

**CITY OF PASCAGOULA
MISSISSIPPI**

**UNIFIED
DEVELOPMENT
ORDINANCE**



**FEBRUARY 2011
REV NOVEMBER 2013**

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TABLE OF CONTENTS

ARTICLE 1: GENERAL PROVISIONS	1-1
1.1. Title	1-1
1.2. Authority	1-1
1.3. General Purpose and Intent.....	1-1
1.4. Applicability and Jurisdiction.....	1-2
1.5. Conformance with Adopted Plans.....	1-2
1.6. Relationship with Other Laws.....	1-3
1.7. Official Zoning Map.....	1-3
1.8. Transitional Provisions.....	1-6
1.9. Severability.....	1-7
ARTICLE 2: ADMINISTRATION	2-1
2.1. Summary and Organization.....	2-1
2.2. Review and Decision-Making Authorities	2-2
2.3. Standard Review Procedures.....	2-4
2.4. Post-Decision Actions and Limitations	2-13
2.5. Application-Specific Review Procedures and Standards	2-14
ARTICLE 3: ZONING DISTRICTS	3-1
3.1. General Provisions.....	3-1
3.2. Residential Base Zoning Districts.....	3-2
3.3. Commercial Base Zoning Districts.....	3-8
3.4. Industrial Base Zoning Districts.....	3-15
3.5. Overlay Zoning Districts.....	3-19
ARTICLE 4: USE STANDARDS	4-1
4.1. Organization	4-1
4.2. Principal Uses	4-1
4.3. Standards for Specific Principal Uses	4-11
4.4. Accessory Uses and Structures	4-37
4.5. Temporary Uses and Structures.....	4-49
ARTICLE 5: INTENSITY AND DIMENSIONAL STANDARDS	5-1
5.1. Purpose.....	5-1
5.2. Intensity and Dimensional Standards Table.....	5-1

5.3.	Measurement.....	5-2
5.4.	Exceptions and Variations	5-4
ARTICLE 6: DEVELOPMENT STANDARDS		6-1
6.1.	Access and Circulation.....	6-1
6.2.	Off-Street Parking and Loading.....	6-19
6.3.	Landscaping Standards.....	6-38
6.4.	Tree Protection.....	6-50
6.5.	Environmental Protection.....	6-54
6.6.	Open Space Set-Aside.....	6-56
6.7.	Fences and Walls.....	6-61
6.8.	Exterior Lighting	6-67
6.9.	Utilities.....	6-70
6.10.	Multifamily and Townhouse Design Standards.....	6-73
6.11.	Commercial and Mixed-Use Design Standards	6-77
6.12.	Residential Compatibility Standards	6-81
6.13.	Signage.....	6-85
ARTICLE 7: SUBDIVISION STANDARDS		7-1
7.1.	Purpose.....	7-1
7.2.	Applicability	7-1
7.3.	General Standards	7-1
7.4.	Lots.....	7-2
7.5.	Infrastructure.....	7-3
7.6.	Corner Markers and Subdivision Monuments	7-4
7.7.	Phasing.....	7-5
7.8.	Performance and Maintenance Guarantees.....	7-5
ARTICLE 8: NONCONFORMITIES		8-1
8.1.	General Applicability	8-1
8.2.	Nonconforming Uses.....	8-2
8.3.	Nonconforming Structures	8-2
8.4.	Nonconforming Lots of Record	8-4
8.5.	Nonconforming Signs.....	8-5
8.6.	Nonconforming Site Features	8-6
ARTICLE 9: ENFORCEMENT		9-1
9.1.	Purpose.....	9-1

9.2.	Compliance Required.....	9-1
9.3.	Violations.....	9-1
9.4.	Responsible Persons	9-2
9.5.	Enforcement Generally.....	9-2
9.6.	Remedies and Penalties	9-4
ARTICLE 10: DEFINITIONS AND INTERPRETATION.....		10-1
10.1.	General Rules for Interpretation.....	10-1
10.2.	Terms and Uses Defined.....	10-2

INDEX

Article 1: General Provisions

TABLE OF CONTENTS

ARTICLE I: GENERAL PROVISIONS	1-1
1.1. Title	1-1
1.2. Authority	1-1
A. General Authority.....	1-1
B. References to Mississippi Code	1-1
1.3. General Purpose and Intent.....	1-1
1.4. Applicability and Jurisdiction.....	1-2
A. General Applicability	1-2
B. Application to Governmental Units	1-2
C. No Development until Compliance with this Ordinance.....	1-2
1.5. Conformance with Adopted Plans.....	1-2
1.6. Relationship with Other Laws.....	1-3
A. Conflicts with Other City Codes or Laws.....	1-3
B. Conflicts with State or Federal Law	1-3
C. Conflicts with Private Agreements.....	1-3
1.7. Official Zoning Map.....	1-3
A. Generally.....	1-3
B. Incorporated by Reference	1-3
C. Zoning Classification of Lands Added to Jurisdiction.....	1-3
D. Interpretation of Official Zoning Map Boundaries	1-4
E. Changes to Official Zoning Map	1-5
F. Transition to New Zoning Districts.....	1-5
1.8. Transitional Provisions.....	1-6
A. Effective Date	1-6
B. Violations Continue.....	1-6

ARTICLE 1: GENERAL PROVISIONS

1.1. TITLE

This Ordinance shall be officially known as the “Unified Development Ordinance of the City of Pascagoula, Mississippi,” may be cited as the “Pascagoula Unified Development Ordinance,” and may be referred to as “the Unified Development Ordinance” or “this Ordinance” or the “UDO.” This Ordinance shall not be codified.

1.2. AUTHORITY

A. GENERAL AUTHORITY

This Ordinance consolidates the city’s zoning and subdivision regulatory authority as authorized by the Mississippi Code and is adopted pursuant to:

1. The council-manager provisions in Title 21, Chapter 9 of the Mississippi Code;
2. The home rule authority granted municipalities under Section 21-17-5 of the Mississippi Code;
3. Various provisions of the Mississippi Code, including Title 17, Chapter 1 (Zoning, Planning and Subdivision Regulation) and Title 21 (Municipalities);
4. All other relevant laws of the State of Mississippi; and
5. Any special legislation enacted for the City of Pascagoula.

B. REFERENCES TO MISSISSIPPI CODE

Whenever any provision of this Ordinance refers to or cites a section of the Mississippi Code and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.3. GENERAL PURPOSE AND INTENT

The purpose of this Ordinance is to promote the public health, safety, and general welfare of the citizens and landowners of Pascagoula, and to implement the goals, objectives, and policies of the Pascagoula Comprehensive Plan and other city-adopted plans addressing the city’s growth and development. The intent of this Ordinance is more specifically to promote an orderly pattern of land uses and development that will:

- A. Maintain and stabilize the value of buildings and land;
- B. Reduce the vulnerability of development and residents to storms, flooding, and other natural hazards;
- C. Ensure the provision of adequate open space between uses for light, air, and fire safety;
- D. Better manage or lessen traffic congestion and its accompanying hazards;
- E. Prevent the overcrowding of land and avoid undue concentrations of population;
- F. Support the efficient, orderly, and cost-effective provision of needed transportation, water

Article 1: General Provisions

Section 1.4: Applicability and Jurisdiction

1.4.A General Applicability

supply, sewerage, schools, parks, public utilities, and other public facilities and services;

- G.** Foster convenient, compatible, and efficient relationships among land uses;
- H.** Preserve the character and quality of residential neighborhoods while providing increased housing choices;
- I.** Maintain and enhance the unique character and identity of downtown Pascagoula, the riverfront, and other areas within the city through an emphasis on design quality;
- J.** Maintain and protect high quality aesthetic standards for development;
- K.** Protect and conserve water resources (e.g., Mississippi Sound, estuaries, rivers, bayous, wetlands) and their functions (e.g., flood control, fisheries, recreation), as well as other natural resources contributing to the environmental and aesthetic quality of the city and its environs; and
- L.** Promote a healthy, diversified, and sustainable economy that meets the needs of Pascagoula’s residents and visitors.

1.4. APPLICABILITY AND JURISDICTION

A. GENERAL APPLICABILITY

The provisions of this Ordinance shall apply to the development of all land within the corporate limits of the City of Pascagoula unless it is expressly exempted by a specific section or subsection of this Ordinance.

B. APPLICATION TO GOVERNMENTAL UNITS

Except as stated herein, the provisions of this Ordinance shall apply to:

- 1.** Development by the city or its agencies or departments, or on land owned or otherwise controlled by the city; and
- 2.** To the full extent permitted by law, development by a county, state, or federal government or its agencies, departments or corporate services, or on land owned or held in tenancy by the a county, state, or federal government.

C. NO DEVELOPMENT UNTIL COMPLIANCE WITH THIS ORDINANCE

No land shall be developed without full compliance with the provisions of this Ordinance and all other applicable city, county, state, and federal regulations.

1.5. CONFORMANCE WITH ADOPTED PLANS

This Ordinance is intended to ensure that all development within the city’s jurisdiction will be consistent with the goals, objectives, policies, strategies, and actions of the Pascagoula Comprehensive Plan and other city-adopted plans addressing the city’s growth and development—including, but not limited to, functional plans related to public infrastructure and services (e.g., transportation plan, local streets plan, parks and recreation plan, emergency management plan) and small area plans that provide guidance on desired development in specific geographic areas and corridors within the city. To the extent this Ordinance is or becomes inconsistent with the

adopted plans, it should be amended to become or remain consistent with the adopted plans. Additionally, all amendments to this Ordinance's text or Official Zoning Map should maintain and enhance consistency between this Ordinance and the adopted plans.

1.6. RELATIONSHIP WITH OTHER LAWS

A. CONFLICTS WITH OTHER CITY CODES OR LAWS

If a provision of this Ordinance is inconsistent with another provision of this Ordinance, or with a provision found in other adopted codes or ordinances of the city, the more restrictive provision shall govern unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

B. CONFLICTS WITH STATE OR FEDERAL LAW

If a provision of this Ordinance is inconsistent with a provision found in the law or regulations of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

C. CONFLICTS WITH PRIVATE AGREEMENTS

Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any existing private agreements or vested rights previously adopted or issued pursuant to all applicable laws, provided such agreements or rights are lawfully established and remain in effect. The city shall not be responsible for monitoring or enforcing private covenants and restrictions.

1.7. OFFICIAL ZONING MAP

A. GENERALLY

The Official Zoning Map designates the location and boundaries of the various base zoning and overlay zoning districts established in this Ordinance. The original official version and all revised versions of the Official Zoning Map shall be certified by the City Clerk and kept on file, in either hardcopy or digital form, in the office of the City Clerk. A copy of the Official Zoning Map shall be kept on file in the Code Enforcement Department and made available for public inspection during normal business hours. The Official Zoning Map shall be the final authority as to the status of the current zoning district classification of land in the city, and shall only be amended in accordance with this Ordinance.

B. INCORPORATED BY REFERENCE

The Official Zoning Map and all the notations thereon is incorporated herein by reference and made part of this Ordinance.

C. ZONING CLASSIFICATION OF LANDS ADDED TO JURISDICTION

The City Council shall determine the zoning designation of lands added to the city's jurisdiction through annexation at the time such lands are added based on the following factors:

1. The land's designation on the future land use map of the Pascagoula Comprehensive Plan;

Article 1: General Provisions

Section 1.7: Official Zoning Map

1.7.D Interpretation of Official Zoning Map Boundaries

2. Designation and policies applied to the land by other adopted plans addressing the city's growth and development;
3. The land's current land use;
4. The existence of a previously-approved site or subdivision plan;
5. The character of adjacent lands;
6. Current county zoning classifications;
7. Landowner requests; and
8. Other factors considered relevant at the time of the annexation.

D. INTERPRETATION OF OFFICIAL ZONING MAP BOUNDARIES

The City Manager shall be responsible for interpretations of the Official Zoning Map in accordance with the standards in Section 10.1, General Rules for Interpretation, and the following standards:

1. Boundaries shown as approximately following a utility line or a street, alley, railroad, or other public access way shall be interpreted as following the centerline of the right-of-way or easement for the utility line or access way.
2. Boundaries shown as approximately following a property line shall be interpreted as following the property line as it existed when the boundary was established. If a subsequent minor adjustment (such as from settlement of a boundary dispute or overlap) results in the property line moving 10 feet or less, the zoning boundary shall be interpreted as moving with the property line.
3. Boundaries shown as approximately following a river, bayou, canal, or other watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.).
4. Boundaries shown as approximately following the shoreline of the Mississippi Sound, the Pascagoula River, Bayou Cassotte, Lake Yazoo, or other body of water shall be interpreted as following the shoreline at low water and as moving with that low water line to the extent the shoreline moves as a result of natural processes (flooding, erosion, sedimentation, etc.).
5. Boundaries shown as entering a body of water shall be interpreted as continuing in the direction at which they enter the body of water and extending until they intersect another zoning district boundary or similarly extended boundary, or the limits of the city's jurisdiction.
6. Boundaries shown as approximately following established municipal corporate limits or other political boundaries shall be interpreted as following the corporate limits or boundary.
7. Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such.
8. If the specific location of a depicted boundary cannot be determined from notations on the Official Zoning Map or application of the above standards, it shall be determined by using the map's scale to determine the boundary's distance from other features shown on the map.
9. Where the actual locations of existing physical or natural features vary from that

shown on the Official Zoning Map, or in other circumstances not covered by this subsection, the City Manager shall have the authority to interpret the district boundaries. Appeals of the decision of the City Manager shall be reviewed and decided in accordance with Section 2.5.O, Administrative Appeal.

E. CHANGES TO OFFICIAL ZONING MAP

Changes made in zoning district boundaries or other matters portrayed on the Official Zoning Map shall be made in accordance with the provisions of this Ordinance (Section 2.5.B, Map Amendment (Rezoning)). Changes shall be entered on the Official Zoning Map by the City Clerk promptly after the amendment is approved by the City Council. Where the ordinance enacting a zoning district boundary change contains wording explaining or clarifying the location of the new boundary, the City Clerk may enter on the Official Zoning Map notations reflecting the ordinance wording. The City Manager shall maintain copies of superseded versions of the Official Zoning Map for historical reference.

F. TRANSITION TO NEW ZONING DISTRICTS

On the effective date of this Ordinance (See Section 1.8.A, Effective Date.), land zoned with a zoning district classification from the previous zoning regulations shall be translated to one of the zoning district classifications in this Ordinance as set forth in Article 3:Zoning Districts. Table 1.7.F, Transition to New Zoning Districts, summarizes the translation of the zoning districts used in the previous zoning regulations to the zoning districts used in this Ordinance. (For example, Table 1.7.F shows that all lands classified as R-1 in the previous zoning regulations (under the column titled “Former Zoning District”) are classified SFR-8 in this Ordinance (under the column titled “New Zoning District”).)

TABLE 1.7.F: TRANSITION TO NEW ZONING DISTRICTS	
FORMER ZONING DISTRICT	NEW ZONING DISTRICT ¹
RESIDENTIAL DISTRICTS	
R-1A Residential	SFR 10 Single-Family Residential 10
R-1 Residential	SFR 8 Single-Family Residential 8
R-2 Residential	SFR 6 Single-Family Residential 6
R-3 Residential	MR 3 Mixed Residential 3
COMMERCIAL DISTRICTS	
C-3 Commercial	NC Neighborhood Commercial
C-2 Commercial	CC Community Commercial
C-1A Commercial	RC Regional Commercial
C-1 Commercial	DT Downtown
[NONE]	GC Gateway Commercial [NEW]
HMA Hotel-Motel-Apartments	WMU Waterfront Mixed-Use
INDUSTRIAL DISTRICTS	
I Industrial	LI Light Industrial
	HI Heavy Industrial
SU Special Use	P Port
OVERLAY DISTRICTS	
Floodplain	FPO Floodplain Overlay ²
[NONE]	NCO Neighborhood Conservation Overlay [NEW]
NOTES: 1. Lands formerly designated one of the “Former Zoning District” classifications shown in the left column are translated to the corresponding new “New Zoning District” classification shown in the right column. These translations occurred on the effective date of this Ordinance (See Section 1.8.A, Effective Date.).	

TABLE 1.7.F: TRANSITION TO NEW ZONING DISTRICTS	
FORMER ZONING DISTRICT	NEW ZONING DISTRICT ¹
2. This designates the area subject to the city's floodplain regulations.	

1.8. TRANSITIONAL PROVISIONS

A. EFFECTIVE DATE

This Ordinance shall become effective on March 16, 2011, and repeals and replaces the Zoning Ordinance of the City of Pascagoula, as originally adopted on October 23, 1973 (Ordinance No. 25-1973), and subsequently amended, and the Pascagoula Subdivision Regulations, as originally adopted on April 5, 1977 (Ordinance No. 7-1977), and subsequently amended.

B. VIOLATIONS CONTINUE

Any violation of the previous zoning regulations or subdivision regulations shall continue to be a violation under this Ordinance and any other applicable ordinances, laws, or statutes. Violations of this Ordinance shall be subject to the penalties set forth in Article 9: Enforcement, and any other applicable ordinances, laws, or statutes, unless the development complies with the express terms of this Ordinance or the other ordinances, laws, or statutes.

C. COMPLETE APPLICATIONS

1. Any development application submitted and accepted as complete before the effective date of this Ordinance (See Section 1.8.A, Effective Date.), but still pending final action as of that date, shall be reviewed and decided, at the applicant's option, wholly in accordance with the regulations in effect when the application was accepted, or wholly in accordance with this Ordinance (but not in accordance with a mix of provisions from both sets of regulations).
2. If the applicant elects to have a pending application reviewed in accordance with the prior regulations, the city shall review and decide the application in good faith and in accordance with any time frames established by the prior regulations. If the application is approved and the approval or subsequent authorization of the approved development expires or becomes invalid (e.g., for failure to comply with time limits or the terms or conditions of approval), any subsequent development of the site shall be subject to the procedures and standards of this Ordinance.
3. To the extent a pending application is approved in accordance with the prior regulations and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 8: Nonconformities.

