments thereto and the public need it is now necessary to adopt this ordinance regulating short term rental units in the City of Pass Christian, MS; and

WHEREAS, the foregoing provisions will support the objectives of the City's Comprehensive zoning plan and will promote the purposes and objectives set forth in MCA Section 17-1-9, as amended; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN, AS FOLLOWS:

### **SECTION 1. Definitions**

- (A) "Licensed premises" means the premises specified in an approved application for a license under this chapter which are owned or in the possession of the licensee and within which such licensee is permitted to provide a short-term rental in accordance with the provisions of this ordinance.
- (B) "Local contact person" means the person designated by the owner or the owner's authorized agent or representative who is responsible for the day-to-day operations of the short-term rental unit living within twenty-five miles of the Unit and who may be contacted and will be available twenty-four hours per day, seven days per week for the

purpose of: (1) responding within sixty minutes in person to complaints regarding the condition, operation, or conduct of occupants of the short-term lodging unit; and (2) taking remedial action to resolve any such complaints within a reasonable period of time after notification by a City representative. The Local Contact Person may be the owner or agent of the owner. As shall be appropriate under the circumstances the Local Contact Person (in addition to the Owner) shall be subject to any enforcement action as shall be commenced by the City. The Local Contact Person shall be required to adhere to all laws and regulations of the State of Mississippi as shall be applicable to their activities in this regard.

- (C) "Premises" means the same as "dwelling", which is a room or suite of rooms with a single kitchen used for the residential use and occupancy of one family, including a single-family residence or residential condominium unit or any other residential real estate improvement that is located in a zoning district within which short-term rental is allowed pursuant to the Ordinances of the City of Pass Christian, Mississippi, and which is rented to person(s) other than the owner.
- (D) "Owner" means the person(s) or entity(ies) that hold(s) legal and/or equitable title to the licensed premises.
- (E) "Short-term rental unit" means any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or compensation for a period of less than thirty (30) consecutive days. The term "Short-term rental" does not include any hospital, convalescent or nursing home, shell houses, group homes, or sanitarium or any similar facility associated with a hospital providing rooms for medical patients and their families. The term "Short-term rental unit" shall also not include mobile homes, manufactured homes, travel trailers, tents, recreational vehicles, campers or other similar vehicles or similar type of structures and does not include a bed and breakfast facility that is permitted separately by City Ordinance. Proof of ownership of the premises via warranty deed, quitclaim deed, or property tax statement. Short term rental units are not to be used to distribute retail products or personal services to invitees for marketing or similar purposes. The outdoor display of goods and merchandise for sale is prohibited. Short Term Rental Units will not be allowed to be used as an outdoor venue for weddings, receptions, parties, or similar activities or functions, except in such zones where otherwise allowed in the City's SmartCode Zoning Ordinance.

## **SECTION 2. Permit Required**

It is unlawful to conduct or operate a Short-Term Rental without having obtained a permit pursuant to the provisions of this Ordinance. Therefore,

- (A) A short-term lodging permit is required for each short term lodging rental unit.
- (B) Applications may be made for short term lodging and permits granted, where appropriate, in all T2, T3R, T4L, T4+, T4C, T5C, and T5H Transect zones; Mixed-Use



Commercial, Auto Centric, and High-Hazard Commercial Special Use Districts; and all "O" and "G" Sectors, as identified in the City's SmartCode zoning maps and ordinances implementing same.

(C) The permit process requires an application completed in accordance with the following which may be obtained at the City Community Development Department.

(1) The Application shall contain such information as the Planning and Zoning Department and Code Enforcement Officer shall from time to time reasonably require, including, but not limited to, the location/address of the short term rental unit, number of rooms therein contained, the number of persons the short term rental proposes to accommodate, the name of the property owner, the name of the Local Contact Person, sales tax collection registration, and the name, address, and telephone number of the local contact person who is available for contact, copy of the rental agreement, proposed parking plan (reviewed and determined upon signing and inspection by the Code Enforcement Officer), rules applicable to renters, a plan for waste management, and a copy of the proposed rental agreement.

(2) It shall be the duty of the applicant to notify the City Community Development Department of any Homeowners Association which may have jurisdiction over the applicant's property. As a part of the review of the application process, the City will notify any Homeowners Association identified by the applicant at least ten (10) calendar days prior to issuance of any permit. Notwithstanding the foregoing, the City does not enforce private restrictive covenants. Nevertheless, based solely upon the information provided by the applicant the City will endeavor to provide notice of the pending application to any identified Homeowners Association before any permit is issued. Approval of any short-term rental unit shall not legalize any use of a structure otherwise prohibited by any restrictive covenant or applicable law as shall be determined by a court of competent jurisdiction.

(3) The application shall include a statement from the Building Official and Fire Department affirming that the structure to be rented is otherwise in compliance with all applicable zoning requirements, building and fire codes, including but not limited to, smoke and carbon monoxide detectors, emergency means of egress, fire extinguishers, GFCI outlets in wet locations, and that all applicable property taxes, fees and other charges have been paid.

(4) A non-refundable application fee of Two Hundred dollars (\$200.00) or such fee as shall be established by Order of the City hereafter shall be paid by the applicant at the time of filing the application with said application fee concerning the costs of inspection, enforcement, and administrative expenses and time affiliated with the processing of the application.

(5) If the Planning and Zoning Department in consultation with the Code Enforcement Officer shall determine that any applicant is not entitled to a permit, the Applicant upon receipt of written notification may appeal such decision within



ten (10) days thereof and seek Planning Commission Approval upon an advertised hearing. The Planning and Zoning Department shall schedule an advertised hearing of such matter with not less than fifteen (15) days' notice by publication and shall notify affected adjacent owners as shall be required by the City's ordinances for Use Variances.

(6) At the conclusion of the public hearing, the Planning Commission shall approve or disapprove the application and send its decision, along with the reason for its recommendation, to the Mayor Board of Aldermen. The appeal before the Mayor and Board of Aldermen will be confined to the record made before the Planning Commission, unless the Mayor and Board of Aldermen decide in their sole discretion to receive additional evidence. The Mayor and Board of Aldermen shall consider the appeal and render its decision with respect to the issuance or denial of the permit, setting forth its reasons for such. Any aggrieved person may appeal such decision to the Circuit Court in the time and manner provided by law.

(D) The Short Term Rental Unit will be considered a Residential R-3 Occupancy under the City's International Residential (IRC) and Building (IBC) Codes.

(E) Each short term rental permit shall expire one (1) year from the date of issuance of the permit and is non-transferable.

(F) A renewal permit may be obtained by the payment of One Hundred Dollars \$100.00, or such fee as shall be established by Order of the Mayor and Board of Aldermen hereafter and filing an application for renewal with the City Community Development Department. Permit renewal process will include staff review of City records and other documentation pertaining to complaints, if any, that have been received about the specific Short Term Rental unit under consideration. Filed complaints that are in violation of the zoning codes, building codes, property maintenance codes and/or applicable laws or regulations will be considered as part of the renewal process. Applicable local, State and Federal laws or regulations may serve as a basis for denying a permit renewal. If permit renewal is denied, the City Community Development Department shall provide notice as to the reason for denial and if applicable, the applicant shall be allowed ten (10) days to correct any deficiencies itemized. At the expiration of ten (10) days, an applicant may appeal the denial of permit renewal directly to the Mayor and Board of Aldermen. The appeal must be in writing and must be filed within ten (10) days of receipt of final denial of a renewal permit.

(G) Short term lodging rental permits are not transferable. Upon sale or any type of transfer of the property, any permit issued pursuant to the terms set forth herein, shall automatically expire. Any new owner(s) shall be required to apply for a new permit in accordance with this article. The new permit shall be for a period of one year from date approved.

### **SECTION 3. Rules and Regulations for Short Term Rental Units**

#### **(A) Occupancy**

The maximum occupancy of each short term rental shall be as determined by the Building Official and City Fire Marshall based on the inspection of the premises and applicable codes, laws, and regulations. Each permit shall specify the maximum number of occupants, which may be limited due to building codes and/or parking constraints. A Short Term Rental Unit shall be considered as a Residential R-3 Occupancy for Lodging House (Transient) with five or fewer guest rooms AND ten or fewer occupants. (See 2018 IBC-Section 310.4 Commentary.)

#### **(B) Number of Vehicles**

The maximum number of vehicles will be determined upon site inspection by the Building Official in consultation with the Planning and Zoning Department. This determination will take into consideration availability of off-street and on-street parking conditions and other relevant considerations unique to the site. It is preferred that the applicant/owner provide off-street parking. In certain circumstances where no off-street parking exists and on-street constraints exist, the City may require off-street parking spaces to be constructed or secured. Recreational vehicles and campers parked at Short Term Rental Unit must not be used for habitation during the rental period and must be parked in the rear of the residence if such space is reasonably available.

#### **(C) Noise**

Property owners and Local Contact Persons shall insure that the occupants of the short term rental are aware of City's noise ordinances and State laws regarding disturbing the peace. No radio receiver, musical instrument, phonograph, compact disk player, loudspeaker, karaoke machine, sound amplifier or any machine, device or equipment that produces or reproduces any sound that shall disturb the public peace of the neighborhood shall be played outside of any short-term lodging unit or be audible from the usable area of any adjacent residences between the hours of 10:00 p.m. and 10:00 a.m.

#### **(D) Premises and Garbage Management**

It shall be the duty of every Local Contact Person and/or owner to keep all of the rooms in connection with the short term rental provided for the use of guests in clean and sanitary condition and to provide each guest with affective protection against flies, mosquitoes and other vermin. Each Licensed Premises must provide two (2) garbage containers. Garbage shall be disposed of in covered containers and placed in the rear of the residence until scheduled pick-up locations. No onsite outdoor advertising signs will be permitted on the premises.

(E) Posting of Permit and Rules

Short term rental unit permits and rules shall be posted inside the rental unit in a conspicuous location, i.e. the rear of the main entry door, readily visible to all tenants. The rules shall include: occupancy; parking limits; noise, rules and garbage management. A written copy of this Ordinance shall be available for inspection within the Unit at all times. The current name, address, and telephone number of the Local Contact Person shall also be posted within the Unit. No Unit shall be rented to an individual that is less than twenty-five years of age and all renters must be present during the rental period.

(F) Complaints and Dispute Resolutions.

Complaints regarding violation of this Ordinance must first be directed to the local contact person. If the local contact person is unable to resolve the issue and/or the issue relates to public safety, then the concerned party should contact the Community Development Department. The Pass Christian Police Department shall have an updated list provided by the Community Development Department of all Local Contact Persons and Owners for Short Term Rental Units in case complaints are received after regular City office hours. Verified complaints concerning non-compliance with the terms of this Ordinance may be considered in determining whether or not a permit should be revoked or not renewed.

**SECTION 4. Denial, Suspension or Revocation of a License**

Conditions for denial of permit or revocation of permit to operate a Short Term Rental Unit shall include but in no way be limited to the following:

(A) The applicant failed to conform to the conditions set forth herein for the current or previous year.

(B) Guests and/or users of the property were issued three (3) or more noise ordinance and/or disturbing the peace citations during the previous or current year and the owner/Local Contact Person subsequently failed to take appropriate corrective action to prevent such disturbances after being notified by the City Code Enforcement Officer or law enforcement to do so.

(C) Any other reasonable or rational factors or combination of factors, including, but not limited to inadequate lot size, inadequate street parking, lack of response from Owner or Local Contact Person to resolve complaints, filed complaints of violation of the zoning code, building code, property maintenance code and/or applicable laws or regulations (may be a basis for suspending or denying a permit) where the Owner or Local Contact Person failed to take reasonable steps to prevent such violations.

(D) The Community Development Department is authorized to revoke permits under the aforementioned circumstances. A permitted owner shall be provided with written

notice of the reason(s) the permit is subject to revocation. The applicant shall be allowed ten (10) days from the date written notice is issued and transmitted to the Applicant to correct defective conditions. If the condition is not corrected within Ten (10) days to the reasonable satisfaction of the Code Enforcement Officer, the permit for the Short Term Rental Unit may be revoked by issuing such Order. Upon receipt of such Order by the Owner or Local Contact Person, the unit shall immediately cease operation. The owner may appeal the Order revoking the permit. The owner's appeal must be in writing and filed with the Community Development Department within ten (10) days of entry of the Order. The revocation Order shall remain in full force and effect during the pendency of the appeal. The appeal should be presented to the Mayor and Board of Aldermen at the next available scheduled meeting following the filing of the appeal. The owner must be afforded notice and the opportunity to be heard.

### **SECTION 5. Violations**

Any persons or users who allow such use of a residential property in violation of this Ordinance shall be guilty of a misdemeanor. For purposes of prosecution of violations of this chapter, each day that any violation occurs (rental without a permit) is deemed to constitute a separate violation. Those found guilty of a first violation of this ordinance shall be fined for the first offense not less than \$300.00 and for second and subsequent offenses with any twelve-month period not less than \$500.00 and not to exceed \$1,000.00, plus court costs and assessments, if any.

### **SECTION 6. Constitutionality**

Should any portion, provision or section of this Ordinance be held void, unconstitutional or invalid, the remaining portion of the ordinance shall remain in full force and effect.

### **SECTION 7. Conflicts**

It is hereby provided that the provisions of these regulations shall not be construed as being in conflict with the provisions of any of the regulations of the City of Pass Christian, Mississippi. In any case where the provisions in these regulations and the provisions of other regulations both apply, the provisions of this Ordinance shall govern for the purpose of short term rentals of residential dwellings, condominiums, or other applicable structures.

### **SECTION 8. Effective Date**

This ordinance shall become effective thirty (30) days after its passage and a summary of this ordinance shall be published in the time and manner required by law. Nevertheless, any owner that has previously rented a short term rental unit will have ninety (90) days from the effective date of this ordinance to obtain a permit as provided in Section 2 hereof. Any owner that has previously rented a short term rental unit in a Transect Zone where such use is no longer permitted and fails to apply for a permit to continue their

non-conforming status within ninety (90) days must cease and desist renting such Unit for these purposes.

SO ORDAINED this the 18th day of June, 2019



*Leo "Chipper" McDermott*

Mayor Leo "Chipper" McDermott

*Christine Groves*  
City Clerk



ORDINANCE NO. 660

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ORDINANCE NO. 598, Section 131: SHORT-TERM RENTALS—RESIDENTIAL, OF THE CITY OF LONG BEACH.

WHEREAS, the Mayor and Board of Alderman of the City of Long Beach, Mississippi having made due investigation, therefore, do find, determine, adjudicate and declare as follows:

A. That heretofore the Mayor and Board of Aldermen of the City of Long Beach at a regular meeting held pursuant to legal notice did adopt and recommend approval of Short-Term Rentals—Residential.