D. APPROVED APPLICATIONS

1. Any development approved before the effective date of this Ordinance (See Section 1.8.A, Effective Date.) may be carried out in accordance with the terms and conditions of its approval and the development procedures and standards in effect at the time of approval, provided the approval has not expired and otherwise remains valid. If the prior approval expires, is revoked, or otherwise becomes invalid (e.g., for failure to comply with time limits or the terms and conditions of approval), any subsequent development of the site shall be subject to the procedures and standards of this

Ordinance.

2. To the extent a prior-approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 8: Nonconformities.

E. NONCONFORMITIES

If any use, structure, lot, sign, or site feature legally existed on the effective date of this Ordinance (See Section 1.8.A, Effective Date.), but does not fully comply with the standards of this Ordinance, then that use, structure, lot, sign, or site feature shall be considered nonconforming and subject to the provisions of Article 8: Nonconformities.

1.9. SEVERABILITY

It is the legislative intent of the City Council in adopting this Ordinance that all provisions shall regulate development in accordance with the existing and future needs of the city as established in this Ordinance and promote the public health, safety, and general welfare of the landowners and residents of the city. If any section, subsection, sentence, boundary, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and any section, subsection, sentence, boundary, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, boundaries, clauses, or phrases is declared invalid by a court of competent jurisdiction.

Article 2: Administration

TABLE OF CONTENTS

ARTICLE 2: ADMINISTRATION	2-1
2.1. Summary and Organization.....	2-1
A. Summary Table	2-1
B. Organization	2-1
2.2. Review and Decision-Making Authorities	2-2
A. Review and Decision-Making Authorities Generally	2-2
B. City Council.....	2-2
1. Application Review	2-2
2. Ex-Officio Members of Planning Board	2-2
3. Schedule of Fees and Civil Penalties	2-2
4. Other Actions.....	2-3
C. Planning Board.....	2-3
1. Recommendation Authority	2-3
2. Other Powers and Duties	2-3
D. City Manager	2-3
1. Decision Authority.....	2-3
2. Recommendation Authority	2-4
3. Other Powers and Duties	2-4
2.3. Standard Review Procedures.....	2-4
A. Step 1: Pre-Application Conference.....	2-5
1. Purpose	2-5
2. Applicability	2-5
3. Sketch Plan or Conceptual Drawings Required.....	2-5
4. Effect	2-5
B. Step 2: Application Submittal and Acceptance.....	2-5
1. Authority to Submit Applications.....	2-5
2. Application Contents.....	2-6
3. Application Fees.....	2-6
4. Submittal and Review Schedule.....	2-6
5. Application Submittal	2-6
6. Determination of Application Completeness.....	2-6
7. Simultaneous Processing of Applications.....	2-7
8. Application Revision.....	2-7
9. Application Withdrawal	2-7
C. Step 3: Staff Review and Report	2-7
1. Referral of Application to Staff and Review Agencies	2-7
2. Staff Review and Report.....	2-7
3. Distribution and Availability of Application and Staff Report.....	2-8
D. Step 4: Scheduling and Notice of Public Hearings.....	2-8
1. Scheduling Public Hearings	2-8
2. Requests to Defer Public Hearing	2-8
3. Public Hearing Notice.....	2-9
E. Step 5: Action by Review and Decision-Making Authorities	2-11
1. Staff Decision	2-11
2. Planning Board Public Hearing, Review, and Recommendation	2-11
3. City Council Public Hearing, Review, and Decision	2-12
F. Administrative Appeal.....	2-13

2.4.	Post-Decision Actions and Limitations	2-13
A.	Notice of Decision.....	2-13
B.	Expiration of Approval.....	2-13
1.	General.....	2-13
2.	Extension of Expiration Time Period.....	2-13
C.	Modification or Amendment of Approval	2-14
D.	Limitation on Subsequent Similar Applications	2-14
1.	Prior Application Denial.....	2-14
2.	Prior Application Withdrawal	2-14
2.5.	Application-Specific Review Procedures and Standards	2-14
A.	Text Amendment.....	2-15
1.	Purpose	2-15
2.	Procedure	2-15
3.	Expiration.....	2-16
B.	Map Amendment (Rezoning).....	2-16
1.	Purpose	2-16
2.	Procedure	2-16
3.	Expiration.....	2-17
C.	Special Use Permit	2-17
1.	Purpose	2-17
2.	Applicability	2-18
3.	Procedure	2-18
4.	Permit Issuance	2-19
5.	Recordation.....	2-19
6.	Expiration.....	2-19
7.	Effect of Approval.....	2-19
8.	Minor Deviations from Approved Plans	2-19
D.	Site Plan Approval	2-20
1.	Purpose	2-20
2.	Applicability	2-20
3.	Procedure	2-20
4.	Expiration.....	2-21
5.	Effect of Site Plan Approval	2-21
6.	Performance Guarantees.....	2-21
7.	Minor Deviations from Approved Plans	2-21
E.	Subdivision Approval.....	2-22
1.	Purpose	2-22
2.	Applicability	2-22
3.	Preliminary Plat.....	2-22
4.	Final Plat.....	2-25
F.	Tree Removal Permit.....	2-26
1.	Purpose	2-26
2.	Applicability	2-27
3.	Procedure	2-27
4.	Expiration.....	2-27
G.	Temporary Use Permit	2-27
1.	Purpose	2-27
2.	Applicability	2-28
3.	Procedure	2-28
4.	Expiration.....	2-28
H.	Sign Permit	2-28
1.	Purpose	2-28
2.	Applicability	2-29
3.	Procedure	2-29

	4. Expiration.....	2-29
I.	Zoning Compliance Permit.....	2-29
	1. Purpose	2-29
	2. Applicability	2-30
	3. Procedure.....	2-30
	4. Expiration.....	2-30
J.	Building Permit.....	2-31
	1. General.....	2-31
	2. Relationship to this Ordinance.....	2-31
K.	Certificate of Occupancy	2-31
	1. General.....	2-31
	2. Relationship to this Ordinance.....	2-31
L.	Variance.....	2-31
	1. Purpose	2-31
	2. Applicability	2-31
	3. Procedure.....	2-32
	4. Recordation.....	2-33
	5. Expiration.....	2-33
	6. Effect of Variance Approval.....	2-33
M.	Administrative Adjustment.....	2-34
	1. Purpose	2-34
	2. Applicability	2-34
	3. Procedure.....	2-35
	4. Recordation.....	2-35
	5. Expiration.....	2-36
	6. Effect of Approval.....	2-36
N.	Interpretation	2-36
	1. Purpose	2-36
	2. Authority.....	2-36
	3. Procedure.....	2-36
	4. Expiration.....	2-38
	5. Official Record of Interpretations	2-38
	6. Effect of Interpretation.....	2-38
O.	Administrative Appeal.....	2-38
	1. Purpose	2-38
	2. Right to Administrative Appeal	2-38
	3. Procedure.....	2-38
	4. Effect of Pending Administrative Appeal.....	2-39
	5. Expiration.....	2-40
	6. Effect of Administrative Appeal Decision.....	2-40

ARTICLE 2: ADMINISTRATION

2.1. SUMMARY AND ORGANIZATION

A. SUMMARY TABLE

Table 2.1, Summary of Development Review Responsibilities, identifies the authorities responsible for reviewing and deciding various development applications reviewed under this Ordinance and their roles in the review process. It also identifies those applications requiring a public hearing (and the type of public hearing), as well as the applications for which a pre-application conference is required (See Section 2.3.A).

TABLE 2.1: SUMMARY OF DEVELOPMENT REVIEW RESPONSIBILITIES				
<> = PUBLIC HEARING R = RECOMMENDATION D = DECISION				
APPLICATION REVIEW PROCEDURE	PRE-APPLICATION CONFERENCE REQUIRED (√)	REVIEW AND DECISION-MAKING AUTHORITIES		
		CITY MANAGER ¹	PLANNING BOARD	CITY COUNCIL
Text Amendment (Sec. 2.5.A)		R	<R>	<D>
Map Amendment (Rezoning) (Sec. 2.5.B)	√	R	<R>	<D>
Special Use Permit (Sec. 2.5.C)	√	R	<R>	<D>
Site Plan (Sec. 2.5.D)	√	R	<R>	<D>
Preliminary Plat (Sec. 2.5.E.3)	√	R	<R>	<D>
Final Plat ² (Sec. 2.5.E.4)		R		D
Tree Removal Permit (Sec. 2.5.F)		R		
Temporary Use Permit (Sec. 2.5.G)		D		
Sign Permit (Sec. 2.5.H)		D		
Zoning Compliance Permit (Sec. 2.5.I)		D		
Building Permit ³ (Sec. 2.5.J)		D		
Certificate of Occupancy ³ (Sec. 2.5.K)		D		
Variance (Sec. 2.5.L)		R	<R>	<D>
Administrative Adjustment (Sec. 2.5.M)		D		
Interpretation (Sec. 2.5.N)		D		
Administrative Appeal ⁴ (Sec. 2.5.O)			<R>	<D>
NOTES: 1. The City Manager may delegate assigned duties and responsibilities to subordinate professional-level staff. 2. Staff recommendations for approval of a final plat go to the city council. 3. Review procedures for Building Permits and Certificates of Occupancy are established by Chapter 14 (Buildings and Building Regulations) of the Pascagoula Code of Ordinance and the Building Code, but are shown here because they are closely related to the review procedures and enforcement provisions of this Ordinance. 4. Appeals of decisions by the City Manager are subject to the Administrative Appeal procedure. Decisions of the City Council constitute final city action and are appealable to the Circuit Court of Jackson County.				

B. ORGANIZATION

Section 2.2, Review and Decision-Making Authorities, describes the powers and duties of city authorities involved in reviewing proposed development in the city for compliance with the

Article 2: Administration

Section 2.2: Review and Decision-Making Authorities

2.2.A Review and Decision-Making Authorities Generally

provisions of this Ordinance. Section 2.3, Standard Review Procedures, sets forth review procedures that are generally applicable to most types of development applications reviewed under this Ordinance. Section 2.4, Post-Decision Actions and Limitations, sets forth actions to be taken following decisions on applications, as well as general provisions addressing the expiration of approvals, modifications, and the resubmittal of similar applications following denial. Section 2.5, Application-Specific Review Procedures and Standards, notes the applicability of the standard review procedures to each type of development application reviewed under this Ordinance and includes any variations or additions to the standard review procedures specific to the particular type of application.

2.2. REVIEW AND DECISION-MAKING AUTHORITIES

A. REVIEW AND DECISION-MAKING AUTHORITIES GENERALLY

The following bodies and city staff have powers and responsibilities in administering and reviewing applications for development approval under this Ordinance:

- 1. City Council;
- 2. Planning Board; and
- 3. City staff.

B. CITY COUNCIL

In addition to other authority granted the City Council by state law, the City Council shall have the following functions and duties related to this Ordinance:

1. APPLICATION REVIEW

To initiate, hold hearings on, review, and decide the following applications:

- a. Text Amendment;
- b. Map Amendment (Rezoning);
- c. Special Use Permit;
- d. Site Plan Approval;
- e. Preliminary Plat Approval;
- f. Final Plat Approval;
- g. Variance; and
- h. Administrative Appeal.

2. EX-OFFICIO MEMBERS OF PLANNING BOARD

The members of the City Council and the City Manager shall be ex officio members of the Planning Board, with the right to participate in the business of the Planning Board except that they shall not vote.

3. SCHEDULE OF FEES AND CIVIL PENALTIES

To approve, by resolution, a schedule of fees governing applications for permits and other development approvals reviewed under this Ordinance or civil penalties for violations of this Ordinance.

4. OTHER ACTIONS

To take any other action not assigned or delegated to the Planning Board, City Manager, or other review or decision-making authority as the City Council may deem desirable and necessary to implement the provisions of this Ordinance.

C. PLANNING BOARD

In addition to, and in conjunction with, other authority granted the Planning Board by state law and Chapter 2 (Administration), Division 3 (Planning Board), of the Code of Ordinances, the Planning Board shall have the following functions and duties related to this Ordinance:

1. RECOMMENDATION AUTHORITY

To initiate, hold hearings on, review, and make recommendations to the City Council on the following applications:

- a.** Text Amendment;
- b.** Map Amendment (Rezoning);
- c.** Special Use Permit;
- d.** Site Plan Approval;
- e.** Preliminary Plat Approval;
- f.** Variance; and
- g.** Administrative Appeal.

2. OTHER POWERS AND DUTIES

The Planning Board is authorized to carry out any other functions and duties delegated to it by the City Council, consistent with state law.

D. CITY MANAGER

In addition to, and in conjunction with, the authority and duties conferred by the Floodplain Management Ordinance and Chapter 14, Buildings and Building Regulations, of the Code of Ordinances, the City Manager is the official primarily responsible for administering and enforcing the provisions of this Ordinance. The City Manager may delegate any review or decision-making authority to any professional-level staff in the Code Enforcement Department. The City Manager shall have the following functions and duties related to this Ordinance:

1. DECISION AUTHORITY

To review and decide the following applications:

- a.** Tree Removal Permit;
- b.** Temporary Use Permit;
- c.** Sign Permit;
- d.** Zoning Compliance Permit;
- e.** Building Permit;
- f.** Certificate of Occupancy;
- g.** Administrative Adjustment; and

- h. Interpretation.

2. RECOMMENDATION AUTHORITY

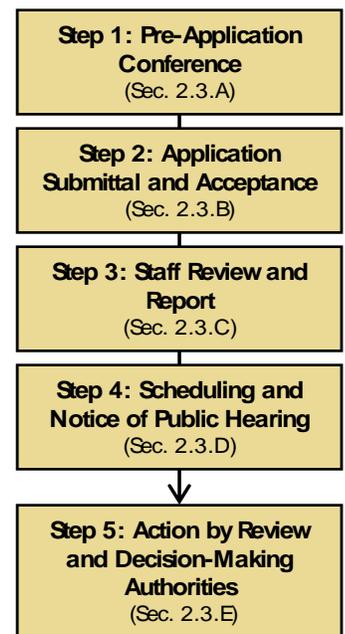
To review and make recommendations on the following applications:

- a. Text Amendment;
- b. Map Amendment (Rezoning);
- c. Special Use Permit;
- d. Site Plan;
- e. Preliminary Plat Approval;
- f. Final Plat Approval; and
- g. Variance.

3. OTHER POWERS AND DUTIES

- a. To conduct pre-application conferences;
- b. To establish requirements for the content of applications reviewed under this Ordinance and a submittal schedule for review of such applications;
- c. To compile and maintain an administrative manual;
- d. To assist the City Clerk in maintaining the Official Zoning Map and related materials;
- e. To serve as Secretary and staff liaison to the Planning Board;
- f. To enforce this Ordinance in accordance with Article 9: Enforcement;
- g. To provide expertise and technical assistance to the city’s other decision-making authorities, on request; and
- h. To maintain on file a record of all development applications reviewed under this Ordinance and make copies available on request.

Standard Review Procedures



2.3. STANDARD REVIEW PROCEDURES

This section describes the procedural steps, requirements, and review criteria that are generally applicable to development applications reviewed under this Ordinance. These standard review procedural requirements shall apply to all applications reviewed under this Ordinance unless otherwise expressly exempted or alternative procedural requirements are specified in Section 2.5, Application-Specific Review Procedures and Standards. Flow charts in Section 2.5 depict which procedural steps apply to the review of each of the individual types of development applications.

A. STEP 1: PRE-APPLICATION CONFERENCE

1. PURPOSE

The purpose of a pre-application conference is to provide an opportunity for the applicant to determine the submittal requirements, review procedures, and standards applicable to the development proposal, and for city staff to become familiar with, and offer the applicant preliminary comments about, the scope, features, and impacts of the proposed development as it relates to the requirements of this Ordinance. The pre-application conference should occur before any substantial investment in a proposed development (e.g., site acquisition, preparation of design and engineering plans).

2. APPLICABILITY

a. Pre-Application Conference Required

Except for development applications initiated by city staff, the Planning Board, or the City Council, a pre-application conference between the applicant and the City Manager shall be required before submittal of the following applications:

- i.** Map Amendment (Rezoning);
- ii.** Special Use Permit;
- iii.** Site Plan Approval; and
- iv.** Preliminary Plat Approval.

b. Pre-Application Conference Optional

A pre-application conference with the City Manager may be requested and held at the applicant's option for any application other than those listed in Section 2.3.A.2.a, Pre-Application Conference Required.

3. SKETCH PLAN OR CONCEPTUAL DRAWINGS REQUIRED

Applicants seeking approval of a Special Use Permit (Section 2.5.C), Site Plan (Section 2.5.D), or Preliminary Plat (Section 2.5.E.3) shall submit a sketch plan or conceptual drawings that show the location, general layout, and main elements of the proposed development to the City Manager at least three business days before the pre-application conference.

4. EFFECT

The pre-application conference is intended as a means of facilitating the development application process. Discussions held in accordance with this section are not binding on the city. Processing times for review of development applications do not begin until a formal, complete application is submitted and determined to be complete.

B. STEP 2: APPLICATION SUBMITTAL AND ACCEPTANCE

1. AUTHORITY TO SUBMIT APPLICATIONS

- a.** Unless expressly stated otherwise in this Ordinance, applications shall be submitted by:
 - i.** The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed; or
 - ii.** A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by such owner, contract purchaser, or other person.

Article 2: Administration

Section 2.3: Standard Review Procedures

2.3.B Step 2: Application Submittal and Acceptance

- b. If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.

2. APPLICATION CONTENTS

The City Manager is authorized to and shall establish in an administrative manual the requirements for the content and form of each type of application. The City Manager may amend and update these requirements as determined necessary to ensure effective and efficient city review. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance of the proposed development with applicable standards.