B. That on March 1, 2022, the Mayor and Board of Alderman considered the Minutes and recommendation of the Long Beach Planning Commission dated February 10, 2022, and after due deliberation, the Mayor and Board of Aldermen did then find and do now find, determine and adjudicate and declare that amendment as follows:

**Section 131: Short-Term Rentals—Residential**

(a) Definition

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section:

- (1) Short-Term Rental: Short-Term Rental means any dwelling or condominium or portion thereof that is available for use or is used for accommodations or lodging of guests paying a fee or the compensation for a period of less than thirty (30) consecutive days. For the purpose of House Bill No. 1836 (1998) regarding a tax levy on lodging rentals, short-term rental "means any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging or sleeping purposes to transient guests and which are known in the trade as such". The term "Short-Term Rental" does not include any hospital, convalescent or nursing home, shell houses, group homes, or sanitarium or any facility associated with a hospital providing rooms for medical patients and their families. The term "Short-Term Rental" shall also not include mobile homes, manufactured homes, group homes, travel trailers, tents, recreational vehicles, campers or other similar vehicles or structures nor does the term include a bed and breakfast permitted by City ordinances.
- (2) Local Property Manager: The person specifically named on the application and permits who is responsible for the day-to-day operation of the short term rental unit, and who may be contacted and available twenty-four (24) hours a day if there is a problem with the unit. The local property manager may be the owner or agent of the owner. The local property manager and owner shall be responsible for the management and upkeep of the rental unit in compliance with the provisions set forth herein. The name, address and telephone number of the owner and the local property manager shall be submitted at the time that the application is filed and said information shall be made available to the public. The owner shall be responsible for providing written notice of any change with respect to the name, address and telephone number of the local property manager to the City within five (5) days of any such change.

(b) Permit Required

It is unlawful to conduct or operate a Short-Term Rental without having obtained a permit. Therefore:

- (1) A short-term rental permit and occupancy tax registration is required for each short-term rental unit.
- (2) The Planning Commission must review all permit requirements and grant Planning Commission Approval prior to a permit being issued.
- (3) The permit process requires an application completed in accordance with the following, which may be obtained at the City Building Department.
  - (A) Application shall contain such information as the Building Official shall from time to time require, including, but not limited to, the location/address of the short term rental, number of rooms therein contained, the number of persons the short term rental proposes to accommodate, the name of the property owner, the name of the local property manager, sales tax collection, and the name, address and telephone number of the local contact person who is available for contact, copy of the rental agreement, proposed parking plan (reviewed and determined upon signing and inspection by Building Official rules, and a plan for trash management, and a copy of the proposed rental agreement.
  - (B) It shall be the duty of the applicant to notify the City Building Department of any Homeowners Association, which may have jurisdiction over the applicant's property. It shall be the further duty of the applicant to notify the affected Homeowner's Association of the application process and to provide the City Building Department with a written statement of support from the Homeowner's Association which approves the request of the applicant for use of the owner's property as a short term rental. Failure to notify the City Building Department of the existence of a Homeowner's Association shall result in the suspension or revocation of the permit.
  - (C) It shall be the duty of the applicant to produce proof to the City Building Department of homeowner's liability insurance coverage, which does not exclude short-term rentals from coverage. Further, the applicant shall provide proof that the insurer has been notified of the insured's intent to use the property as a short-term rental.
  - (D) It shall be the duty of the applicant to produce proof of any mortgage or deed of trust, which may encumber the property and submit proof that the mortgage or deed of trust does not prohibit the use of the property as a short-term rental.
  - (E) The application shall include a statement from the applicant affirming that the applicant is in compliance with all applicable zoning requirements, building codes, deed restrictions and/or covenants, and has paid all applicable taxes, fees and other charges.
  - (F) The applicant shall execute a written statement acknowledging that a violation of the ordinances of the City of Long Beach shall result in the suspension or revocation of the permit.
  - (G) A non-refundable application fee of two hundred fifty dollars (\$250.00), plus mailing costs or the most recent fee established by the Board of Aldermen shall be paid by the applicant at the time of filing the application. Said application fee is to offset the costs associated with the processing of the application.
  - (H) Upon the filing of an application in accordance with Subsections B (2), the Planning Commission shall consider the application for approval. One (1) copy of the application shall be available at City Hall.
  - (I) The Planning Commission shall approve or disapprove the application and send its decision, along with the reason for its decision, to the Board of Aldermen.
  - (J) Any party aggrieved by the decision of Planning Commission may appeal the decision to the Board of Aldermen within ten (10) days from the time



of the decision. Any aggrieved party shall file a written notice of appeal with the City Clerk. The City shall hold a hearing to hear the appeal as set forth in the code.

- (K) In the event no appeal is filed, the decision of the Planning Commission shall be final and the permit shall be issued or denied based upon such after approval by the Mayor and Board of Aldermen. If an appeal is filed, the Board of Alderman shall consider the appeal and render its decision with respect to the issuance or denial of the permit, setting forth its reasons for such.
- (4) The short-term rental unit is in accordance with all applicable fire and health codes as would apply if the unit was located within a commercial zone and designated as a commercial venture therein.
- (5) Each short-term rental permit shall expire one (1) year from the date of issuance of the permit. If permit is not renewed by the expiration date on the permit, said permit shall be declared terminated. A grace period of 30 days from the termination date shall be allowed with a penalty of \$250.00. Any failure to renew the permit prior to the expiration date of the grace period shall require the applicant to apply for a new permit in accordance with this Section.
- (6) Upon approval of a short-term rental permit, the annual permit fee shall be five hundred (\$500) dollars or an amount designated by the Board of Aldermen, due and payable through the City Building Department. Permit renewal process will include staff review of City records and other documentation pertaining to complaints, if any, that have been received about the specific short-term rental unit under consideration. Filed complaints that are in violation of the zoning codes, building codes, property maintenance, codes and/or applicable laws or regulations will be considered as part of the renewal process. Applicable local, State and Federal laws or regulations may be a basis for denying a permit renewal. If permit renewal is denied, the City Building Department shall provide notice as to the reason for denial and the landowner shall be allowed ten (10) days to correct any deficiencies itemized. At the expiration of ten (10) days, a landowner may appeal the denial of permit renewal to the Board of Aldermen. The appeal must be in writing and must be filed within ten (10) days following the expiration of the ten (10) day period within which to file correct deficiencies.
- (7) Approval of short-term permit does not legalize any non-permitted use or structure. Short-term rental units are not to be used to distribute retail products or personal services to invitees for marketing or similar purposes. The outdoor display of goods and merchandise for sale is prohibited.
- (8) Short-term rental permits are not transferable. Upon sale or any type of transfer of the property, any permit issued pursuant to the terms set forth herein, shall automatically expire. Any new owner(s) or transferee(s) shall be required to apply for a new permit in accordance with this article, except no hearing is required, only planning commission approval. The new permit shall be for a period of one year from date approved.
- (9) Any structure or unit that is deed restricted for affordable housing shall not be used as a short-term rental.
- (c) **Occupancy**  
The maximum occupancy of each short-term rental shall be as determined by the Building Official and/or Fire Marshall based on the inspection of the premises and applicable laws, regulations and codes. Each permit shall specify the maximum number of occupants, which may be limited due to building or parking constraints.
- (d) **Number of Vehicles**  
The maximum number of vehicles will be determined upon site inspection by the Building Department and should be compatible with the zoning. This number will be based on off street parking availability and on-street conditions. It will be preferred that the applicant/owner provide off-street parking. In certain circumstances where no off-street parking exists and on-street constraints exist, the Building Official may require that an off

- street parking space to be constructed or secured.
- (e) **Registry of Guests**  
Each person granted a short-term rental permit shall keep or cause to be kept a registry of guests. Such registration or list shall be available for inspection upon ten (10) days written notice by the Building Official or his designee.
- (f) **Noise**  
Property owners and local property managers shall insure that the occupants of the short-term rental are aware of City noise ordinances and State laws regarding disturbing the peace.
- (g) **Premises and Garbage Management**  
It shall be the duty of every local property manager and/or owner to keep all of the rooms in connection with the short-term rental provided for the use of guests, in clean and sanitary condition; and to provide each guest with affective protection against flies, mosquitoes and other vermin. Garbage shall be disposed of in covered containers and placed in the scheduled pick-up location.
- (h) **Posting of Rules**  
Short-term rental unit rules shall be posted inside the rental unit in a location readily visible to all tenants. The rules shall include: occupancy; parking limits; noise, rules and garbage management. A written copy of this Ordinance shall be posted within the unit and displayed at all times.
- (i) **Local Contact Person**  
All short-term rentals shall designate a local property manager who will respond to the questions or concerns of the City twenty-four (24) hours a day. The name, address and telephone number of the local contact person shall be submitted to the Planning Department, Building Department and City Police Department during the permitting process. The name, address and telephone number of the local contact person shall be posted permanently inside the short-term rental unit. The local contact person, property manager and/or property owner shall be considered the responsible person for violations of the Short-Term Rental Ordinance.
- (j) **Complaint and Dispute Resolutions**  
Complaints regarding violation of this Ordinance must first be directed to the local contact person. If the local contact person is unable to resolve the issue and/or the issue relates to public safety, then the concerned party should contact the Long Beach Police Department. The Long Beach Police Department shall have an updated list provided by the Building Department of all local contact persons for short-term rentals in case complaints are received after hours. Verified complaints concerning non-compliance with the terms of this Ordinance may be considered in determining whether or not a permit should be revoked.
- (k) **Denial or Revocation of a License**  
Conditions for denial of permit or revocation of permit to operate a Short-Term Rental unit shall include but in no way limited to the following:
- (1) Property within a subdivision with an active homeowner's association with adopted covenants that do not allow short-term rentals will not be considered for a permit. A letter of acknowledgment and support will be required from the Homeowner's Association in order to continue in the pursuit of a permit. Failure of the applicant to notify the City that his/her property is a part of a Homeowner's Association shall result in denial of a permit or revocation of a permit.
  - (2) The applicant failed to conform to the conditions set forth herein for the current or previous year.
  - (3) Guests and/or users of the property were issued noise ordinance and/or disturbing the peace citations during the previous or current year.
  - (4) Any other reasonable or rational factors or combination of factors, including, but not limited to inadequate lot size, inadequate street parking, lack of response from local property manager or contact person, filed complaints of violation of the zoning code, building code, property maintenance code and/or applicable laws or regulations (may be a basis for denying permit).
  - (5) The Building Official is authorized to revoke permits. A permitted owner shall be

provided with written notice of the reason(s) the permit is subject to revocation. The applicant shall be allowed ten (10) days from the date written notice is issued to correct defective conditions. If the condition is not corrected within ten (10) days to the satisfaction of the Building Official, permit shall be revoked by issuing such order. Upon receipt of such order by the owner or local property manager, the unit shall cease operation as a short-term rental. The owner may appeal the order revoking the permit. The owner's appeal must be in writing and filed with the Building Department within ten (10) days of entry of the order. The revocation shall remain in full force and effect during the pendency of the appeal. The appeal should be presented to the Mayor and Board of Aldermen at the next scheduled meeting following the filing of the appeal. The owner should be afforded notice and the opportunity to be heard.

- (l) **Violations**  
Any persons or users who allow such use of a residential property in violation of this Ordinance shall be guilty of a misdemeanor.  
For purposes of prosecution of violations of this chapter, each day that any violation occurs (*rental without a permit*) is deemed to constitute a separate violation.
- (m) **Constitutionality**  
Should any portion, provision or section of this Ordinance be held void, unconstitutional or invalid, the remaining portion of the ordinance shall remain in full force and effect.
- (n) **Conflicts**  
It is hereby provided that the provisions of these regulations shall not be construed as being in conflict with the provisions of any of the regulations of Long Beach, Mississippi. In any case where the provisions in these regulations and the provisions of other regulations both apply, the provisions of this Ordinance shall govern for the purpose of short-term rentals of residential dwellings or condominiums,
- (o) **Review**  
The City shall review the Ordinance annually to evaluate the benefits recognized by the use of Short-Term Rentals, as well as, any adverse impact the use of Short Term Rentals may have.

NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

A. That the Mayor and Board of Aldermen having considered the amendments and their own knowledge and familiarity with the City of Long Beach, hereby find and adjudicate as follows:

That the clear and convincing evidence established is that the City of Long Beach, Mississippi is in need of amending the Ordinance, 598: Short-Term Rentals—Residential.

B. That the clear and convincing evidence establishes the public need for said amendment;

C. The changes will not be detrimental to present and potential uses, but will have a beneficial effect which could not be achieved without the amendment;

D. The proposed changes in conformance with the general intent of the Comprehensive Master Plan.

E. That the City of Long Beach Ordinance incorporated herein as Ordinance 598 Section 131, Short-Term Rentals—Residential is hereby amended. This ordinance and resolution of the Mayor and Board of Alderman of the City of Long Beach, Mississippi shall be deemed effective in the manner and time prescribed by law.

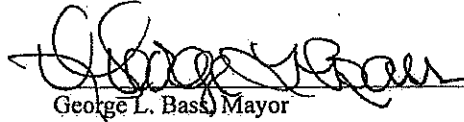
F. The City Clerk is hereby ordered to publish this ordinance and resolution in the manner and time required by law.

Alderman Brown made a motion to approve the ordinance creating the amended Unified Land Use Ordinance and Section 598, Section 131, Short-Term Rentals—Residential. Alderman McCaffrey seconded the motion and the question being put to a roll call vote, the result was as follows:

Alderman Timothy McCaffrey, Jr.	voted	Aye
Alderman Bernie Parker	voted	Aye
Alderman Donald Frazer	voted	Aye
Alderman Mike Brown	voted	Aye
Alderman Patrick Bennett	voted	Aye
Alderman Angie Johnson	voted	Aye
Alderman Pete McGoey	voted	Aye

The question having received the Affirmative vote of all of the Aldermen present and voting, the Mayor declared the motion carried and said Ordinance No. 598 Short-Term Rentals—Residential amended and approved, this 19<sup>th</sup> day of July, 2022.

APPROVED:

  
George L. Bass, Mayor

ATTEST:

  
Stacey Dahl, City Clerk

CERTIFICATE

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
CITY OF LONG BEACH

I, the undersigned, Stacey Dahl, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance #660 of the City of Long Beach, Mississippi, adopted by the Mayor and Board of Aldermen at a regular meeting duly held and convened on the 19<sup>th</sup> day of July, 2022, as the same appears of record in Ordinance Book #9, pages 197-203, inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 19<sup>th</sup> day of July, 2022.



Stacey Dahl  
Stacey Dahl, City Clerk

**SHORT-TERM RENTAL REQUIREMENTS**

**Visitor Accommodations**

- Short-Term Rentals** shall be allowed as a Permitted Use upon properties situated within the following zoning districts: Community Business (CB), Regional Business (RB), Downtown (DT) and Waterfront (WF) subject to compliance with all of the standards mentioned below.
- Short-Term Rentals** shall be authorized as Conditional Use upon properties situated within the following zoning districts: Medium-Density Multifamily Residential (RM-20), High-Density Multifamily Residential (RM-30), subject to Conditional Use review and approval
- Short-Term Rentals** may also be authorized in a Planned Development Gaming-Establishment (PD-GE) Planned Development-Hospitality Business (PD-HB), and Planned Development-Commercial (PD-C) Planned Development – Infill (PD-I) district zones subject to an approved Planned Development Master Plan by the City Council.
- Short-Term Rentals** are not permitted in Single Family Zones: Residential Single Family; RS-5, RS-7.5, RS-10 and Residential Estate RE and Residential Estate Restricted RER.