3. APPLICATION FEES

The City Council shall establish application fees, and may amend and update those fees as determined necessary. Fees established by the City Council shall be included in the administrative manual.

4. SUBMITTAL AND REVIEW SCHEDULE

The City Manager is authorized to and shall establish in an administrative manual the submittal and review schedule (including time frames for review) for various types or categories of applications. The City Manager may amend and update these requirements as determined necessary to ensure effective and efficient city review.

5. APPLICATION SUBMITTAL

Applications shall be submitted to the City Manager in the form established by the City Manager (Section 2.3.B.2, Application Contents), along with a fee established in accordance with Section 2.3.B.3, Application Fees.

6. DETERMINATION OF APPLICATION COMPLETENESS

a. Completeness Review

On receiving an application, the City Manager shall, within five business days, determine whether the application is complete or incomplete. A complete application is one that:

- i. Contains all information and materials established by the City Manager as required for submittal of the particular type of application;
- ii. Is in the form established by the City Manager as required for submittal of the particular type of application;
- iii. Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate substantive standards of this Ordinance; and
- iv. Is accompanied by the fee established for the particular type of application.

b. Application Incomplete

- i. On determining that the application is incomplete, the City Manager shall notify the applicant of the deficiencies within the specified completeness review period. The applicant may correct the deficiencies and resubmit the application for completeness determination.
- ii. If the applicant fails to resubmit an application within 45 calendar days after being first notified of deficiencies, the application shall be considered withdrawn.

- iii. The City Manager shall not process an application for further review until it is determined to be complete.

c. Application Complete

On determining that the application is complete, the City Manager shall accept the application for review in accordance with the procedures and standards of this Ordinance. The time frame and cycle for review of the application shall be based on the date the application is determined to be complete.

7. SIMULTANEOUS PROCESSING OF APPLICATIONS

If a development proposal requires two or more applications under this Ordinance, the City Manager may allow the applications to be processed simultaneously on determining that all applicable state and local requirements are satisfied.

8. APPLICATION REVISION

- a. An applicant may revise an application after receiving initial staff review comments or on requesting and receiving permission from the Planning Board or City Council after that body has reviewed, but not yet taken action on, the application. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by the staff, Planning Board, or City Council, as long as they constitute only minor additions, deletions, or corrections, and do not include substantive changes that relate to uses, densities, intensities, access, or other major elements of the proposed development.
- b. Any other revisions to the application may be submitted at any time during the review process, but shall be reviewed in the same manner as an original application, and may be subject to additional application fees to defray the additional costs of processing the revised application.
- c. All revised applications shall be submitted to the City Manager.

9. APPLICATION WITHDRAWAL

- a. An applicant may withdraw an application at any time by submitting a letter of withdrawal to the City Manager.
- b. Applications withdrawn after required notice of any public hearing scheduled for the application shall be subject to limitations on the subsequent submittal of similar applications in Section 2.4.D, Limitation on Subsequent Similar Applications. Application fees shall not be refunded for withdrawn applications.

C. STEP 3: STAFF REVIEW AND REPORT

1. REFERRAL OF APPLICATION TO STAFF AND REVIEW AGENCIES

The City Manager may refer the complete application to city staff in other departments and to any other appropriate review agencies for their review, comments, and recommendations.

2. STAFF REVIEW AND REPORT

- a. The City Manager shall review the application, relevant support material, and any comments from other staff and review agencies to which the application may have been referred, and shall prepare a written staff report.
- b. The staff report shall state whether the application complies with all applicable

Article 2: Administration

Section 2.3: Standard Review Procedures

2.3.D Step 4: Scheduling and Notice of Public Hearings

standards of this Ordinance and shall recommend one of the decisions authorized for the application, based on the review standards applicable to the particular type of application.

3. DISTRIBUTION AND AVAILABILITY OF APPLICATION AND STAFF REPORT

- a.** The City Manager shall transmit a copy of the staff report to the applicant. If the application is subject to review by the Planning Board or City Council, the staff report shall be transmitted to the applicant at the same time it is transmitted to the Planning Board or City Council in accordance with subparagraph b, below. If the application is subject to a staff decision, the staff report shall accompany the notice of decision required in Section 2.4.A, Notice of Decision.
- b.** If the application is subject to review by the Planning Board or City Council, the City Manager shall transmit the application, related materials, and the staff report to the Planning Board or City Council, as appropriate, within a reasonable time period before the public hearing or meeting for which review of the application is scheduled.
- c.** The City Manager shall make the application, related materials, and the staff report available for examination by the public in the Code Enforcement Department during normal business hours. Copies of such materials shall be made available at a reasonable cost.

D. STEP 4: SCHEDULING AND NOTICE OF PUBLIC HEARINGS

1. SCHEDULING PUBLIC HEARINGS

- a.** If an application is subject to public hearings (See Table 2.3, Summary of Development Review Responsibilities.), the City Manager shall ensure that the public hearings on the application are scheduled for either a regularly scheduled meeting of the body holding the hearing (Planning Board or City Council) or a meeting specially called for that purpose by the body holding the hearing.
- b.** The public hearings on the application shall be scheduled so there is sufficient time for preparation of a staff report and satisfaction of the public notice requirements in this Ordinance and under state law.

2. REQUESTS TO DEFER PUBLIC HEARING

a. Before Public Hearing Notice

If an application is subject to a public hearing and required notice of the hearing has not yet been provided, the applicant may submit a written request that the hearing be deferred to the City Manager, who may grant such requests for good cause.

b. After Public Hearing Notice

- i.** If an application is subject to a public hearing and required notice of the hearing has already been provided, the applicant may request that the hearing be deferred by submitting a written request for deferral to the City Manager before the date on which the hearing is scheduled.
- ii.** The City Manager shall submit the request to the body scheduled to hold the hearing (Planning Board or City Council), which may grant the request for good cause, or if finding no good cause for deferral, may proceed to hold the hearing and consider and act on the application.
- iii.** On granting a request for deferral, the Planning Board or City Council, as appropriate, shall concurrently set the new hearing date for the application.

- iv. If a deferral is granted, the application may be subject to additional application fees to defray the additional costs of processing the application.

3. PUBLIC HEARING NOTICE

a. General Notice Requirements

Public notice of the public hearings held on an application by the Planning Board and the City Council shall be required as shown in Table 2.3.D.3, Public Hearing Notice Requirements, for the type of application and the type of notice. Required notice of both public hearings may be provided concurrently, as the discretion of the City Manager. In computing the time periods prescribed for notices, the day the notice is published, or postmarked shall not be included, but the day of the hearing shall be included.

TABLE 2.3.D.3: PUBLIC HEARING NOTICE REQUIREMENTS ¹			
APPLICATION TYPE	NOTICE REQUIREMENT		
	PUBLISHED	MAILED	
Text Amendment	Publish notice of the public hearing at least 15 calendar days before the hearing date		
Map Amendment (Rezoning)			
Special Use Permit			
Site Plan Approval			
Preliminary Plat Approval			
Variance	Publish notice of the public hearing at least 15 calendar days before the hearing date	Mail notice of the public hearing to specified recipients at least 15 calendar days before the hearing date	
Administrative Appeal ²			
NOTES: 1. Application types not listed do not require public notice. 2. Mailed notices are required only if the appeal pertains to application of an Ordinance provision to a specific parcel.			

b. Notice Requirements by Type

i. Published Notice

The City Manager shall cause a required notice of a public hearing on an application to be prepared and published in a newspaper having general circulation in the city.

ii. Mailed Notice

The City Manager shall cause a required notice of a public hearing on an application to be prepared and mailed via first class mail to the following persons:

- (A) The applicant;
- (B) All owners of record of real property within 160 feet of the parcel(s) subject to the application (excluding the right-of-way of an abutting street), as shown on the most recently available Jackson County tax rolls—provided, however, that where the properties are part of a condominium or timeshare development, the notice may be mailed to the president or manager of the property owners association in lieu of individual unit owners; and
- (C) The planning commission or governing board of the county or an

Article 2: Administration

Section 2.3: Standard Review Procedures

2.3.D Step 4: Scheduling and Notice of Public Hearings

adjacent municipality if its jurisdictional boundary lies within 500 feet of the parcel(s) subject to an application for a Map Amendment (Rezoning) involving more than ten acres, a Special Use Permit for an Adult Use, or Site Plan Approval involving more than 100 dwelling units or 100,000 square feet of floor area.

iii. Optional Posted Notice

The City Manager may cause notice of a public hearing on an application to be prepared and posted on the property subject to the application. If a notice is posted, it shall be posted where it is clearly visible to traffic along the principal street abutting the property.

c. Notice Content

Required published and mailed public notices shall, at a minimum:

- i.** Identify the application;
- ii.** Identify the size of the property subject to the application;
- iii.** Identify the location of the property subject to the application by street address or by its relationship to a fronting street and nearest cross street, if applicable (not applicable to notices posted on the subject property);
- iv.** Include a legal description of the property subject to the application;
- v.** Describe the nature and scope of the proposed development or action;
- vi.** Identify the date, time, and location of the public hearing being noticed, and state that interested parties may appear at the hearing and speak and submit evidence and written comments on the application;
- vii.** Indicate how and where written comments on the application may be submitted before the hearing; and
- viii.** Indicate how and where additional information about the application and review process may be obtained.

d. Affidavit of Notice

The City Manager shall prepare and sign an affidavit affirming that public notice meeting the requirements of this subsection was provided. Such an affidavit shall be conclusive that required notice was given in accordance with the terms of this subsection.

e. Constructive Notice

- i.** Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt is made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to, errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties.
- ii.** Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a public hearing and the location of the subject property shall be strictly adhered to.
- iii.** If questions arise at the hearing regarding the adequacy of notice, the body holding the hearing shall direct the City Manager to make a formal finding as to whether there is substantial compliance with the notice requirements of this Ordinance. Any such finding made before the Planning Board shall be made available to the City Council before final action on the application.

E. STEP 5: ACTION BY REVIEW AND DECISION-MAKING AUTHORITIES

1. STAFF DECISION

a. Decision

If an application is subject to a decision by the City Manager (See Table 2.3, Summary of Development Review Responsibilities.), the City Manager shall, based on the findings of the staff report, approve the application, approve the application subject to conditions, or deny the application.

b. Conditions of Approval

Conditions of approval shall be limited to those deemed necessary to ensure compliance with the requirements and particular standards of this Ordinance or prevent or minimize adverse effects from the proposed development on surrounding lands. They shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding development. All conditions of approval shall be expressly set forth in the statement of approval.

2. PLANNING BOARD PUBLIC HEARING, REVIEW, AND RECOMMENDATION

If an application is subject to a recommendation by the Planning Board (See Table 2.3, Summary of Development Review Responsibilities.), the Planning Board shall hold a public hearing on the application and review and recommend action on the application in accordance with the following procedures.

a. Public Hearing Procedures

i. General

All required public hearings on development applications (See Table 2.3, Summary of Development Review Responsibilities) shall comply with the procedures set forth in this subsection and as required by state law.

ii. Burden of Proof

The burden of demonstrating that an application complies with applicable review and approval standards is on the applicant. The burden is not on the city or other parties to show that the standards are not met by the applicant.

iii. Conduct of the Hearing

(A) Rights of All Persons

Any person may appear at the hearing and submit documents, materials, and other written or oral testimony, either individually or as a representative of an organization. Persons speaking at the hearing shall identify themselves, state their home or business address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization they represent.

(B) Time Restrictions

The Planning Board may place reasonable and equitable time restrictions on the presentation of testimony and the submittal of documents and other materials.

(C) Continuance of Hearing

The Planning Board may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time and place.

Article 2: Administration

Section 2.3: Standard Review Procedures

2.3.E Step 5: Action by Review and Decision-Making Authorities

iv. Public Hearing Record

The Planning Board shall record the proceedings by any appropriate means. If a sound recording is made, any person shall be entitled to listen to the recording at a reasonable time, or make copies at that person’s own expense, at the Code Enforcement Department.

b. Review and Recommendation

- i.** The Planning Board shall consider the application, relevant support materials, the staff report, and testimony and materials submitted at the public hearing, and shall recommend one of the decisions authorized for the application, based on the review standards set forth in Section 2.5, Application-Specific Review Procedures and Standards, for the particular type of application.
- ii.** The Planning Board’s recommendation shall state whether the application complies with the applicable review standards and clearly state the factors considered in making the recommendation and the basis or rationale for the recommendation.
- iii.** The Planning Board shall take action as promptly as possible in consideration of the interests of the applicant, affected parties, and citizens of the city.

c. Failure of Planning Board to Act on Application at Meeting

Irrespective of the above, if the Planning Board fails to act on an application at the meeting at which it is scheduled for Planning Board review—whether due to the lack of a quorum or a failure to decide on a recommendation—the application shall be directly forwarded to the City Council. The City Council may refer the application back to the Planning Board for completion of its review at the next Planning Board meeting, or may go ahead and hold a public hearing and decide the application without a Planning Board recommendation, in accordance with Section 2.3.E.3 below.

3. CITY COUNCIL PUBLIC HEARING, REVIEW, AND DECISION

If an application is subject to a decision by the City Council (See Table 2.3, Summary of Development Review Responsibilities.), the City Council shall hold a public hearing on the application and review and decide the application in accordance with the following procedures.

a. Public Hearing

In holding a public hearing, the City Council shall comply with the procedural requirements in Section 2.3.E.2.a, Public Hearing Procedures, applicable to public hearings held by the Planning Board, except that any sound recording of a hearing held by the City Council shall be available for persons to listen to or copy at the offices of the City Clerk.

b. Review and Decision

- i.** The City Council shall review the application, relevant support materials, the staff report, the Planning Board recommendation, and any testimony and materials submitted at the public hearings, and shall decide to approve the application, approve the application subject to conditions, or deny the application, based on the review standards set forth in Section 2.5, Application-Specific Review Procedures and Standards, for the particular type of application.
- ii.** The City Council may remand the application to the staff and Planning

Board for further consideration.

- iii. Unless stated otherwise in this Ordinance, the City Council’s decision shall state whether the application complies with the applicable review standards and clearly state the factors considered in making the decision and the basis or rationale for the recommended decision.
- iv. The City Council shall take action as promptly as possible in consideration of the interests of the applicant, affected parties, and citizens of the city.

c. Conditions of Approval

Conditions of approval shall be limited to those deemed necessary to ensure compliance with the requirements and particular standards of this Ordinance or prevent or minimize adverse effects from the proposed development on surrounding lands. They shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding development. All conditions of approval shall be expressly set forth in the statement of approval.

F. ADMINISTRATIVE APPEAL

- 1. A party aggrieved by a final decision by a decision-making authority other than the City Council may appeal the decision in accordance with any provisions specified for the particular application type in Section 2.5, Application-Specific Review Procedures and Standards, and the procedures in Section 2.5.O, Administrative Appeal.
- 2. A final decision by the City Council on an application (including its decision on an Administrative Appeal application) constitutes the final decision of the city. A person aggrieved by such a final decision by the City Council may appeal the decision by filing a notice of appeal with the clerk to the Circuit Court of Jackson County no later than ten days after adjournment of the meeting at which the decision was made and by filing a bill of exceptions with the Clerk of Council and the circuit court clerk in the time and manner provided by law.

2.4. POST-DECISION ACTIONS AND LIMITATIONS

A. NOTICE OF DECISION

Within ten calendar days after a final decision on an application reviewed under this Ordinance, the City Manager shall provide the applicant written notice of the decision and make a copy of the decision available to the public in the offices of the Code Development Department, during normal business hours.

B. EXPIRATION OF APPROVAL

1. GENERAL

Development permits and approvals granted under this Ordinance shall expire as provided in Section 2.5, Application-Specific Review Procedures and Standards, for the particular type of development application. A change in ownership of the land shall not affect the established expiration time period.

2. EXTENSION OF EXPIRATION TIME PERIOD

Except as otherwise provided in Section 2.5, Application-Specific Review Procedures and Standards, for the particular type of development application, the City Manager may, on receiving a written request for extension before the expiration date and upon

Article 2: Administration

Section 2.5: Application-Specific Review Procedures and Standards

2.4.C Modification or Amendment of Approval

a showing of good cause, grant one extension of the expiration time period, not to exceed one-fourth of the established expiration time period (e.g., a six-month extension to a two-year expiration time period).

C. MODIFICATION OR AMENDMENT OF APPROVAL

Except as otherwise provided in Section 2.5, Application-Specific Review Procedures and Standards, for the particular type of development application, any modifications of approved plans or conditions of approval shall require amendment of the permit or approval submitted and reviewed in accordance with the full procedural requirements applicable to a new application.

D. LIMITATION ON SUBSEQUENT SIMILAR APPLICATIONS

1. PRIOR APPLICATION DENIAL

- a. If a development application requiring public hearings is denied, no application proposing the same or similar development on all or part of the same land shall be submitted within one year after the date of denial unless the City Council waives this time limit in accordance with subparagraph b, below.
- b. The owner of the subject land, or the owner’s authorized agent, may submit a written request for waiver of the time limit, along with a fee to defray the cost of processing the request, to the City Manager, who shall transmit the request to the City Council. The City Council may grant a waiver of the time limit upon finding that the requestor has demonstrated that:
 - i. There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the City Council’s application of the relevant review standards to the development proposed in the new application; or
 - ii. New or additional information is available that was not available at the time of review of the prior application and that might reasonably affect the City Council’s application of the relevant review standards to the development proposed in the new application; or
 - iii. The new application proposed to be submitted is materially different from the prior application; or
 - iv. The final decision on the prior application was based on a material mistake of fact.

2. PRIOR APPLICATION WITHDRAWAL

If a development application requiring a public hearing is withdrawn after required notice of the public hearing is provided, no application proposing the same or similar development on all or part of the same land shall be submitted within six months after the date of withdrawal unless otherwise consented to by the Planning Board upon good cause presented by the applicant.