All **Short-Term Rentals** shall comply with all of the following standards:

**Declaration of Policy**

This section is intended to provide standards for **Short-Term Rentals** to allow for a Visitor Accommodation Use for properties which have the characteristics of Single Family Residences, but providing specific limitations which should prevent the commercial exploitation of these properties.

**Monitoring**

- Short-Term Rentals** shall maintain a guest register, which shall be made available for inspection by the City upon request. The guest register shall include the names and home addresses of transient guests, the transient guests' license plate numbers, dates of stay, and the unit number utilized by each transient guest. All **Short-Term Rental** units shall also provide, in addition to any corporate ownership information, the name, address, and phone number of a local person who shall be able to provide thirty-minute appearance response to said **Short-Term Rental** unit site when so called upon by the city or other responsible authority.

**Additional Permit Requirements**

**Short-Term Rentals** shall be authorized only upon completing all items included and recited within the Land Development Ordinance. Individuals requesting **Short-Term Rental** authorization shall be required to obtain a Certificate of Occupancy, Certificate of Zoning Compliance and Privilege Tax License from the City of Biloxi. The Certificate of Occupancy, Certificate of Zoning Compliance, and Privilege Tax License shall not be transferred to any subsequent owner, and any change in ownership shall require new applications for all such certificates, permits, and licenses.

**Short-Term Rentals Standards**

Nothing in this subsection shall be construed to permit any commercial or residential use not otherwise allowed by the specific district classification in which the **Short-Term Rentals** are located.

- Short-Term Rentals** shall be limited to a total of four (4) units upon any single Tax Parcel site.

Exterior sign(s) advertising **Short-Term Rentals** shall not be permitted on properties located in residential zoning districts.

All lighting shall be compatible with the residential character of the neighborhood in which the **Short-Term Rentals** are located.

- Parking for **Short-Term Rentals** shall be provided on site at a ratio of one parking space per unit or bedroom available, (whichever is greater). Parking shall be arranged in a style reflective of a Single Family Residential use.

The combination of parking and all structures included as part of **Short-Term Rentals** shall occupy no more than sixty percent (60%) of the lot upon which this use is to be located.

Any **Short-Term Rental** use proposed must be in conformance with any Subdivision Covenants or Deed Restrictions in effect for the specific property site in question. The property owner shall be responsible to demonstrate compliance with this directive.

Upon accepting any **Short-Term Rental** application, the City of Biloxi will notify the Hotel & Lodging Association to make them cognizant of the intention of establishing a **Short-Term Rental** facility at the location offered.

**Short-Term Rentals** shall be subject to annual Fire Inspections by the Biloxi Fire Department.

Any violation of this ordinance may result in the remedies and penalties found in 23-9-6 Remedies Penalties.

Inspector Signature \_\_\_\_\_ Date \_\_\_\_\_



## Sec. 510. - Short-term rentals—Residential.

(a) *Definition.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

*Short-term rental:* Any dwelling or condominium or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or the compensation for a period of less than thirty (30) consecutive days. For the purpose of House Bill No. 1836 (1998) regarding a tax levy on lodging rentals, short-term rental "means any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging or sleeping purposes to transient guests and which are known in the trade as such." The term "short-term rental" does not include any hospital, convalescent or nursing home, shell houses, group homes, or sanitarium or any facility associated with a hospital providing rooms for medical patients and their families. The term "short-term rental" shall also not include mobile homes, manufactured homes, group homes, travel trailers, tents, recreational vehicles, campers or other similar vehicles or structures nor does the term include a bed and breakfast permitted by city ordinances.

*Local property manager:* The person specifically named on the application and permit who is responsible for the day-to-day operation of the short-term rental unit, and who may be contacted and available twenty-four (24) hours a day if there is a problem with the unit.

The local property manager may be the owner or agent of the owner and shall reside within two (2) miles of the Ocean Springs city limits.

The local property manager and owner shall be responsible for the management and upkeep of the rental unit in compliance with the provisions set forth herein. The name, address and telephone number of the owner and the local property manager shall be submitted at the time that the application is filed and said information shall be made available to the public. The owner shall be responsible for providing written notice of any change with respect to the name, address and telephone number of the local property manager to the city within five (5) days of any such change.

(b) *Permit required.* It is unlawful to conduct or operate a short-term rental without having obtained a permit therefor.

- (1) A short-term lodging, special use permit, local privilege license, and state tax registration are required for each short-term lodging rental unit.
- (2) Applications may be made for a short-term rental special use permit in all residential zones subject to specific restrictions by zoning district.
- (3) The permit process requires an application completed in accordance with the following which may be obtained at the city planning department.
  - a. Application shall contain such information as the planning department director shall from time to time require, including, but not limited to, the location/address of the short-term rental, number of sleeping areas therein contained, the maximum number of persons the



short-term rental proposes to accommodate, the name of the property owner(s), the name, address and telephone number of the local property manager, copy of the rental agreement, proposed parking plan, house rental rules, a plan for trash management related to curbside pick-up, a copy of the proposed rental agreement information as the planning department, and signatures of all owners of record of the subject property.

- b. It shall be the duty of the applicant to notify the city planning department of any homeowners association which may have jurisdiction over the applicant's property. It shall be the further duty of the applicant to notify the affected homeowner's association of the application process and to provide the city planning department with a written statement of support from the homeowner's association which approves the request of the applicant for use of the owner's property as a short-term rental. Failure to notify the city planning department of the existence of a homeowner's association may result in the suspension or revocation of the permit.
- c. It shall be the duty of the applicant to ensure that the homeowner's liability insurance coverage does not exclude short-term rentals from coverage.
- d. It shall be the duty of the applicant to produce proof of any mortgage or deed of trust which may encumber the property and submit proof that the mortgage or deed of trust does not prohibit the use of the property as a short-term rental.
- e. The applicant shall execute a written statement acknowledging that a violation of the ordinances of the City of Ocean Springs related to rentals of less than thirty (30) days may result in the suspension or revocation of the permit.
- f. A non-refundable application fee of two hundred dollars (\$200.00) plus mailing costs or the most recent fee established by the board of alderman shall be paid by the applicant at the time of filing the application with said application fee concerning the costs of inspection, mailing, and labor affiliated with the processing of the application.
- g. Not less than seven (7) days prior to the scheduled public hearing, the city shall send notification to all landowners within five hundred (500) feet of the applicant's land boundaries of the applicant's intent to obtain a permit to conduct or operate a short-term rental on the property owned by the applicant. Notification by the city shall be made by standard mail and shall be addressed to the landowner identified for each parcel in the ad valorem tax rolls for the city. Costs for the mailing will be provided by the applicant. The notification shall provide the following information to the landowners within five hundred (500) feet of the applicant's land boundaries:
  1. Name, address and telephone number of the applicant;
  2. The date, time and place of a hearing before the planning commission.
- h.

Notice will also be posted on the bulletin board at city hall and a sign will be posted in the applicant's yard until such time as the permit is granted or denied. Notice shall be published in a local newspaper of general circulation within the city at least fifteen (15) days prior to the hearing. Each landowner within five hundred (500) feet of the applicant's boundary line who appears in the public hearing shall be afforded an opportunity to be heard in accordance with the regulations set by the planning commission.