2.5. APPLICATION-SPECIFIC REVIEW PROCEDURES AND STANDARDS

This section sets forth supplemental review procedures, standards, and related information for each of the development applications listed in Table 2.5, Summary of Development Review Responsibilities. They apply in addition to, or instead of, the standard review procedures set forth in Section 2.3, Standard Review Procedures.

A. TEXT AMENDMENT

1. PURPOSE

The purpose of this subsection is to provide a uniform means for amending the text of this Ordinance whenever the public necessity, convenience, general welfare, or appropriate land use practices justify doing so.

2. PROCEDURE

a. Step 1: Pre-Application Meeting

Not applicable.

b. Step 2: Application Submittal and Acceptance

Applicable—see Section 2.3.B—except that applications may be initiated only by the City Council, Planning Board, or City Manager.

c. Step 3: Staff Review and Report

Applicable—see Section 2.3.C.

d. Step 4: Scheduling and Notice of Public Hearing

Applicable—see Section 2.3.D.

e. Step 5: Action by Review and Decision-Making Authorities

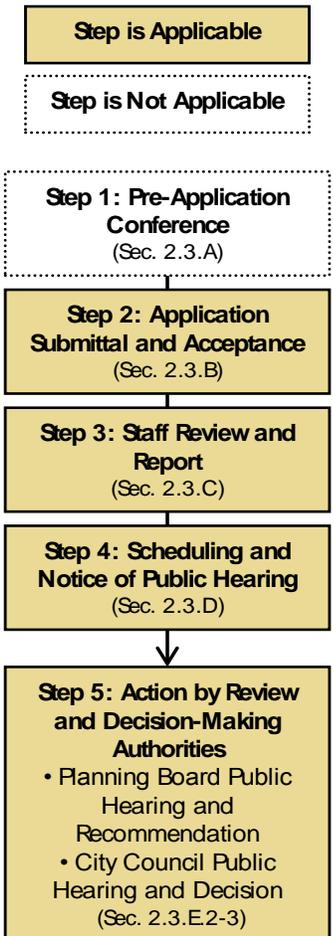
Applicable to a public hearing and recommendation by the Planning Board and a public hearing and final decision by the City Council—see Sections 2.3.E.2-3. The following alternative or additional procedures shall apply:

i. Review Standards

Amending the text of this Ordinance is a matter committed to the legislative discretion of the City Council. In determining whether to adopt or deny the proposed amendment, the City Council shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

- (A) Is consistent with all city-adopted plans that are applicable;
- (B) Is in conflict with any provision of this Ordinance, and related city regulations;
- (C) Is required by changed conditions;
- (D) Addresses a demonstrated community need;
- (E) Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and would ensure efficient development within the city;
- (F) Would result in a logical and orderly development pattern; and
- (G) Would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Text Amendment



Article 2: Administration

Section 2.5: Application-Specific Review Procedures and Standards
2.5.B Map Amendment (Rezoning)

f. Administrative Appeal

Not applicable—see Section 2.3.F.

3. EXPIRATION

Approval of Text Amendment shall not expire, but the amended text is subject to further amendment in accordance with the text amendment procedures set forth in this subsection.

B. MAP AMENDMENT (REZONING)

1. PURPOSE

The purpose of this subsection is to provide a uniform means for amending the Official Zoning Map (Rezoning) whenever the public necessity, convenience, general welfare, or appropriate land use practices justify doing so.

2. PROCEDURE

a. Step 1: Pre-Application Meeting

Applicable—see Section 2.3.A.

b. Step 2: Application Submittal and Acceptance

Applicable—see Section 2.3.B—except that applications may be initiated by the City Council, Planning Board, or City Manager, as well as a person who may submit applications in accordance with Section 2.3.B.1, Authority to Submit Applications.

c. Step 3: Staff Review and Report

Applicable—see Section 2.3.C.

d. Step 4: Scheduling and Notice of Public Hearing

Applicable—see Section 2.3.D.

e. Step 5: Action by Review and Decision-Making Authorities

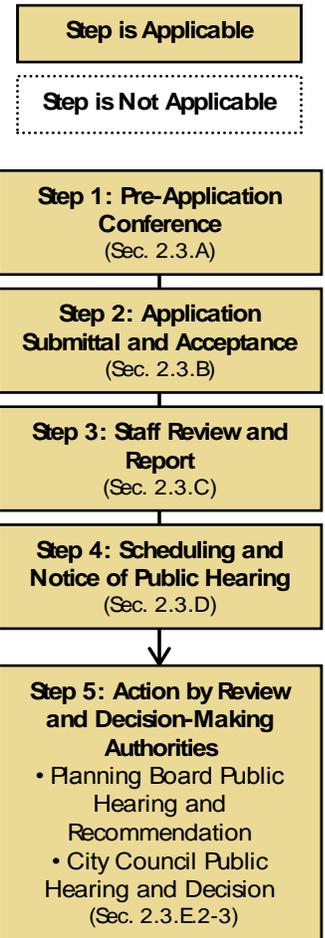
Applicable to a public hearing and recommendation by the Planning Board and a public hearing and final decision by the City Council—see Section 2.3.E.2-3. The following alternative or additional procedures and standard shall apply:

i. Authorized Decisions

The City Council’s decision shall be one of the following:

- (A) Approval of the application as submitted;
- (B) Approval of the application with a reduction in the area proposed to be rezoned;
- (C) Approval of a rezoning to a more restricted base zoning district; or
- (D) Denial of the application.

Map Amendment



ii. Protest Petition

In accordance with the Mississippi Code,¹ an application to amend the Official Zoning Map (Rezoning) that is subject to a valid protest petition (as defined in Section 10.2, Terms and Uses Defined) shall only be approved by an affirmative vote of at least three-fifths of all the members of the City Council who are not required by law or ethical considerations to recuse themselves.

iii. Review Standards

Amending the Official Zoning Map (Rezoning) is a matter committed to the legislative discretion of the City Council. In determining whether to adopt or deny a proposed amendment, the City Council shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

- (A) Is consistent with all city-adopted plans that are applicable;
- (B) Is required by changed conditions;
- (C) Addresses a demonstrated community need;
- (D) Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;
- (E) Would result in a logical and orderly development pattern, or deviate from logical and orderly development patterns;
- (F) Would encourage premature development;
- (G) Would result in strip or ribbon commercial development;
- (H) Would result in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts;
- (I) Would result in significant adverse impacts on the property values of surrounding lands;
- (J) Would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and
- (K) Is the result of a mistake in the original zoning designation.

f. Administrative Appeal

Not applicable—see Section 2.3.F.

3. EXPIRATION

Approval of Map Amendment (Rezoning) shall not expire, but the amended Official Zoning Map is subject to further amendment in accordance with the map amendment procedures set forth in this subsection.

C. SPECIAL USE PERMIT

1. PURPOSE

A use designated as a Special Use in a particular zoning district is one that may be appropriate in the district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. The

¹ Miss. Code § 17-1-17.

Article 2: Administration

Section 2.5: Application-Specific Review Procedures and Standards
2.5.C Special Use Permit

purpose of this subsection is to establish procedures and standards for review and approval of Special Use Permits that provide for such special consideration.

2. APPLICABILITY

A Special Use Permit approved in accordance with this subsection is required for development of any use designated in Table 2.5.C, Principal Use Table, as a Special Use in the zoning district where proposed.

3. PROCEDURE

a. Step 1: Pre-Application Meeting

Applicable—see Section 2.3.A.

b. Step 2: Application Submittal and Acceptance

Applicable—see Section 2.3.B.

c. Step 3: Staff Review and Report

Applicable—see Section 2.3.C.

d. Step 4: Scheduling and Notice of Public Hearing

Applicable—see Section 2.3.D.

e. Step 5: Action by Review and Decision-Making Authorities

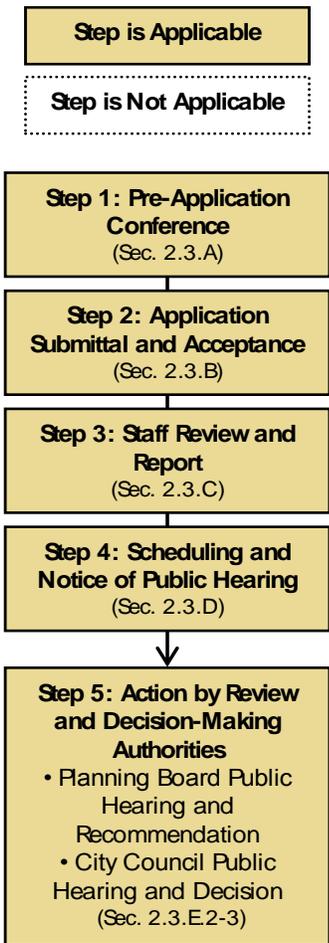
Applicable to a public hearing and recommendation by the Planning Board and a public hearing and final decision by the City Council—see Section 2.3.E.2-3. The following alternative or additional procedures and standards shall apply:

i. Review Standards

A Special Use Permit shall be approved only on a finding that the Special Use, as proposed:

- (A) Complies with all applicable zoning district standards;
- (B) Complies with all standards in Section 4.3, Standards for Specific Principal Uses;
- (C) Is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (D) Avoids significant adverse economic, odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;
- (E) Is configured and designed to screen, buffer, or otherwise minimize adverse visual impacts on adjacent lands;
- (F) Avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (G) Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;
- (H) Allows for the protection of property values and the ability of

Special Use Permit



neighboring lands to develop the uses permitted in the zoning district; and

- (I) Complies with all other relevant city, state and federal laws and regulations.

f. Administrative Appeal

Not applicable—see Section 2.3.F.

4. PERMIT ISSUANCE

If the application is approved, the City Manager shall prepare a Special Use Permit identifying the site and approved plans and documents and listing any conditions of approval, and shall issue the permit to the applicant.

5. RECORDATION

The applicant shall file an issued Special Use Permit, along with a legal description of the subject property, with the Office of the Chancery Clerk of Jackson County for recording, and shall provide proof of recording to the City Manager.

6. EXPIRATION

- a. A Special Use Permit shall automatically expire if a Zoning Compliance Permit for the development authorized by the Special Use Permit is not obtained within one year after the date of issuance of the Special Use Permit, or an authorized extension of this time period (See Section 2.4.B.2, Extension of Expiration Time Period.).
- b. A Special Use Permit shall automatically expire if the development authorized by the Special Use Permit is discontinued and not resumed for a period of one year, or an extension of this time period granted in accordance with Section 2.4.B.2, Extension of Expiration Time Period.
- c. If an approved and recorded Special Use Permit expires, the City Manager shall file a written notice of the permit’s expiration, along with a legal description of the subject property, with the Office of the Chancery Clerk of Jackson County for recording.

7. EFFECT OF APPROVAL

A Special Use Permit authorizes the applicant to submit an application for a Zoning Compliance Permit and any other development permit or approval of detailed plans that may be required before construction or use of the development authorized by the Special Use Permit. A Special Use Permit authorizes only the particular Special Use and associated development that is approved. Unless it expires in accordance with Section 2.5.C.6, Expiration, or is revoked in accordance with Section 9.6.A.2, Revocation of Permit or Approval, a Special Use Permit, including any approved plans and conditions, shall run with the land, and shall not be affected by a change in ownership unless specifically conditioned as part of the approval.

8. MINOR DEVIATIONS FROM APPROVED PLANS

- a. Subsequent applications for a Zoning Compliance Permit or other development permit or approval for development subject to an approved Special Use Permit may include minor deviations from the approved plans and conditions, without the need to amend the Special Use Permit, provided such deviations are limited to changes that the City Manager determines would not:
 - i. Materially alter the drainage, streets, or other engineering design;

Article 2: Administration

Section 2.5: Application-Specific Review Procedures and Standards

2.5.D Site Plan Approval

- ii. Adversely impact the management of storm water quality or storm water quantity;
 - iii. Substantially affect the terms of the original approval; or
 - iv. Result in significant adverse impacts on the surrounding properties or the city at large.
- b. Any other modifications of development subject to an approved Special Use Permit shall require amendment of the Special Use Permit in accordance with Section 2.4.C, Modification or Amendment of Approval.

D. SITE PLAN APPROVAL

1. PURPOSE

Site plan approval procedures are intended to ensure that the layout and general design of proposed major developments is compatible with surrounding uses and complies with all applicable standards in this Ordinance and all other applicable city regulations. The purpose of this subsection is to establish the procedure and standards for review and approval of Site Plans.

2. APPLICABILITY

Site Plan Approval obtained in accordance with this subsection is required before issuance of a Zoning Compliance Permit for any of the following developments:

- a. Multifamily residential development with 10 or more new or additional dwelling units;
- b. Nonresidential development with 50,000 or more square feet in new or additional gross floor area; or
- c. Any development with 25,000 or more square feet in new or additional disturbed land area.

3. PROCEDURE

a. Step 1: Pre-Application Meeting

Applicable—see Section 2.3.A.

b. Step 2: Application Submittal and Acceptance

Applicable—see Section 2.3.B. If the development is proposed to be constructed in phases, the application shall include a phasing plan showing compliance with the phasing criteria in Section 7.7, Phasing.

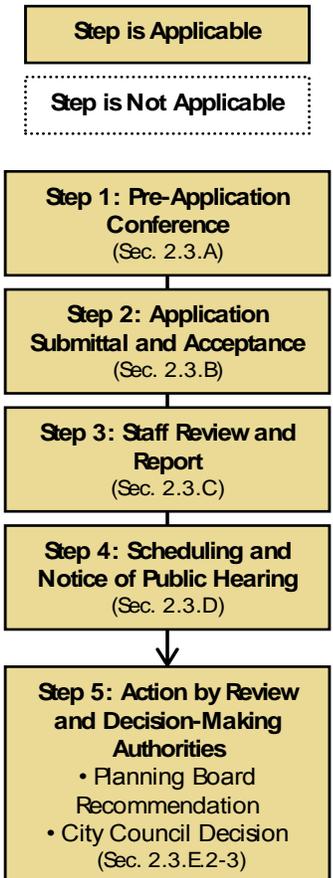
c. Step 3: Staff Review and Report

Applicable—see Section 2.3.C.

d. Step 4: Scheduling and Notice of Public Hearing

Applicable—see Section 2.3.D.

Site Plan Approval



e. Step 5: Action by Review and Decision-Making Authorities

Applicable to a recommendation by the Planning Board and a final decision by the City Council—see Section 2.3.E.2-3. The following alternative or additional procedures and standards shall apply:

i. No Public Hearings Required

Neither the Planning Board nor the City Council is required to hold a public hearing on the application.

ii. Review Standards

Site Plan Approval shall be granted only on a finding that the proposed development complies with:

- (A) The applicable district, use, and intensity and dimensional standards (Articles 3, 4, and 5);
- (B) The applicable development standards (Article 6);
- (C) All other applicable standards in this Ordinance;
- (D) All requirements or conditions of any applicable development approvals (e.g., Special Use Permit); and
- (E) All other applicable city regulations.

f. Administrative Appeal

Not applicable—see Section 2.3.F.

4. EXPIRATION

Site Plan Approval shall automatically expire if a Zoning Compliance Permit for the development authorized by the Site Plan Approval is not obtained within one year after the date of approval, or an extension of this time period granted in accordance Section 2.4.B.2, Extension of Expiration Time Period.

5. EFFECT OF SITE PLAN APPROVAL

Site Plan Approval authorizes the applicant to submit an application for a Zoning Compliance Permit and any other development permit or approval of detailed plans that may be required before construction or use of the development authorized by the Site Plan Approval.

6. PERFORMANCE GUARANTEES

If all required on-site or off-site public infrastructure improvements are not installed or completed before application for a Building Permit, or all required landscaping and other private site improvements are not installed or completed before application for a Certificate of Occupancy, the landowner or applicant shall provide a performance guarantee in accordance with the standards in Section 7.8, Performance and Maintenance Guarantees.

7. MINOR DEVIATIONS FROM APPROVED PLANS

a. Subsequent applications for a Zoning Compliance Permit or other permits for development subject to a Site Plan Approval may include minor deviations from the approved plans and conditions, without the need to amend the Site Plan Approval, provided such deviations are limited to changes that the City Manager determines would not:

- i.** Increase the density of residential development or gross square footage of nonresidential development;

Article 2: Administration

Section 2.5: Application-Specific Review Procedures and Standards

2.5.E Subdivision Approval

- ii. Increase or decrease the number of building stories;
 - iii. Materially alter the drainage, streets, or other engineering design;
 - iv. Adversely impact the management of storm water quality or storm water quantity;
 - v. Substantially change any approved phasing plan;
 - vi. Substantially affect the terms of the original approval; or
 - vii. Result in significant adverse impacts on the surrounding properties or the city at large.
- b. Any other modifications of development subject to a Site Plan Approval shall require amendment of the Site Plan Approval in accordance with Section 2.4.C, Modification or Amendment of Approval.

E. SUBDIVISION APPROVAL

1. PURPOSE

The purpose of this subsection is to provide a uniform means for the approval of divisions of land and to ensure, in conjunction with Article 7: Subdivision Standards, that subdivisions promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the city by:

- a. Providing for the orderly growth and development of the city;
- b. Coordinating streets and roads within proposed subdivisions with the city’s street system and transportation plans, and with other public facilities;
- c. Providing rights-of-way for streets and utility easements;
- d. Avoiding congestion and overcrowding, and encouraging the proper arrangement of streets in relation to existing or planned streets;
- e. Ensuring there is adequate open space and recreation facilities to serve development; and
- f. Ensuring there is proper recordation of landownership or property owner association records, where applicable.

2. APPLICABILITY

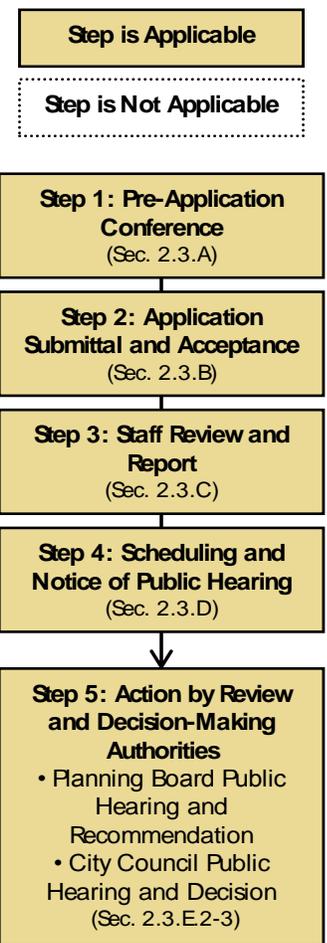
Preliminary Plat Approval and Final Plat Approval in accordance with this subsection are required before any division of land constituting a subdivision, as defined in Section 10.2, Terms and Uses Defined, may be recorded, or any lot or parcel within the subdivision may be sold or developed.

3. PRELIMINARY PLAT

a. Procedure

- i. **Step 1: Pre-Application Meeting**
Applicable—see Section 2.3.A.

Preliminary Plat Approval



ii. Step 2: Application Submittal and Acceptance

Applicable—see Section 2.3.B. If the subdivision is proposed to be constructed in phases, the application shall include a phasing plan showing compliance with the phasing criteria in Section 7.7, Phasing.

iii. Step 3: Staff Review and Report

Applicable—see Section 2.3.C.

iv. Step 4: Scheduling and Notice of Public Hearing

Applicable—see Section 2.3.D.

v. Step 5: Action by Review and Decision-Making Authorities

Applicable to a public hearing and recommendation by the Planning Board and a public hearing and final decision by the City Council—see Section 2.3.E.2-3. The following alternative or additional procedures and standards shall apply:

(A) Review Standards

Preliminary Plat Approval shall be granted only on a finding that the development complies with:

- (1) The applicable standards in Article 7: Subdivision Standards;
- (2) All other applicable standards in this Ordinance;
- (3) All requirements or conditions of any applicable development approvals (e.g., Special Use Permit) for the land; and
- (4) All other applicable city regulations.

b. Administrative Appeal

Not applicable—see Section 2.3.F.

c. Expiration

i. Preliminary Plat Approval shall automatically expire if an application for Final Plat Approval for the subdivision, or a phase of the subdivision approved as part of the Preliminary Plat, is not submitted within two years after the date of the Preliminary Plat Approval, or an extension of this time period granted in accordance with Section 2.4.B.2, Extension of Expiration Time Period.

ii. Preliminary Plat Approval shall automatically expire if no application for Final Plat Approval for an approved phase of the subdivision is submitted within two years after the date of Final Plat Approval for a prior phase of the subdivision, or an extension of this time period granted in accordance with Section 2.4.B.2, Extension of Expiration Time Period.

d. Effect of Preliminary Plat Approval

i. Preliminary Plat Approval authorizes the subdivider to submit an application for a Zoning Compliance Permit in accordance with Section 2.5.I, Zoning Compliance Permit, for approval of public infrastructure improvements (e.g., streets, sidewalks, storm water management facilities, water distribution facilities, fire hydrants, sewage collection and disposal facilities) proposed to serve the subdivision or an approved phase of the subdivision, and to seek approval of private utilities (e.g., electrical, gas, telephone, and cable television distribution facilities) from the appropriate agencies.

ii. Preliminary Plat Approval also authorizes the subdivider to submit an application for Final Plat Approval for the subdivision or an approved phase

Article 2: Administration

Section 2.5: Application-Specific Review Procedures and Standards

2.5.E Subdivision Approval

of the subdivision in accordance with Section 2.5.E.4, Final Plat, provided a Zoning Compliance Permit for all public infrastructure improvements required to serve the area covered by the Final Plat has been approved and either the improvements have been constructed and accepted, or performance and maintenance guarantees ensuring such construction have been approved in accordance with Section 2.5.E.3.e, Completion of Public Infrastructure Improvements.

e. Completion of Public Infrastructure Improvements

- i.** The subdivider may apply for Final Plat Approval only after construction or installation of all public infrastructure improvements required to serve the area covered by the Final Plat is completed or such completion is ensured by performance and maintenance guarantees approved by the city. Before submitting an application for Final Plat Approval, the subdivider shall submit to the City Manager a request for city inspection of all public improvements required to serve the area covered by the Final Plat for completion in accordance with the Zoning Compliance Permit.
- ii.** If the City Manager determines that any required public infrastructure improvements are not complete, the subdivider shall provide a performance guarantee to ensure their completion in accordance with Section 7.8, Performance and Maintenance Guarantees.
- iii.** The subdivider shall also provide maintenance guarantees in accordance with Section 7.8, Performance and Maintenance Guarantees, to ensure maintenance of completed public infrastructure improvements until they are accepted by the city.

f. Minor Deviations from Approved Preliminary Plat

- i.** Subsequent applications for Final Plat Approval or approval of a Zoning Compliance Permit for development subject to a Preliminary Plat Approval may include minor deviations from the approved plans and conditions, without the need to amend the Preliminary Plat Approval, provided such deviations are limited to changes that the City Manager determines would not:
 - (A)** Increase the number of lots by more than five percent;
 - (B)** Decrease the amount of open space;
 - (C)** Substantially change the location or dimensions of open space;
 - (D)** Materially alter the drainage, streets, or other engineering design;
 - (E)** Adversely impact the management of storm water quality or storm water quantity;
 - (F)** Substantially change any approved phasing plan;
 - (G)** Substantially affect the terms of the original approval; or
 - (H)** Result in significant adverse impacts on the surrounding properties or the city at large.
- ii.** Any other modifications of development subject to a Preliminary Plat Approval other than the minor deviations listed in Section 2.5.E.3.f.i above shall require amendment of the Preliminary Plat Approval in accordance with Section 2.4.C, Modification or Amendment of Approval.

4. FINAL PLAT

a. Procedure

i. Step 1: Pre-Application Meeting

Not applicable.

ii. Step 2: Application Submittal and Acceptance

Applicable—see Section 2.3.B. In addition, no application for approval of a Final Plat for a subdivision or an approved phase of a subdivision shall be submitted unless:

(A) A Preliminary Plat for the subdivision is approved and is unexpired; and

(B) Either construction or installation of all public infrastructure improvements that are approved as part of the Preliminary Plat—and that are required to serve the area covered by the Final Plat—is inspected and approved as complete, or such completion is ensured by performance and maintenance guarantees, in accordance with Section 2.5.E.3.e, Completion of Public Infrastructure Improvements.

iii. Step 3: Staff Review and Report

Applicable—see Section 2.3.C.

iv. Step 4: Scheduling and Notice of Public Hearing

Not applicable.

v. Step 5: Action by Review and Decision-Making Authorities

Applicable to a final decision by the City Council—see Section 2.3.E.3. The following alternative or additional procedures and standards shall apply:

(A) No Planning Board Review or Public Hearing Required

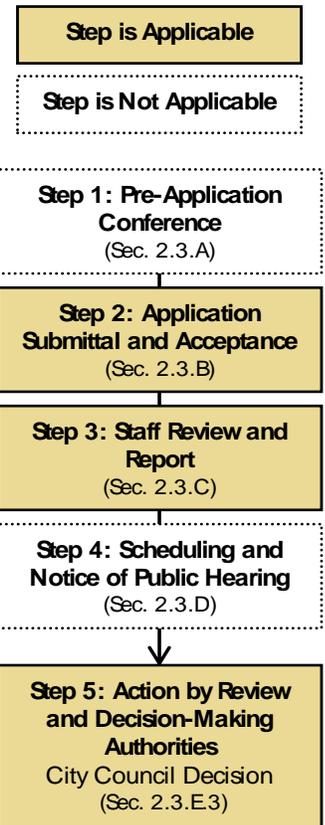
The Planning Board does not review the application and the City Council is not required to hold a public hearing on the application.

(B) Review Standards

Final Plat Approval shall be granted only on a finding that the Final Plat:

- (1)** Is in substantial conformity with the Preliminary Plat Approval (See Section 2.5.E.3.f.i for allowed deviations from preliminary plats.);
- (2)** Complies with the standards in Article 7: Subdivision Standards;
- (3)** Complies with all other relevant provisions of this Ordinance;
- (4)** Complies with all other relevant city regulations; and
- (5)** Includes all required certificates.

Final Plat Approval



Article 2: Administration

Section 2.5: Application-Specific Review Procedures and Standards

2.5.F Tree Removal Permit

vi. Administrative Appeal

Not applicable—see Section 2.3.F.

b. Certification

If an application for Final Plat Approval is approved, the applicant shall revise the Final Plat as necessary to incorporate any conditions of approval and any required certification forms and signatures, and shall submit the revised plat to the City Manager within 15 days after the date of approval. On determining that the plat is properly revised, the City Manager and the Mayor shall enter onto the plat a signed certification that the plat is approved by the city in accordance with this Ordinance, and any other certifications as may be appropriate.

c. Recordation

The subdivider shall file an approved and certified Final Plat with the Office of the Chancery Clerk of Jackson County for recording, and shall provide proof of recording to the City Manager.

d. Expiration

Final Plat approval shall automatically expire if the plat is not submitted for certification within 15 days, as required in Section 2.5.E.4.b, Certification, or is not recorded with the Office of the Chancery Clerk of Jackson County within 30 days after the date it is certified as approved. This expiration period may not be extended in accordance with Section 2.4.B.2, Extension of Expiration Time Period.

e. Effect of Approval

Approval of a Final Plat allows a subdivider to proceed with recording the plat and conveying the platted lots by reference to the recorded plat.

f. Amendment

If a Final Plat is recorded and lots or parcels conveyed to others, anyone desiring to amend the final plat must follow the procedure set forth in Section 19-27-31 of the Mississippi Code of 1972.

g. Acceptance of Dedications

Approval of a Final Plat and recordation of the plat with the Office of the Chancery Clerk of Jackson County shall, unless otherwise specified on the plat, constitute the acceptance of the dedication to public use of any rights-of-way, easements, completed public infrastructure improvements, and public parks or open space as shown on the Final Plat. This acceptance of dedication shall not constitute or imply a responsibility of the city or other public agency to open or maintain such rights-of-way, easements, public infrastructure improvements, or parks or open space until so determined by the City Council or other public agency.

F. TREE REMOVAL PERMIT

1. PURPOSE

The purpose of a Tree Removal Permit is to address the following goals by ensuring compliance with the standards in Section 6.4, Tree Protection:

- a.** Maintain and enhance the trees that contribute to the city’s visual and aesthetic quality;
- b.** Enhance air and water quality;

- c. Buffer incompatible land uses;
- d. Minimize heat and noise impacts; and
- e. Minimize soil erosion and flooding.

2. APPLICABILITY

A Tree Removal Permit approved in accordance with this subsection is required before the removal, relocation, or substantial alteration of any heritage tree, as identified in Section 6.4, Tree Protection, unless the removal, relocation, or alteration is in accordance with a Site Plan Approval (Section 2.5.D), or an approval of a Special Use Permit (Section 2.5.C), Preliminary Plat (Section 2.5.E.3), or Zoning Compliance Permit (2.5.I).

3. PROCEDURE

a. Step 1: Pre-Application Meeting

Not applicable.

b. Step 2: Application Submittal and Acceptance

Applicable—see Section 2.3.B.

c. Step 3: Staff Review and Report

Applicable—see Section 2.3.C.

d. Step 4: Scheduling and Notice of Public Hearing

Not applicable.

e. Step 5: Action by Review and Decision-Making Authorities

Applicable to a final decision by the City Manager—see Section 2.3.E.1. The following alternative or additional procedures and standards shall apply:

i. Review Standards

A Tree Removal Permit shall be approved only upon a finding that all the standards in Section 6.4, Tree Protection, are met.

f. Administrative Appeal

Applicable—see Section 2.5.O, Administrative Appeal.

4. EXPIRATION

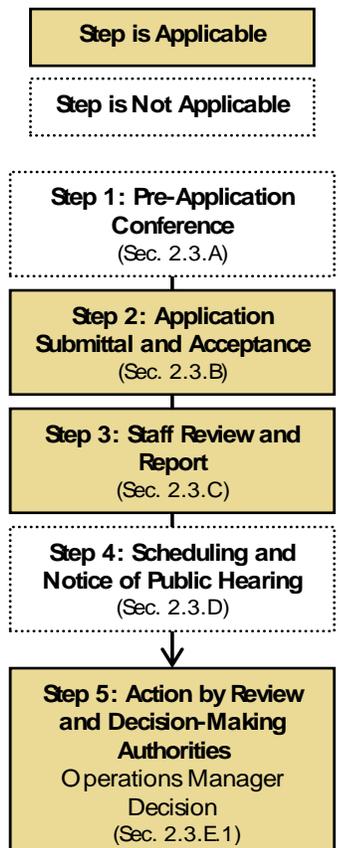
A Tree Removal Permit shall automatically expire at the end of six months following the date of approval. An extension may be granted in accordance with Section 2.4.B.2, Extension of Expiration Time Period, except that the extension may be for a time period of up to three months.

G. TEMPORARY USE PERMIT

1. PURPOSE

The purpose of this subsection is to provide a uniform mechanism for reviewing temporary uses and structures to

Tree Removal Permit



Article 2: Administration

Section 2.5: Application-Specific Review Procedures and Standards
2.5.H Sign Permit

ensure they comply with the standards in Section 4.5, Temporary Uses and Structures.

2. APPLICABILITY

The provisions of this subsection shall apply to all proposed temporary uses as set forth in Section 4.5, Temporary Uses and Structures.

3. PROCEDURE

a. Step 1: Pre-Application Meeting

Not applicable.

b. Step 2: Application Submittal and Acceptance

Applicable—see Section 2.3.B.

c. Step 3: Staff Review and Report

Applicable—see Section 2.3.C.

d. Step 4: Scheduling and Notice of Public Hearing

Not applicable.

e. Step 5: Action by Review and Decision-Making Authorities

Applicable to a final decision by the City Manager—see Section 2.3.E.1. The following alternative or additional procedures and standards shall apply:

i. Staff Decision

The City Manager shall have authority to decide Temporary Use Permit applications.

ii. Review Standards

A Temporary Use Permit shall be approved only upon a finding that the temporary use, as proposed, complies with the relevant standards in Section 4.5, Temporary Uses and Structures.

f. Appeal

Applicable—see Section 2.5.O, Administrative Appeal.

4. EXPIRATION

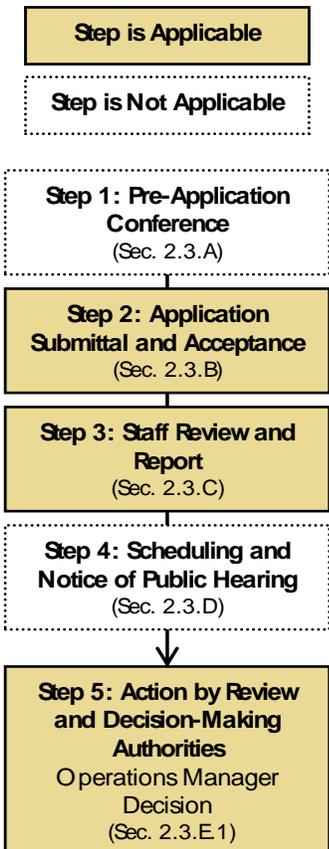
A Temporary Use Permit shall be effective beginning on the date specified in the permit approval, and shall remain effective for the period indicated on the permit, or an authorized extension of this time period (See Section 2.4.B.2, Extension of Expiration Time Period.).

H. SIGN PERMIT

1. PURPOSE

The purpose of this subsection is to provide a uniform mechanism for reviewing applications for Sign Permits to ensure all signs comply with the standards in Section 6.13, Signage.

Temporary Use Permit



2. APPLICABILITY

Unless exempted in accordance with Section 6.13.C, Signs Allowed Without a Sign Permit, a sign may not be erected, placed, moved, constructed, expanded, or structurally altered except pursuant to a Sign Permit approved by the City Manager in accordance with this subsection and any Building Permit required for the sign.

3. PROCEDURE

a. Step 1: Pre-Application Meeting

Not applicable.

b. Step 2: Application Submittal and Acceptance

Applicable—see Section 2.3.B.

c. Step 3: Staff Review and Report

Applicable—see Section 2.3.C.

d. Step 4: Scheduling and Notice of Public Hearing

Not applicable.

e. Step 5: Action by Review and Decision-Making Authorities

Applicable to a final decision by the City Manager—see Section 2.3.E.1. The following alternative or additional procedures and standards shall apply:

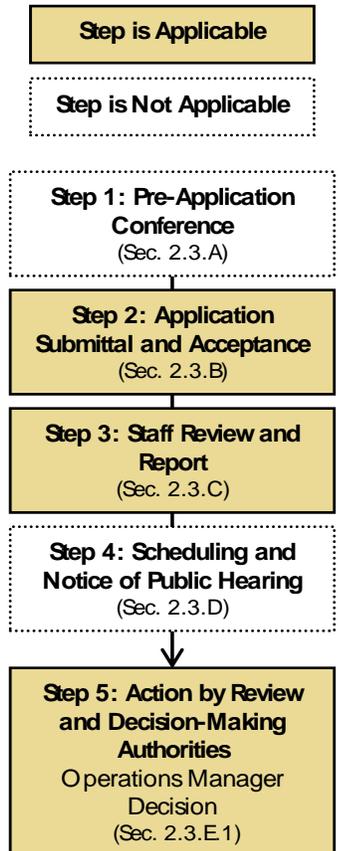
i. Review Standards

A Sign Permit shall be approved only on a finding the application complies with the standards in Section 6.13, Signage, all relevant standards of this Ordinance, and any other applicable city requirements and applicable conditions of approval.

f. Administrative Appeal

Applicable—see Section 2.5.O, Administrative Appeal.