- i. At the conclusion of the public hearing, the planning commission shall approve or disapprove the application and send its decision, along with the reason for its decision, to the board of aldermen. The matter shall be set on the agenda of the next city meeting after the time for appeal has lapsed.
  - j. Any applicant aggrieved by the decision of planning commission may appeal the decision to the board of aldermen not less than twenty-four (24) hours prior to the next scheduled board of aldermen meeting. The applicant shall file a notice of appeal with the city clerk and the item will be removed from the agenda. The public hearing for the appeal will be placed on the next available board of aldermen agenda following a fifteen-day notification period. The city shall send notification to all landowners within five hundred (500) feet of the applicant's land boundaries. Cost for the mailing will be provided by the applicant.
  - k. In the event no appeal is filed, the decision of the planning commission shall be finally accepted by the city planning department and the permit shall be issued or denied based upon such after approval by the mayor and board of aldermen. If an appeal is filed, the board of aldermen shall consider the appeal and render its decision with respect to the issuance or denial of the permit, setting forth its reasons for such.
- (4) The short-term rental must be in accordance with the currently adopted list of required improvements for enhanced life safety for occupant egress, which will be proposed by the building official to the planning commission for recommendation to the board of aldermen for adoption.
  - (5) Each short-term rental permit shall expire one year from the date of issuance of the permit.
  - (6) Permit renewal may be obtained for fifty dollars (\$50.00) through the city building department. Permit renewal process will include staff review of city records and other documentation pertaining to complaints, if any, that have been received related to the specific short-term rental unit under consideration. Filed complaints that are in violation of the zoning codes, building codes, property maintenance, codes and/or applicable laws or regulations will be considered as part of the renewal process. Violation of applicable local, state and federal laws or regulations may be a basis for denying a permit renewal. If permit renewal is denied, the city planning department shall provide notice as to the reason for denial and the landowner shall be allowed ten (10) days to correct any deficiencies itemized.

At the expiration of ten (10) days, a landowner may appeal the denial of permit renewal to the board of aldermen. The appeal must be in writing and must be filed within ten (10) days following the expiration of the ten-day period within which to file correct deficiencies.

- (7) Approval of short-term lodging permit does not legalize any non-permitted use or structure. Short-term rental units are not to be used to distribute retail products of personal services to invitees for marketing or similar purposes. The outdoor display of goods and merchandise for sale is prohibited.
  - (8) Short-term lodging rental permits are not transferable. Upon sale or any type of transfer of the property, any permit issued pursuant to the terms set forth herein, shall automatically expire. Any new owner(s) or transferee(s) shall be required to apply for a new permit in accordance with this article.
  - (9) Any structure or unit that is deed restricted for affordable housing shall not be used as a short-term lodging rental.
  - (10) The total number of permits issued for residential short-term rental shall not exceed seventy-five (75) at any given time.
- (c) *Occupancy.* The maximum occupancy of each short-term rental shall be as determined by the building official and/or fire marshal based on the inspection of the premises and applicable laws, regulations and codes. Each permit shall specify the maximum number of occupants, which may be limited due to building or parking constraints.
- (d) *Number of vehicles.* The maximum number of vehicles will be determined upon site inspection by the building department and should be compatible with the zoning and applicable parking ordinance. This number will be based on off-street parking availability and on-street conditions. It will be preferred that the applicant/owner provide off-street parking. In certain circumstances where no off-street parking exists and on-street constraints exist, the planning department may require that an off-street parking space to be constructed or secured.
- (e) *Registry of guests.* Each person granted a short-term rental permit shall kept or cause to be kept a registry of guests. Such registry or list shall be available for inspection upon ten (10) days' written notice by the planning department.
- (f) *Noise.* Property owners and local property managers shall insure that the occupants of the short-term lodging rental are aware of city noise ordinances and state laws regarding disturbing the peace.
- (g) *Premises and garbage management.* It shall be the duty of every local property manager and/or owner to keep all of the rooms in connection with the short-term rental provided for the use of guests, in clean and sanitary condition; and to provide each guest with affective protection

against flies, mosquitoes and other vermin. Garbage shall be disposed of in covered containers and placed in the scheduled pick-up location in accordance with section 20-3 of the Municipal Code.

- (h) *Posting of rules.* Short-term lodging rental unit rules shall be posted inside the rental unit in a location readily visible to all tenants. The rules shall include: occupancy; parking limits; noise, rules and garbage management. Reference to the most current short-term rental ordinance shall be posted within the unit and displayed at all times.
- (i) *Local contact person.* All short term lodging rentals shall designate a local property manager who will respond to the questions or concerns twenty-four (24) hours a day. The name, address and telephone number of the local contact person shall be submitted to the planning department, building department, and city police department during the permitting process. The contact information for the local contact person shall be posted permanently inside the short-term rental unit. The local contact person, property manager and/or property owner shall be considered the responsible person for violations of the short-term rental ordinance.
- (j) *Complaints and dispute resolution.* Complaints regarding violation of this section that cannot be resolved through contact with the local property manager and/or property owner, then the concerned party should contact the planning department. If the issue relates to public safety and/or noise violations, the Ocean Springs Police Department should be contacted as with any similar residential complaint. The OSPD shall have an updated list provided by the planning department of all local contact persons for short-term rentals. Verified complaints concerning noncompliance with the terms of this section may be considered in determining whether or not a permit should be revoked.
- (k) *Denial or revocation of a license.* Conditions for denial of permit or revocation of permit to operate a short-term rental unit shall include, but in no way limited to, the following:
  - (1) Property within a subdivision with an active homeowner's association with adopted covenants that do not allow short-term rentals will not be considered for a permit. A letter of acknowledgment and support will be required from the homeowner's association in order to continue in the pursuit of a permit. Failure of the applicant to notify the city that his/her property is a part of a homeowner's association shall result in denial of a permit or revocation of a permit.
  - (2) The applicant failed to conform to the conditions set forth herein over the previous twelve-month period.
  - (3) Guests and/or users of the property were issued noise ordinance and/or disturbing the peace citations during the previous or current year.
  - (4) Any other reasonable factor or combination of factors including, but not limited to, inadequate lot size, inadequate street parking, lack of response from local property manager or contact person, filed complaints of violation of the applicable zoning and building codes,

property maintenance code and/or applicable laws or regulations (may be a basis for denying permit).

(5) The planning department head is authorized to revoke permits. A permitted owner shall be provided with written notice of the reason(s) the permit is subject to revocation. The applicant shall be allowed ten (10) days from the date written notice is issued to correct defective conditions. If the condition is not corrected within ten (10) days to the satisfaction of the planning department, permit will be revoked by issuing a stop order, which shall be posted on the premise and mailed to the property manager and owner. Upon receipt of such order by the owner or local property manager, the unit shall cease operation as a short-term rental. The owner may appeal the order revoking the permit. The owner's appeal must be in writing and received by the planning department within ten (10) days of entry of the order. The revocation shall remain in full force and effect during the pendency of the appeal. The appeal should be presented to the mayor and board of aldermen at the next scheduled meeting following the filing of the appeal. The owner should be afforded notice and the opportunity to be heard. The city may appoint a hearing officer to preside over any such appeal.

(l) *Violations.* Any persons or users who allow such use of a residential property in violation of this section shall be guilty of a misdemeanor.