Sign Permit



4. EXPIRATION

A Sign Permit shall automatically expire if the activity it authorizes is not commenced within three months, or is not completed within six months, after issuance of the Sign Permit. An extension of the expiration time period may be granted in accordance with Section 2.4.B.2, Extension of Expiration Time Period, except that the extension may be for a time period of up to three months.

I. ZONING COMPLIANCE PERMIT

1. PURPOSE

The purpose of a Zoning Compliance Permit is to ensure that the changes in use and other development not covered by other development permits or approvals authorized by this Ordinance comply with the standards in this Ordinance. Additionally, the Zoning Compliance Permit is intended to ensure that final, detailed plans for development authorized by prior approvals of preliminary or general plans both

Article 2: Administration

Section 2.5: Application-Specific Review Procedures and Standards

2.5.1 Zoning Compliance Permit

continue to comply with the standards of this Ordinance at a detailed level and comply with any conditions of the previous approvals.

2. APPLICABILITY

a. General

A Zoning Compliance Permit is required before issuance of a Building Permit and before any change in use or any other development. A Zoning Compliance Permit may be applied for and reviewed simultaneously with an application for approval of a Site Plan where the City Manager finds that plans submitted with the applications are sufficiently detailed to determine the development’s full compliance with the standards of this Ordinance.

b. Exemptions

Development authorized by an unexpired Tree Removal Permit, Temporary Use Permit, or Sign Permit shall be exempted from the requirement for a Zoning Compliance Permit.

3. PROCEDURE

a. Step 1: Pre-Application Meeting

Not applicable.

b. Step 2: Application Submittal and Acceptance

Applicable—see Section 2.3.B.

c. Step 3: Staff Review and Report

Applicable—see Section 2.3.C.

d. Step 4: Scheduling and Notice of Public Hearing

Not applicable.

e. Step 5: Action by Review and Decision-Making Authorities

Applicable to a final decision by the City Manager—see Section 2.3.E.1. The following alternative or additional procedures and standards shall apply:

i. Review Standards

A Zoning Compliance Permit shall be approved only upon a finding that the application complies with all applicable standards in this Ordinance, as well as any other applicable city regulations.

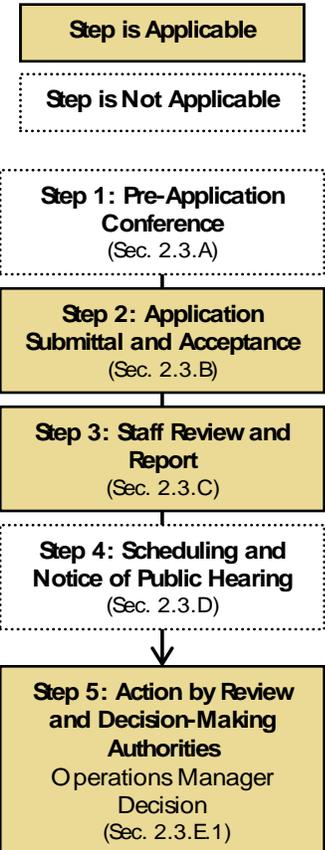
f. Step 6: Administrative Appeal

Applicable—see Section 2.5.O, Administrative Appeal.

4. EXPIRATION

A Zoning Compliance Permit shall automatically expire at the end of six months following the date of approval. An extension of the expiration time period may be granted in accordance with Section 2.4.B.2, Extension of Expiration Time Period, except that the extension may be for a time period of up to three months.

Zoning Compliance Permit



J. BUILDING PERMIT

1. GENERAL

Building Permits are approved and issued by the City Manager in accordance with review procedures and construction standards in the International Building Code, as adopted and modified in accordance with Chapter 14, Buildings and Building Regulations, of the Code of Ordinances. A Building Permit is required before construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, or demolition of any building or structure and certifies that such work complies with the construction standards in the Building Code.

2. RELATIONSHIP TO THIS ORDINANCE

No Building Permit shall be issued for a structure except in accordance with a previously issued Zoning Compliance Permit, Temporary Use Permit, or Sign Permit for development that includes the structure.

K. CERTIFICATE OF OCCUPANCY

1. GENERAL

Certificates of Occupancy are approved and issued by the City Manager in accordance with review procedures and construction standards in the International Building Code, as adopted and modified in accordance with Chapter 14, Buildings and Building Regulations, of the Code of Ordinances. A Certificate of Occupancy is required before a structure being developed in accordance with a Building Permit may be occupied or used for its authorized purpose. It certifies that work on a structure is completed in compliance with the Building Code and terms of the Building Permit, but also with all other applicable city regulations, including those in this Ordinance. A Certificate of Occupancy thus serves as a final check on a structure's compliance with the requirements of this Ordinance.

2. RELATIONSHIP TO THIS ORDINANCE

No Certificate of Occupancy shall be issued for a structure unless and until the structure is completed in full compliance with a Zoning Compliance Permit, Temporary Use Permit, or Sign Permit authorizing development that includes the structure.

L. VARIANCE

1. PURPOSE

The purpose of a Variance is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar numeric standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions or the narrowness, shallowness, or shape of a specific parcel of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. Variances are to be sparingly exercised and only in rare instances and under exceptional circumstances to relieve undue and unique hardships to the landowner. No change in permitted uses may be authorized by variance.

2. APPLICABILITY

The following standards may be varied through the Variance procedure:

Article 2: Administration

Section 2.5: Application-Specific Review Procedures and Standards
2.5.L Variance

- a. The maximum height standards, maximum lot coverage standards, minimum yard and setback standards, minimum lot area standards, and minimum lot width standards for each zoning district in Article 3: Zoning Districts;
- b. The standards in:
 - i. Section 6.2, Off-Street Parking and Loading;
 - ii. Section 6.3, Landscaping Standards;
 - iii. Section 6.7, Fences and Walls;
 - iv. Section 6.8, Exterior Lighting; and
 - v. Section 6.13, Signage.

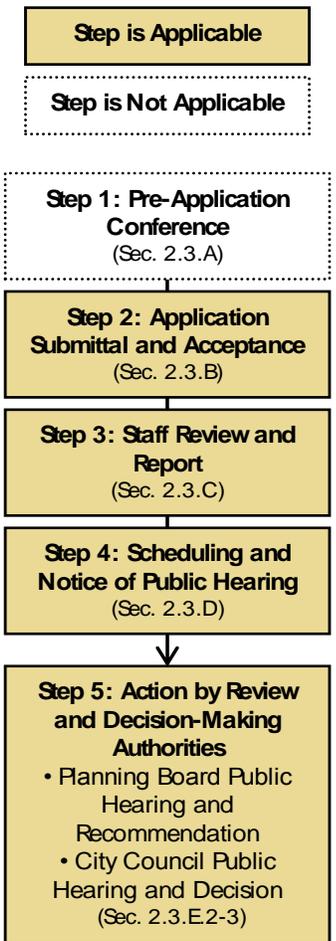
3. PROCEDURE

- a. **Step 1: Pre-Application Meeting**
Not applicable.
- b. **Step 2: Application Submittal and Acceptance**
Applicable—see Section 2.3.B.
- c. **Step 3: Staff Review and Report**
Applicable—see Section 2.3.C.
- d. **Step 4: Scheduling and Notice of Public Hearing**
Applicable—see Section 2.3.D.
- e. **Step 5: Action by Review and Decision-Making Authorities**

Applicable to a public hearing and recommendation by the Planning Board and a public hearing and final decision by the City Council—see Section 2.3.E.2-3. The following alternative or additional procedures and standards shall apply:

- i. **Review Standards**
 - (A) A Variance application shall be approved only upon a finding that all of the following standards are met:
 - (1) Strict application of the Ordinance requirements to the land or structure for which a Variance is sought results in practical difficulties and unnecessary hardships that would deprive the property owner of a reasonable use of the land or structure; and
 - (2) The practical difficulties or unnecessary hardships result from circumstances or conditions peculiar to the land or structure, and not to conditions that are widespread in the neighborhood or the city; and
 - (3) The special circumstances or conditions causing the hardship are not the result of the actions of the property owner; and
 - (4) The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure; and
 - (5) The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and

Variance



- (6) The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare; and
- (7) The Variance would not confer on the applicant any special privilege denied by this Ordinance to other lands or structures without a demonstration of hardship.
- (B) The following factors do not constitute sufficient grounds for approval of a Variance:
 - (1) A request for a particular use that is expressly, or by inference, prohibited in the zoning district; or
 - (2) Hardships resulting from factors other than application of requirements of this Ordinance; or
 - (3) The fact that property may be utilized more profitably or be more marketable with a Variance; or
 - (4) The citing of other nonconforming or conforming uses of land or structures in the same or other zoning districts.

f. Administrative Appeal

Not Applicable—see Section 2.3.F.

4. RECORDATION

If the application is approved, the City Manager shall provide the applicant a written notice of Variance approval that identifies the site, the Ordinance provision(s) from which the Variance is granted, any approved plans and documents, and any conditions of approval. The applicant shall file a copy of the written notice, along with a legal description of the subject property, with the Office of the Chancery Clerk of Jackson County for recording, and shall provide proof of recording to the City Manager.

5. EXPIRATION

- a. Variance approval shall automatically expire if the applicant does not record the Variance with the Office of the Chancery Clerk of Jackson County within 30 days after the date the Variance is approved. This expiration period may not be extended in accordance with Section 2.4.B.2, Extension of Expiration Time Period.
- b. A Variance granted for development activity authorized by a Site Plan, subdivision approval, Zoning Compliance Permit, Tree Removal Permit, or Sign Permit shall automatically expire upon expiration of such permit or approval. In such a case, the City Manager shall file a written notice of the Variance’s expiration with the Office of the Chancery Clerk of Jackson County for recording.

6. EFFECT OF VARIANCE APPROVAL

A Variance authorizes only the particular regulatory relief approved as part of the Variance. It does not exempt the owner or developer of property subject to the Variance from the responsibility to obtain all other permits and approvals required by this Ordinance and any other applicable laws, and does not indicate that the development for which the Variance is granted should receive approval of other development applications unless the relevant and applicable portions of this Ordinance or any other applicable laws are met. Unless it expires in accordance with Section 2.5.C.6, Expiration, or is revoked in accordance with Section 9.6.A.2, Revocation of Permit or Approval, an approved and recorded Variance, including any conditions of approval, shall run with the land and shall not be affected by a change in ownership.

M. ADMINISTRATIVE ADJUSTMENT

1. PURPOSE

The purpose of this subsection is to provide an administrative mechanism for allowing minor adjustments to certain dimensional or numerical standards of this Ordinance based on very specific criteria, with the intent of providing relief where application of a standard creates practical difficulties in allowing development that otherwise advances the purposes served by the standards and is compatible with surrounding development.

2. APPLICABILITY

Administrative Adjustments may be requested and granted for the standards identified in Table 2.5.M, Allowable Administrative Adjustments, up to the limits set forth in the table.

TABLE 2.5.M: ALLOWABLE ADMINISTRATIVE ADJUSTMENTS		
STANDARD	MAXIMUM ALLOWABLE EXTENT OF ADJUSTMENT	
	DOWNTOWN DISTRICT	OTHER DISTRICTS
Minimum lot width, minimum lot coverage, and minimum setbacks	20%	10%
Maximum height		20%
Maximum setback encroachment	20%	5%
Minimum required number of off-street parking spaces, loading, or stacking spaces	20%	5%
Maximum number of off-street parking spaces	20%	
Minimum planting rate	20%	10%
Minimum perimeter landscaping strip width	20%	10%
Minimum perimeter buffer width	20%	10%
Minimum streetscape planting rate	20%	10%
Minimum screening height	1 ft	1 ft
Maximum fence height	1 ft	1 ft
Maximum lighting height	10%	5%
Maximum light levels	10%	5%

3. PROCEDURE

a. Step 1: Pre-Application Meeting

Not applicable.

b. Step 2: Application Submittal and Acceptance

Applicable—see Section 2.3.B.

c. Step 3: Staff Review and Report

Applicable—see Section 2.3.C.

d. Step 4: Scheduling and Notice of Public Hearing

Not applicable.

e. Step 5: Action by Review and Decision-Making Authorities

Applicable to a final decision of the City Manager—see Section 2.3.E.1. The following alternative or additional procedures and standards shall apply:

i. Conditions of Approval

Conditions of approval may include restricting the allowable adjustment to a lesser modification than the maximum allowed by this subsection or requested by an applicant.

ii. Review Standards

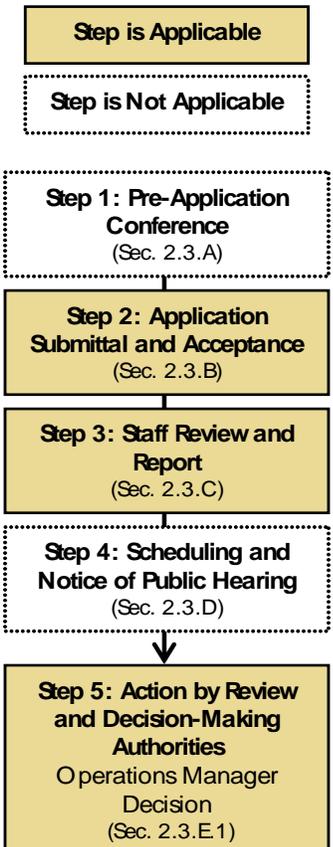
Administrative Adjustments shall be approved only upon a finding that both the limitations in Table 2.5.M, Allowable Administrative Adjustments, and the following standards are met:

- (A) The requested Administrative Adjustment is not inconsistent with the character of development in the surrounding area, and will not result in incompatible uses.
- (B) Any adverse impacts resulting from the Administrative Adjustment will be mitigated to the maximum extent practicable.
- (C) The Administrative Adjustment is of a technical nature (i.e., relief from a dimensional or design standard), and is either:
 - (1) Supporting an objective or goal from the purpose and intent statements of the zoning district where located; or
 - (2) Proposed to save healthy existing trees, especially heritage trees.
- (D) The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety.

f. Administrative Appeal

Applicable—see Section 2.5.O, Administrative Appeal.

Administrative Adjustment



4. RECORDATION

If the application is approved, the City Manager shall provide the applicant a written notice of Administrative Adjustment approval that identifies the site, the adjusted

Article 2: Administration

Section 2.5: Application-Specific Review Procedures and Standards
2.5.N Interpretation

standard(s), the extent of adjustment, any approved plans and documents, and any conditions of approval. The applicant shall file a copy of the written notice, along with a legal description of the subject property, with the Office of the Chancery Clerk of Jackson County for recording, and shall provide proof of recording to the City Manager.

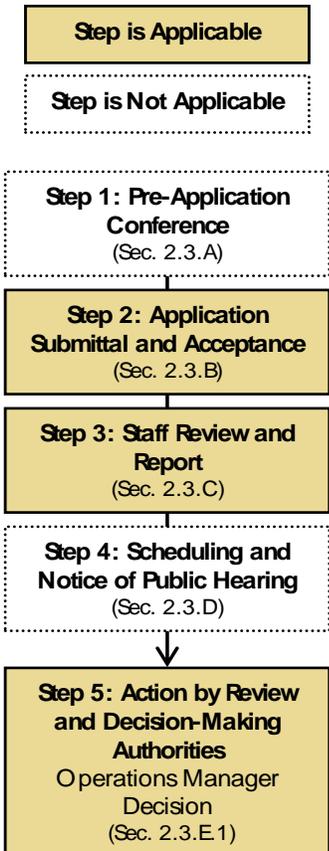
5. EXPIRATION

Approval of an Administrative Adjustment shall automatically expire if a Certificate of Zoning Compliance, Tree Removal Permit, or Sign Permit, as appropriate, for the development incorporating the modification authorized by the Administrative Adjustment approval is not obtained within one year after the date of approval, or an extension of this time period granted in accordance with Section 2.4.B.2, Extension of Expiration Time Period.

6. EFFECT OF APPROVAL

An Administrative Adjustment authorizes only the particular regulatory relief approved as part of the Administrative Adjustment. It does not exempt the owner or developer of property subject to the Administrative Adjustment from the responsibility to obtain all other permits and approvals required by this Ordinance and any other applicable laws, and does not indicate that the development for which the Administrative Adjustment is granted should receive approval of other development applications unless the relevant and applicable portions of this Ordinance or any other applicable laws are met. Unless it expires in accordance with Section 2.5.C.6, Expiration, or is revoked in accordance with Section 9.6.A.2, Revocation of Permit or Approval, an approved and recorded Administrative Adjustment, including any conditions of approval, shall run with the land and shall not be affected by a change in ownership.

Interpretation



N. INTERPRETATION

1. PURPOSE

The purpose of this subsection is to provide a uniform mechanism for interpreting provisions of this Ordinance whose meaning or application to a particular circumstance may not be readily clear.

2. AUTHORITY

The City Manager shall be responsible for making interpretations of all provisions of this Ordinance—including, but not limited to, interpretations of the text of this Ordinance, interpretations of the zoning district boundaries, interpretations of compliance with a condition of approval, and interpretations of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning district.

3. PROCEDURE

a. Step 1: Pre-Application Meeting

Not applicable.

b. Step 2: Application Submittal and Acceptance

Applicable—see Section 2.3.B—except that an application for a formal written Interpretation may be initiated by the City Council, Planning Board, any resident or landowner, or any person having a contractual interest in land in the city.

c. Step 3: Staff Review and Report

Applicable—see Section 2.3.C.

d. Step 4: Scheduling and Notice of Public Hearing

Not applicable.

e. Step 5: Action by Review and Decision-Making Authorities

Applicable to a final decision by the City Manager—see Section 2.3.E.1. The following alternative or additional procedures and standards shall apply:

i. Consultation with City Attorney and Affected City Officials

The City Manager shall consult with the City Attorney and affected city officials before rendering a written Interpretation.

ii. Review Standards

(A) Zoning Map District Boundaries

Interpretation of zoning district boundaries on the Official Zoning Map shall be in accordance with the standards in Section 1.7.D, Interpretation of Official Zoning Map Boundaries.

(B) Unspecified Uses

Interpretations of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning district shall be based on the standards in Section 4.2.B.1.a, Classification of Principal Uses.

(C) Text Provisions

Interpretations of text provisions and their application shall be based on the standards in Section 10.1, General Rules for Interpretation, and the following considerations:

- (1) The clear and plain meaning of the provision’s wording, as defined by the meaning and significance given specific terms used in the provision, as established in Section 10.2, Terms and Uses Defined, and by the common and accepted usage of the term;
- (2) The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history to its adoption;
- (3) The general purposes served by this Ordinance, as set forth in Section 1.3, General Purpose and Intent; and
- (4) Consistency with the Pascagoula Comprehensive Plan.

f. Administrative Appeal

Applicable—see Section 2.5.O, Administrative Appeal.

Article 2: Administration

Section 2.5: Application-Specific Review Procedures and Standards

2.5.O Administrative Appeal

4. EXPIRATION

A written interpretation shall not expire, but may be overturned or modified by a subsequent written interpretation or an appeal decision, or superseded by an amendment to this Ordinance.

5. OFFICIAL RECORD OF INTERPRETATIONS

- a. The City Manager shall maintain an indexed record of written interpretations that shall be available for public inspection, upon reasonable request, during normal business hours.
- b. If a written interpretation from the City Manager is appealed and the appeal decision results in a change of interpretation, the new interpretation shall be filed in the official record of interpretations.

6. EFFECT OF INTERPRETATION

A written interpretation shall be binding on subsequent decisions by the City Manager or other city administrative official in applying the same provision of this Ordinance in the same circumstance.

O. ADMINISTRATIVE APPEAL

1. PURPOSE

The purpose of this subsection is to establish an administrative remedy whereby persons claiming to have been aggrieved by an administrative decision of city staff may appeal that decision to the City Council.

2. RIGHT TO ADMINISTRATIVE APPEAL

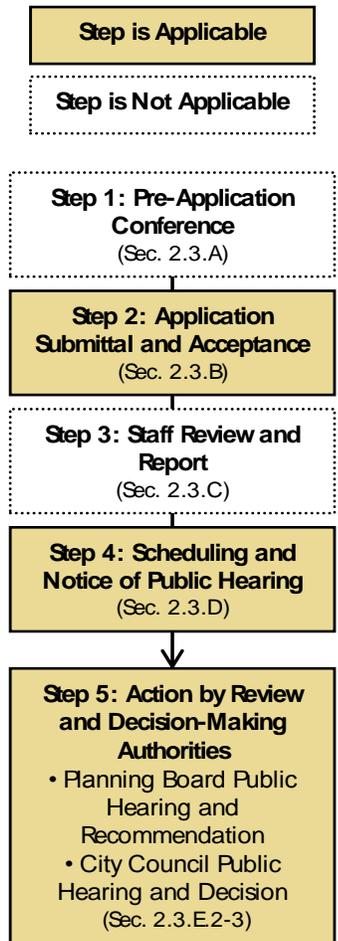
- a. A party aggrieved by an interpretation or a decision of the City Manager in administering or enforcing this Ordinance may appeal the interpretation or decision to the City Council in accordance with this subsection.
- b. Only interpretations and decisions by the City Manager directly relating to application of the requirements and standards in this Ordinance may be appealed to the City Council in accordance with this subsection. Decisions by the City Manager relating to application of the Building Code are appealable in accordance with Chapter 14, Buildings and Building Regulations, of the Code of Ordinances.
- c. A party aggrieved by a final decision by the City Council may appeal the decision in accordance with Section 2.3.F.

3. PROCEDURE

a. Step 1: Pre-Application Meeting

Not applicable.

Administrative Appeal



b. Step 2: Application Submittal and Acceptance

Applicable—see Section 2.3.B—except that an Administrative Appeal shall be initiated by filing a written Notice of Appeal and Administrative Appeal application with the City Manager within ten days after the date of the interpretation or decision being appealed.

c. Step 3: Staff Review and Report

Not applicable. On accepting a Notice of Appeal and Administrative Appeal application, the City Manager shall transmit the notice, application, and all the papers, documents, and other materials relating to the appealed interpretation or decision to the Planning Board. These materials constitute the record of the Administrative Appeal.

d. Step 4: Scheduling and Notice of Public Hearing

Applicable—see Section 2.3.D. In addition, the City Manager shall provide notice of the public hearings to the applicant for the decision being appealed, if different from the applicant for the Administrative Appeal.

e. Step 5: Action by Review and Decision-Making Authorities

Applicable to a public hearing and recommendation by the Planning Board and a public hearing and final decision by the City Council—see Section 2.3.E.2-3. The following alternative or additional procedures and standards shall apply:

i. City Council Review

The decision of the City Council, as appropriate, shall be one of the following:

- (A) Affirmation of the interpretation or decision (in whole or in part);
- (B) Modification of the interpretation or decision (in whole or in part); or
- (C) Reversal of the interpretation or decision (in whole or in part).

ii. Review Standards

- (A) The City Council shall review an Administrative Appeal application in accordance with the standards of this Ordinance applicable to the interpretation or decision being appealed.
- (B) The City Council may modify or reverse an interpretation or decision on appeal (in whole or in part) only if it finds that there is competent, substantial, and material evidence in the record of a clear and demonstrable error in the application of the relevant standards or provisions of this Ordinance.

f. Administrative Appeal

Not Applicable—see Section 2.3.F.)

4. EFFECT OF PENDING ADMINISTRATIVE APPEAL

A pending Administrative Appeal application stays all city actions seeking enforcement of or compliance with the interpretation or decision being appealed unless the City Manager certifies to the City Council that because of facts stated in the certificate, a stay would cause imminent peril to life or property or would seriously interfere with enforcement of this Ordinance due to the violation’s transitory nature. In that case, proceedings shall not be stayed other than by an order issued by the City Council or a court of competent jurisdiction, after notice to the City Manager and for good cause shown.

Article 2: Administration

Section 2.5: Application-Specific Review Procedures and Standards

2.5.O Administrative Appeal

5. EXPIRATION

A decision on an Administrative Appeal application shall not expire, but may be overturned or modified by a subsequent appeal decision or superseded by an amendment to this Ordinance.

6. EFFECT OF ADMINISTRATIVE APPEAL DECISION

To the extent a decision by the City Council on an Administrative Appeal pertains to application of a particular provision of this Ordinance in a particular circumstance, the Administrative Appeal decision shall be binding on subsequent decisions by the City Manager or other city administrative official applying the same provision of this Ordinance in the same circumstance.

Article 3: Zoning Districts

TABLE OF CONTENTS

ARTICLE 3: ZONING DISTRICTS	3-1
3.1. General Provisions.....	3-1
A. Compliance with District Standards.....	3-1
B. Types of Zoning Districts.....	3-1
C. Establishment of Zoning Districts.....	3-1
D. Classification of Zoning Districts.....	3-1
E. Relationships between Base and Overlay Zoning Districts.....	3-1
F. Organization of Zoning District Regulations.....	3-2
1. Base Zoning Districts.....	3-2
2. Overlay Zoning Districts.....	3-2
3.2. Residential Base Zoning Districts.....	3-2
A. General Purposes of Residential Base Zoning Districts.....	3-2
B. Single-Family Residential 10 (SFR-10).....	3-4
C. Single-Family Residential 8 (SFR-8).....	3-5
D. Single-Family Residential 6 (SFR-6).....	3-6
E. Mixed Residential 3 (MR-3).....	3-7
3.3. Commercial Base Zoning Districts.....	3-8
A. General Purposes of Commercial Base Zoning Districts.....	3-8
B. Neighborhood Commercial (NC).....	3-9
C. Community Commercial (CC).....	3-10
D. Regional Commercial (RC).....	3-11
E. Downtown (DT).....	3-12
F. Gateway Commercial (GC).....	3-13
G. Waterfront Mixed-Use (WMU).....	3-14
3.4. Industrial Base Zoning Districts.....	3-15
A. General Purposes of Industrial Base Zoning Districts.....	3-15
B. Light Industrial (LI).....	3-16

ARTICLE 3: ZONING DISTRICTS

3.1. GENERAL PROVISIONS

A. COMPLIANCE WITH DISTRICT STANDARDS

No land within the city shall be developed except in accordance with the zoning district regulations of this article and all other regulations of this Ordinance, including but not limited to, Article 4: Use Regulations, Article 5: Intensity and Dimensional Standards, Article 6: Development Standards, and Article 7: Subdivision Standards.

B. TYPES OF ZONING DISTRICTS

Land within the city is generally classified by this Ordinance to be within one of a number of base zoning districts. Land may be reclassified to one of several planned development overlay zoning districts or to one or more other types of overlay zoning districts.

C. ESTABLISHMENT OF ZONING DISTRICTS

Table 3.1.C, Zoning Districts Established, sets out the zoning districts established by this Ordinance.

TABLE 3.1.C: ZONING DISTRICTS ESTABLISHED	
DISTRICT ABBREVIATION	DISTRICT NAME
RESIDENTIAL DISTRICTS	
SFR 10	Single-Family Residential 10
SFR 8	Single-Family Residential 8
SFR 6	Single-Family Residential 6
MR 3	Mixed Residential 3
COMMERCIAL DISTRICTS	
NC	Neighborhood Commercial
CC	Community Commercial
RC	Regional Commercial
DT	Downtown
GC	Gateway Commercial
WMU	Waterfront Mixed-Use
INDUSTRIAL DISTRICTS	
LI	Light Industrial
HI	Heavy Industrial
P	Port
OVERLAY DISTRICTS	
FPO	Floodplain Overlay
NCO	Neighborhood Conservation Overlay

D. CLASSIFICATION OF ZONING DISTRICTS

Land shall be classified or reclassified into a zoning district only in accordance with the procedures and requirements set forth in Section 2.5.B Map Amendment (Rezoning).

E. RELATIONSHIPS BETWEEN BASE AND OVERLAY ZONING DISTRICTS

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying base zoning district. If the standards governing an overlay zoning district expressly conflict with those governing an underlying base zoning district, the standards governing the overlay zoning district shall

control. If land is classified into multiple overlay zoning districts and the standards governing one overlay zoning district expressly conflict with those governing another overlay zoning district, the more restrictive standard shall apply.

F. ORGANIZATION OF ZONING DISTRICT REGULATIONS

1. BASE ZONING DISTRICTS

- a.** Sections 3.2 through 3.4 have a common structure for describing each base district, consisting of a statement of the purpose of the district, table(s) summarizing the basic intensity and dimensional standards established in Article 5: Intensity and Dimensional Standards, that define the district's character, photograph(s) of building forms typical in the district, and a graphic depiction of how the district's intensity and dimensional standards apply to typical lot patterns and building forms.
- b.** The tables and graphics are intended to illustrate the general character of the district and do not necessarily reflect all the standards that may apply to a particular development. All development is subject to Article 4: Use Standards, Article 5: Intensity and Dimensional Standards, and Article 6, Development Standards. If an intensity or dimensional standard summarized or graphically depicted in this article for a base zoning district is inconsistent with an intensity or dimensional standard established in Article 5: Intensity and Dimensional Standards, the standard established in Article 5 shall govern.

2. OVERLAY ZONING DISTRICTS

Section 3.7 sets forth the purpose and standards specific to each of the established overlay zoning districts.

3.2. RESIDENTIAL BASE ZONING DISTRICTS

A. GENERAL PURPOSES OF RESIDENTIAL BASE ZONING DISTRICTS

The residential base zoning districts established in this section are intended to provide a comfortable, healthy, safe, and pleasant environment in which to live and recreate. More specifically, they are intended to:

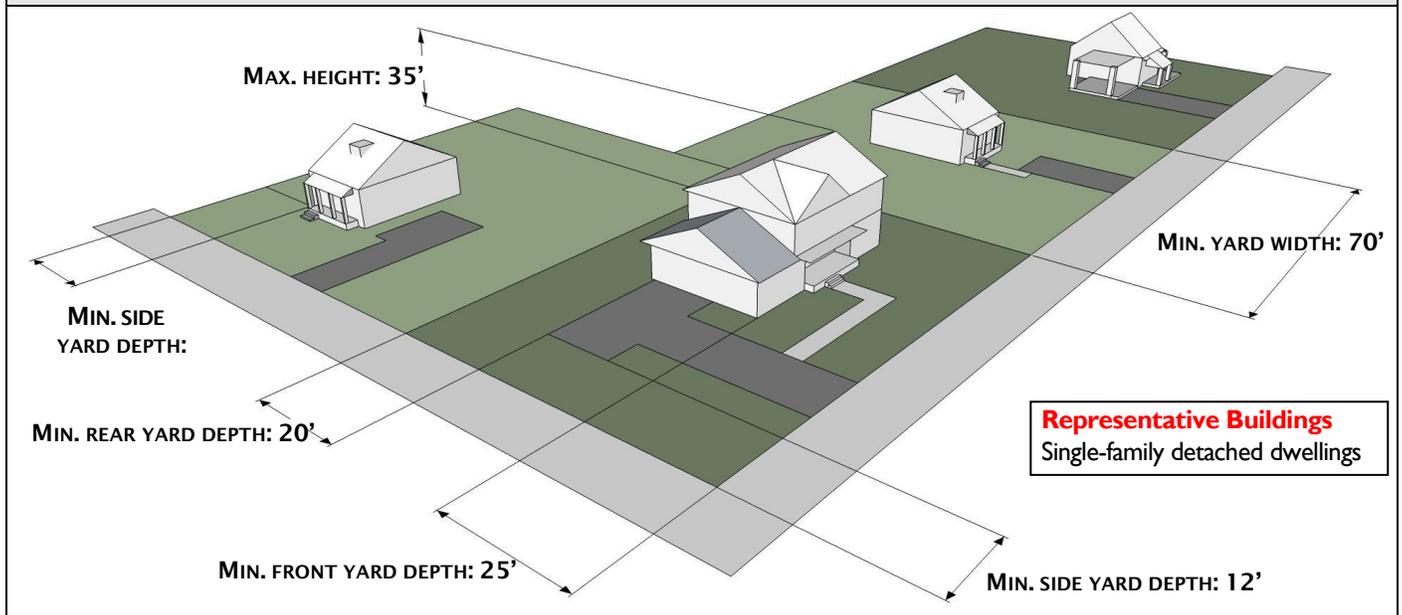
- 1.** Provide appropriately located lands for residential development that are consistent with the goals, objectives, and policies of the comprehensive plan and any functional plans and small area plans adopted by the city;
- 2.** Ensure adequate light, air, privacy, and recreational and open space areas for each dwelling, and protect residents from the negative effects of noise, excessive population density, traffic congestion, flooding, and other significant adverse environmental impacts;
- 3.** Protect residential areas from fires, explosions, toxic fumes and substances, and other public safety hazards;
- 4.** Provide for residential housing choice, affordability, and diversity with varying housing densities, types, and designs, including accessory dwelling units;
- 5.** Provide for safe and efficient vehicular access and circulation and promote bicycle-, pedestrian-, and transit-friendly neighborhoods;
- 6.** Provide for public services and facilities needed to serve residential areas and accommodate public and semi-public land uses that complement residential development or require a residential environment while protecting residential areas from incompatible nonresidential development;

7. Create neighborhoods that are sustainable and preserve existing community character while accommodating new infill development and redevelopment consistent with the city's goals and objectives; and
8. Preserve the unique character and historic resources of the traditional neighborhoods and the community.