For purposes of prosecution of violations of this chapter, each day that any violation occurs (rental without a permit) is deemed to constitute a separate violation. Those found guilty of such violation shall, upon conviction, be fined for each violation not exceeding two hundred fifty dollars (\$250.00) for the first offense, not exceeding five hundred dollars (\$500.00) for the second offense within a calendar year and not exceeding more than one thousand dollars (\$1,000.00) for other offenses within a calendar year, plus all court costs.

(m) *Severability.* Should any portion, provision or section of this section be held void, unconstitutional or invalid, the remaining portion of the ordinance shall remain in full force and effect.

(n) *Conflicts.* It is hereby provided that the provisions of these laws or regulations shall not be construed as being in conflict with the provisions of any of the laws or regulations of Ocean Springs, Mississippi. In any case where the provisions in these laws or regulations and the provisions of other regulations both apply, the provisions of this section shall govern for the purpose of short-term rentals of residential dwellings or condominiums.

(o) *Review.* The city shall review the ordinance from which this section was derived annually to evaluate the benefits recognized by the use of short-term rentals, as well as, any adverse impact the use of short-term rentals may have.

(Ord. No. 2015-11, 7-7-15; Ord. No. 2018-02, §§ II—XXV, 2-20-18; Ord. No. 2019-19, § I, 12-17-19; Ord. No. 2021-25, § I, 12-7-21)

# City of Laurel, MS

## of Beginning

Source: Ordinance No. 1670-2017, 10-17-2017; Ordinance No. 1292-1997, §I, 3-18-97

- 414.02.54 “Reserved”
- 414.02.55 Medical Cannabis Establishments are prohibited in the C-4 District

Source: Ordinance No. 1723-2022, §I, 6-21-22

### 414.03. Conditional Uses.

The following uses may be permitted upon review:

- 414.03.01 Conditional Use required for Bar, Nightclub, Lounge, or Tavern not located in the leisure district (see 414.02.53)

Source: Ordinance No. 1670-2017, 10-17-2017

- 414.03.02 Wholesale distribution building with no outside storage of commodities and no inflammables or hazardous materials.
- 414.03.03 “Reserved”
- 414.03.04 “Reserved”

Source: Ordinance No. 1292-1997, §I, 30-18-97

### Section 414.04. Area, Height and Setback Regulations.

- 414.04.01 There shall be no minimum setbacks, lot widths or lot areas in the downtown Central Business District.
- 414.04.02 There shall be no parking requirements for structures located in the downtown Central Business District. Building height shall be limited to five (5) stories or sixty (60) feet unless otherwise approved by the Planning Commission, based on building setback.
- 414.04.03 All regulations of the International Fire Code, 2012 Edition, as amended, or most recent edition adopted, shall be complied with in every case.

Source: Ordinance No. 1474-2006, 9-5-06; Ordinance No. 1633-2016, 3-22-2016

- 414.04.04 Parking facilities for commercial uses located in the downtown Central Business District and Central Business District Neighborhood shall be asphalted or concreted. No gravel surfaces shall be permitted.

Source: Ordinance No. 1292-1997, §I, 3-18-97; Ordinance No. 1410-2002, §I, 7-16-02



### Section 415. Short Term Rental Ordinance

- 415.01 General Description

This ordinance is to provide for a balance of economic opportunities and growth, sustainable housing developments and preservation of the neighborhoods of the City of Laurel. Short-term rentals are defined as a room or housing unit that is rented to a person or group for a fee for

a duration of time, not to exceed thirty consecutive (30) nights. Short term rentals shall be allowed in residential and commercial zoning districts by special use permit.

#### 415.02

#### Definitions

- *Adjacent property owner*- A Property which adjoins the Subject property in any way to the north, south, east, and west. In the case that a street, right-of-way, or alley adjoins the property in question, the adjacent property is one which, by extending the property lines across the street, right-of-way or alley would adjoin the property in any way.
- *Applicant*- the owner or a person acting as a representative on the owner's behalf.
- *Guest*- means any person or persons renting and occupying a dwelling unit.
- *Local Property Manager*- person who is located within Jones County who will respond to questions or concerns twenty-four (24) hours a day. The name, address and phone number(s) of the local property manager shall be posted prominently inside the short-term lodging rental unit.
- *Owner*- any person who, alone or with others, has title or interest in any building, property, dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and including any person who as agent, executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building, dwelling unit, or portion thereof.
- *Privilege license*- a license that allows an individual or company to conduct business.
- *Short-Term Rental Unit*- a room or housing unit that is rented to a person or group for a fee for a duration of time, not to exceed thirty consecutive (30) nights
- *Special Use Permit*- a permit which allows a property or parcel of land to be used in a manner that deviates from generally accepted activities within a specific area or zone.
- *Zoning Ordinance*- an established set of rules that governs how properties, structures and land can be used in a specific area.

#### 415.03

Uses Permitted : A short-term rental is only permitted by obtaining a special use permit. Short-term rental establishments shall only be allowed in residential (R-1, R-2, R-3 and R-4) and commercial (C-1, C-2, C-3 and C-4) zoning districts and are subject to all applicable building codes, zoning restrictions, overlay districts and any other regulations and shall comply with such codes and regulations. Homeowner Associations (HOA) may have covenants

that prohibit short-term rentals, even if permitted by city zoning, in which case, the HOA shall govern. With the exception of R-1, multiple units are allowed in a structure in the approved residential and commercial zones.

- In R-1 areas: only one (1) short-term rental unit per single-family structure shall be permitted. Short-term rental units shall be limited to two (2) units per lot, when there is an existing structure or outbuilding separate from the primary, single-family structure, [i.e., one (1) per structure]. This restriction is placed in order to control and maintain the density, traffic flow and integrity of residential neighborhoods. A special exception regarding this particular requirement, in so far as it pertains to the existing structure or outbuilding separate from the primary single-family structure, may be requested and addressed by the Planning Commission with final approval by the City Council.

- It is unlawful to conduct or operate a short-term rental without prior obtaining a special use permit. Listing a property for short-term rental prior to receiving an approved permit from the City of Laurel Inspection Department shall result in a one (1) year suspension of permit eligibility.

415.04

*Obtaining A Permit:*

The short-term rental process requires the submission of a completed application, in accordance with the following criteria, which may be obtained from the Inspection Department. Each application shall be reviewed by the Planning Commission, with the aid of the Inspection Department, on its own merit. The Planning Commission shall conduct a public hearing regarding said permit prior to approving the permit. The applicant shall be provided written notification of the date, time and place of the public hearing. The Planning Commission has broad discretion when considering permit applications. Upon final approval from the Planning Commission, a permit shall be issued by the Inspection Department. Please note that a preliminary inspection must be performed and deemed satisfactory, prior to final approval of the permit.

415.04.01

The Inspection Department will promptly provide notification by mail to any adjacent property owners that the proposed property is being considered for use as a short-term rental. Said notification shall provide the date, time and place of the public hearing during which the Planning Commission will consider the application for the proposed property and at which time and place adjacent property owners may appear and be heard.

415.04.02

Application shall contain such information including, but not limited to, the property location/address of the short-term rental establishment; the number of sleeping areas contained therein; the maximum number of persons the property proposes to accommodate; the name, address and telephone number of the local property manager; a copy of the rental agreement; proposed parking plan; the rules of the rental



property; a plan for trash management related to curbside pickup; and any and all signatures of all owners of record of the subject property.

- 415.04.03 While the City does not require proof of insurance, it shall be the duty of the applicant to ensure that homeowner's fire, hazard, and liability insurance coverage does not exclude short-term rentals from coverage.
- 415.04.04 The application shall include a statement from the applicant affirming compliance with all applicable zoning requirements, building codes, deed restrictions and/or covenants, including any HOA bylaws.
- 415.04.05 Proof of payments of all applicable taxes, fees and other charges, including taxes approved by House Bill 1836 (1998) and Senate Bill 2155 (2022) shall be provided with the application.
- 415.04.06 The application shall include execution of a written statement acknowledging that a violation of the ordinances of the City of Laurel, as it relates to short-term rentals, may result in a one (1) year suspension or revocation of an existing permit.
- 415.04.07 At the time of the filing of the application with the Inspection Department: A nonrefundable permit fee of three hundred fifty dollars (\$350.00) per unit shall be paid by applicant.
- 415.04.08 Approval of short-term rental permit does not legalize any nonpermitted use or structure. Short-term rental units are not to be used to distribute retail products or personal services to invitees for marketing or similar purposes. The outdoor display of goods and merchandise for sale is prohibited.
- 415.04.09 Short-term rental permits are not transferable. Upon sale or at time of transfer of the property, any permit issued pursuant to the terms set forth herein, shall automatically expire. Any new owner(s) or transferee(s) shall be required to apply for a new permit, in accordance with this ordinance.
- 415.04.10 Any structure or unit that is deed restricted for affordable housing shall not be eligible for a short-term rental permit.
- 415.04.11 Each separate unit or listing shall require an individual permit, regardless if multiple listings are located at the same address or location or owned by the same owner. Documentation and/or proof of permit issuance shall be included in the listing on all short-term rental postings.
- 415.04.12 Each short-term rental permit shall expire one (1) year from the date of issuance.
- 415.05 *Taxes, License and Registration*

- 415.05.01 A local privilege license is required to be obtained by the applicant from the City Clerk's office.
- 415.05.02 Registration of state tax is required.
- 415.05.03 Any and all other tax requirements.
- 415.06 *Short-Term Rental Code Requirements*
- 415.06.01 Short-Term Rental Establishments shall meet and comply with any and all applicable building and property maintenance codes, as adopted by the City of Laurel.
- 415.07 *Denial or Revocation of a Special Use Permit Conditions for denial or revocation of a permit to operate a short-term rental unit shall include, but not be limited to, the following:*
- 415.07.01 Failure by the applicant to conform to the criteria set forth herein for the current or previous year.
- 415.07.02 Guests and/or users of the property were issued citations for violating the noise ordinance or disturbing the peace during the previous or current year.
- 415.07.03 Any other reasonable or rational factors as determined by the Planning Commission.
- 415.07.04 The Inspection Department is authorized to revoke or deny permits. The permitted owner shall be provided with a written notice of the reason(s) the permit is subject to revocation. The applicant shall be allowed thirty (30) days from the date written notice is issued to correct the defective conditions. If the condition is not corrected within thirty (30) days to the satisfaction of the Inspection Department, the permit shall be revoked by a revocation order of the Inspection Department. Upon receipt of the revocation order by the owner or property manager, the unit shall cease operation as a short-term rental.
- 415.07.05 The owner may appeal any denial of a permit application or order revoking the permit application or application renewal. The owner's appeal must be in writing and filed with the Inspection Department within ten (10) days of entry of the applicable order. The revocation shall remain in full effect for the duration of the appeal. The appeal should be presented to the Mayor and City Council at the next scheduled meeting, following the filing of the appeal. The owner shall be provided notice of the meeting for the opportunity to be heard. The City may appoint a hearing officer to preside over any such appeal.

- 415.08        *Renewal of Short-term Rental Permit*
- 415.08.01    Short-term rental permit may be renewed through the Inspection Department for the fee as cited in 415.04.07
- 415.08.02    The permit renewal process shall consist of staff review of City records, complaints and any other issues pertaining to the property under consideration. Filed complaints that are in violation of any zoning codes, building codes, property maintenance and other applicable laws or regulations will be considered as part of the renewal process. A violation of applicable local, state and federal laws or regulations may be cause for the denial of a permit renewal.
- 415.09        *Complaints*
- 415.09.01    A concerned party should contact the Inspection Department regarding complaints and violations of this Ordinance that cannot otherwise be resolved through contact with the local property manager and/or property owner. If the issue is related to the public safety and/or noise violations, the Police Department shall be contacted. The Police Department shall be provided with an updated list of all contact persons for short-term rentals by the Inspection Department. Verified complaints concerning noncompliance with the terms of this Ordinance may be considered in determining whether or not a permit should be revoked.
- 415.10        *Violations*
- 415.10.01    Any person or user who allows such use of a residential property in violation of this Ordinance shall be guilty of a misdemeanor.
- 415.10.02    For purposes of prosecution of violations of this chapter, each day that any violation occurs is deemed to constitute a separate violation. Those found guilty of such violation shall, upon conviction, be fined for each violation, not to exceed an amount of one thousand dollars (\$1,000.00) for the first offense within a calendar year; not to exceed an amount of two thousand dollars (\$2,000.00) for the second offense within a calendar year; and not to exceed more than five thousand dollars (\$5,000.00) for other offenses within a calendar year, in addition to all court related fees.
- 415.11        *Constitutionality*
- 415.11.01    Should any portion, provision or section of this Ordinance be held void, unconstitutional or invalid, the remaining portion of the Ordinance shall remain in full effect.
- 415.12        *Conflicts*
- 415.12.01    It is hereby provided that the provisions of these regulations shall not be construed as being in conflict with the provisions of any of the

laws or regulations of the City of Laurel, Mississippi. In any case where the provisions in these laws or regulations and provisions of the other regulations both apply, the provisions of this Ordinance shall govern for the purpose of short-term rentals of residential dwellings.

*Source: Ordinance No. 1725-2022, 8-16-22*

## **ARTICLE V. ADDITIONAL DISTRICT PROVISIONS**

The purpose and intent of the additional District provisions in companion with the specific District regulations is to permit the City Council the flexibility to establish and/or superimpose over existing District regulations, special conditions to provide additional restrictions when necessary to carry out the protective intent of this Ordinance. The same conditions may apply whereby restrictions can be modified to be more flexible when specific conditions are met to provide the intended protection to citizens and property. Nothing in this Section should be interpreted or construed which would weaken or void the full intent and purpose of this Ordinance.

The additional Districts shall be:

Section 501 F-1 Flood Plain District  
Section 502 PUD Planned Unit Development  
Section 503 Site Plan Review  
Section 504 Laurel Central Historic District  
Section 505 Leontyne Price Overlay District  
Section 506 Tri-Park Overlay District  
Section 507 Sawmill Overlay District  
Section 508 Downtown Overlay District

and each is more fully described as follows:

*Source: Ordinance No. 1292-1997, §I, Art. V, 3-18-97; Ordinance No. 1451-2004, 12-21-04*

### **SECTION 501. F-1 FLOOD PLAIN DISTRICT.**

There are certain areas of Laurel, Mississippi, that are subject to periodic flooding by the Tallahala and Tallahoma Creeks and their tributaries with attendant damage to residential and other properties. In meeting requirements of the National Flood Insurance Program, the City Council has declared it to be the intent of the City to comply with land use and management criteria set forth by the National Flood Insurance Act of 1968, as amended. In the interests of public safety, health and general welfare, the City has caused to be prepared an Ordinance establishing a "*General Flood Plain District*" for the City of Laurel and regulating the use of land and structures therein. Upon approval and formal adoption by the City, provisions of the Flood Plain Regulations shall be applied to all Districts of this Zoning Ordinance located within the limits of the superimposed F-I Flood Plain District.

There shall be no construction of any type permitted in the designated floodway except underground construction such as utilities as approved by the City.

Before any Building Permit or Certificate of Occupancy is granted, the applicant shall