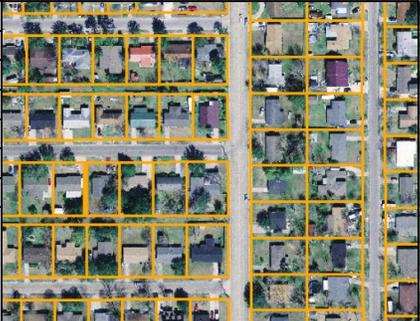
B. SINGLE-FAMILY RESIDENTIAL 10 (SFR-10)

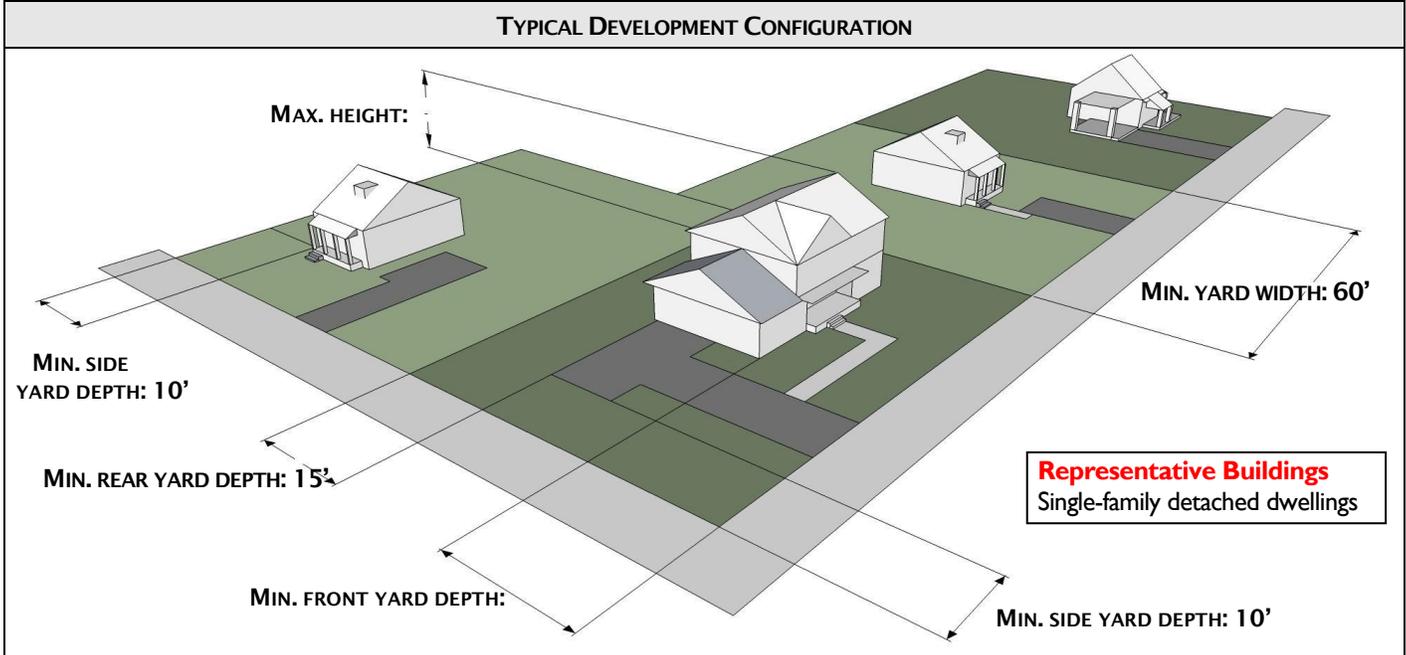
PURPOSE		TYPICAL BUILDING TYPE	
<p>The Single-Family Residential 10 (SFR-10) District is established and intended to accommodate primarily single-family detached dwellings at low densities on lots greater than 10,000 square feet in area. The district also accommodates accessory dwelling units and complementary nonresidential uses usually found in low-density urban residential neighborhoods. Some of these nonresidential uses are permitted uses (e.g., parks, community centers, elementary schools, places of worship), while others are special uses, allowed only after approval of a Special Use Permit (e.g., libraries, day care, secondary schools, post offices, government offices, fire/EMS/police stations, cemeteries). (See Section 2.5.C.)</p>			
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS			
Minimum lot area (sq ft)	10,000	<th>TYPICAL LOT PATTERN</th>	TYPICAL LOT PATTERN
Minimum lot width (ft)	70		
Minimum floor area per dwelling unit (sq ft)	1,500		
Maximum building coverage (% of lot area)	40		
Maximum height (ft)	35 ^{1,2}		
Minimum front yard depth (ft)	25		
Minimum side yard depth (ft)	12 ³		
Minimum rear yard depth (ft)	20 ³		
<p>NOTES: [sq ft = square feet; ft = feet]</p> <ol style="list-style-type: none"> 1. See Section 5.3.F regarding height measurement in the FPO district. 2. For accessory structures allowed in required minimum yards (Section 4.4.E.3), 16 ft + 1 ft per 2 ft of additional setback from adjacent lot lines. 3. 3 ft for accessory structures allowed in required minimum yards (Section 4.4.E.3). 			

TYPICAL DEVELOPMENT CONFIGURATION



C. SINGLE-FAMILY RESIDENTIAL 8 (SFR-8)

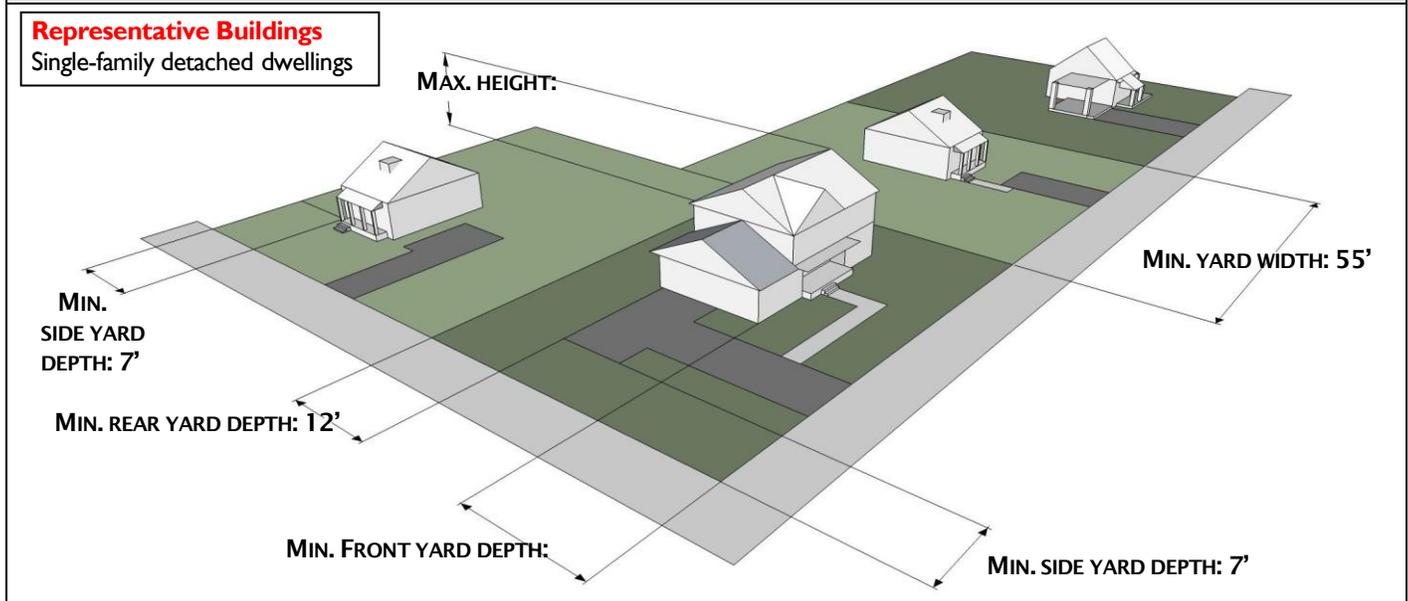
PURPOSE		TYPICAL BUILDING TYPE
<p>The Single-Family Residential 8 (SFR-8) District is established and intended to accommodate primarily single-family detached dwellings at medium densities on lots greater than 8,000 square feet in area. The district also accommodates accessory dwelling units and complementary nonresidential uses usually found in medium-density urban residential neighborhoods. Some of these nonresidential uses are permitted uses (e.g., parks, community centers, schools, places of worship), while others are special uses, allowed only after approval of a Special Use Permit (e.g., libraries, day care, post offices, government offices, fire/EMS/police stations, cemeteries). (See Section 2.5.C.)</p>		
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		
Minimum lot area (sq ft)	8,000	TYPICAL LOT PATTERN 
Minimum lot width (ft)	60	
Minimum floor area per dwelling unit (sq ft)	1,200	
Maximum building coverage (% of lot area)	45	
Maximum height (ft) ¹	35 ²	
Minimum front yard depth (ft)	20	
Minimum side yard depth (ft)	10 ³	
Minimum rear yard depth (ft)	15 ³	
<p>NOTES: [sq ft = square feet; ft = feet]</p> <ol style="list-style-type: none"> 1. See Section 5.3.F regarding height measurement in the FPO district. 2. For accessory structures in required minimum yards (Section 4.4.E.3), 16 ft + 1 ft per 2 ft of additional setback from adjacent lot lines. 3. 3 ft for accessory structures allowed in required minimum yards (Section 4.4.E.3). 		



D. SINGLE-FAMILY RESIDENTIAL 6 (SFR-6)

PURPOSE		TYPICAL BUILDING TYPE	
<p>The Single-Family Residential 6 (SFR-6) District is established and intended to accommodate primarily single-family detached dwellings at medium-high densities on lots greater than 6,000 square feet in area. The district also accommodates accessory dwelling units and two-family dwellings as a special use, allowed only after approval of a Special Use Permit (See Section 2.5.C.). In addition, the district accommodates complementary nonresidential uses usually found in medium- to high-density urban residential neighborhoods—some as permitted uses (e.g., parks, community centers, schools, places of worship), while others as special uses (e.g., libraries, museums, day care, post offices, government offices, fire/EMS/police stations, cemeteries, bed and breakfast inns).</p>			
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS			
Minimum lot area (sq ft)	6,000	<th style="text-align: center;">TYPICAL LOT PATTERN</th>	TYPICAL LOT PATTERN
Minimum lot width (ft)	55		
Minimum floor area per dwelling unit (sq ft)	1,000		
Maximum building coverage (% of lot area)	50		
Maximum height (ft) ¹	35 ²		
Minimum front yard depth (ft)	15		
Minimum side yard depth (ft)	7 ³		
Minimum rear yard depth (ft)	12 ³		
<p>NOTES: [sq ft = square feet; ft = feet]</p> <p>1. See Section 5.3.F regarding height measurement in the FPO district.</p> <p>2. For accessory structures in required minimum yards (Section 4.4.E.3), 16 ft + 1 ft per 2 ft of additional setback from adjacent lot lines.</p> <p>3. 3 ft for accessory structures allowed in required minimum yards (Section 4.4.E.3).</p>			

TYPICAL DEVELOPMENT CONFIGURATION



E. MIXED RESIDENTIAL 3 (MR-3)

PURPOSE	TYPICAL BUILDING TYPE
<p>The Mixed Residential 3 (MR-3) District is established and intended to accommodate a mix of residential dwelling types, including single-family detached dwellings, two-family dwellings, townhouse dwellings, multifamily dwellings, manufactured homes, manufactured home parks, and live/work dwellings. Densities range from 1 dwelling unit per 5,000 square feet (for single-family detached dwellings) to approaching 1 dwelling unit per 2,500 square feet (for large townhouse and multifamily developments). The district also accommodates group living uses and complementary nonresidential uses usually found in high-density urban residential neighborhoods—some as permitted uses (e.g., parks, community centers, libraries, day care, schools, places of worship, fire/EMS/police stations), while others as special uses (e.g., museums, post offices, government offices, cemeteries, restaurants, convenience stores, bed and breakfast inns).</p>	

PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		TYPICAL LOT PATTERN
Minimum lot area (sq ft)	5,000 ¹	
Minimum lot area per dwelling unit (sq ft)	8,000 for first 2 units + 2,500 per additional unit	
Minimum lot width (ft)	50 ¹	
Minimum floor area per dwelling unit (sq ft)	Single-family detached dwellings: 800 All other dwellings: 500	
Maximum building coverage (% of lot area)	55 ¹	
Maximum height (ft) ²	50 ³	
Minimum front yard depth (ft)	12	
Minimum side yard depth (ft)	5 + 3 per story above first story ^{4,5}	
Minimum rear yard depth (ft)	10 ⁴	

NOTES: [sq ft = square feet; ft = feet]

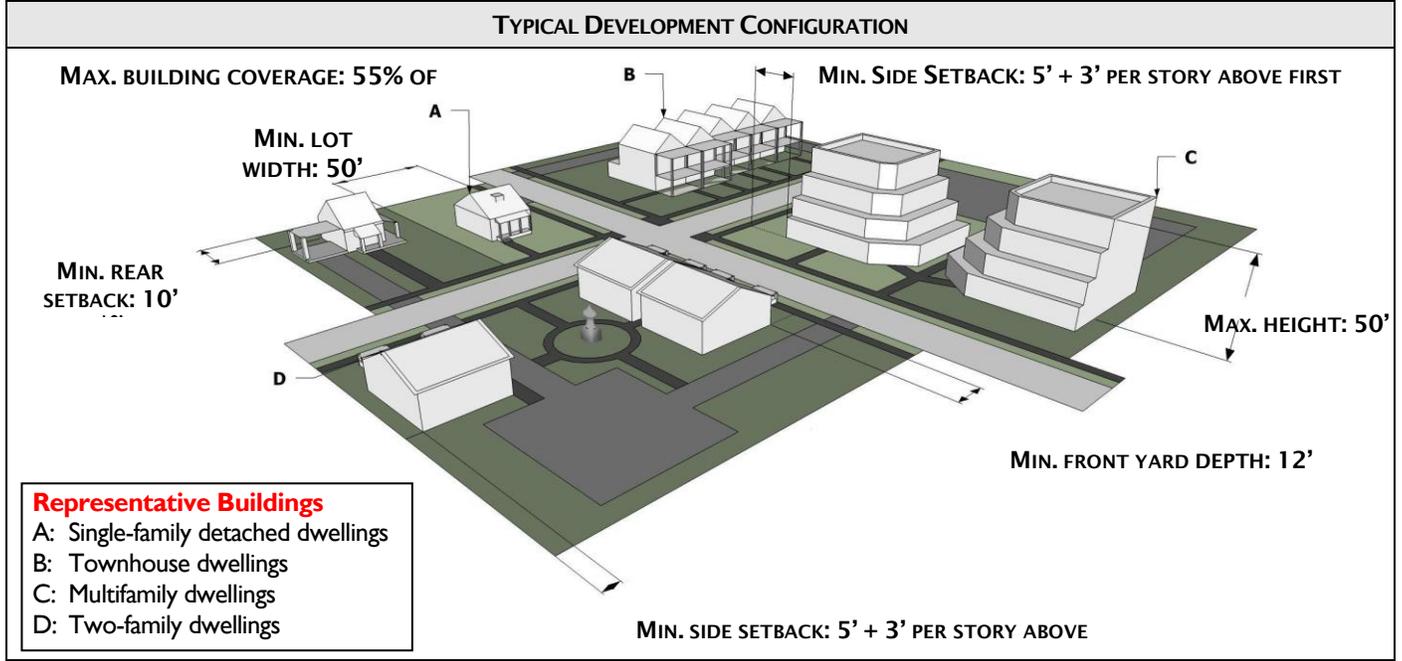
1. For townhouse development, applies to development site as a whole, provided individual townhouse lots have a minimum area of 1,800 sq ft and a minimum width of 18 ft.

2. See Section 5.3.F regarding height measurement in the FPO district.

3. For accessory structures in required minimum yards (Section 4.4.E.3), 16 ft + 1 ft per 2 ft of additional setback from adjacent lot lines.

4. 3 ft for accessory structures allowed in required minimum yards (Section 4.4.E.3).

5. For townhouse development, applies to whole development site, not individual townhouse lots.



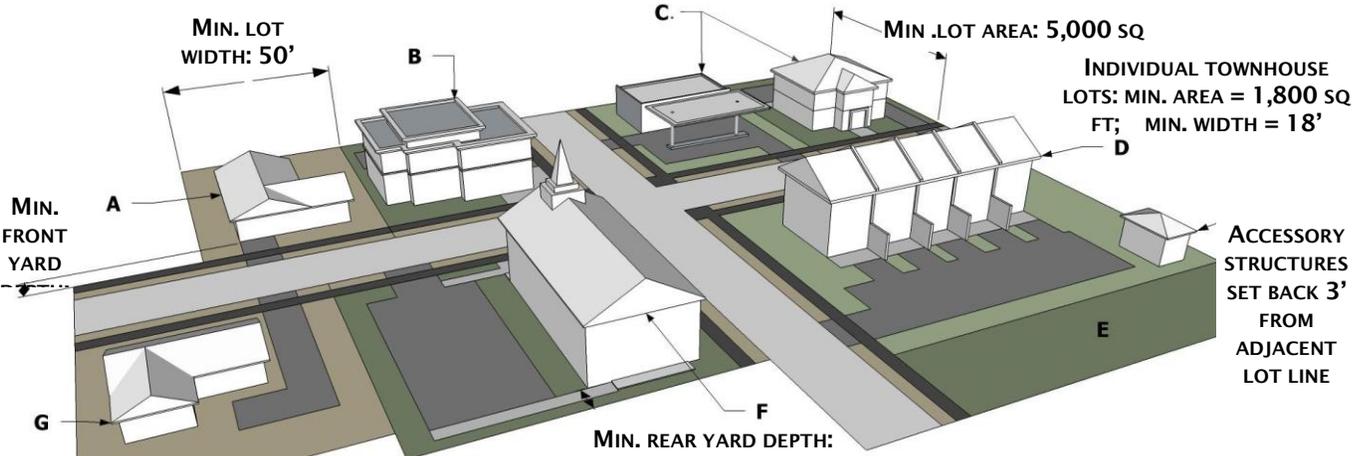
3.3. COMMERCIAL BASE ZONING DISTRICTS

A. GENERAL PURPOSES OF COMMERCIAL BASE ZONING DISTRICTS

The commercial base zoning districts are established for the general purpose of ensuring there are lands in the city that provide a wide range of office, retail, service, institutional, and related uses to meet household and business needs, and more specifically to:

1. Provide appropriately located lands for the full range of commercial uses needed by the city's residents, businesses, and workers, consistent with the goals, objectives, and policies of the comprehensive plan and any functional plans and small area plans adopted by the city;
2. Strengthen the city's economic base and provide employment opportunities close to home for residents of the city and surrounding communities;
3. Create suitable environments for various types of commercial uses and protect them from the adverse effects of incompatible uses;
4. Create suitable environments for various types of mixed use development, where office, retail, service, institutional, and residential uses are designed and integrated in compatible ways;
5. Preserve the unique character and historic resources of the downtown and gateways into the downtown;
6. Minimize the impact of commercial development on residential districts and uses and promote sustainable commercial development.

B. NEIGHBORHOOD COMMERCIAL (NC)

PURPOSE	TYPICAL BUILDING TYPE																		
<p>The Neighborhood Commercial (NC) District is established and intended to accommodate primarily small-scale, low-intensity, and convenience retail, service, and office uses that provide goods and services primarily serving the daily needs of residents of the immediately surrounding neighborhoods (e.g., personal services uses, recreational facilities, restaurants, banks, convenience stores, drug stores, grocery stores), plus neighborhood-serving institutional uses (e.g., libraries, places of worship, day care, schools). The district also accommodates single- and two-family dwellings, dwellings on the upper floors of nonresidential establishments, mixed-use development, and stand-alone high-density townhouse and multifamily dwellings. District standards are intended to ensure uses and development intensities are consistent with a neighborhood scale, compatible with surrounding uses, and do not encourage traffic from outside the neighborhood.</p>																			
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS	TYPICAL LOT PATTERN																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Minimum lot area (sq ft)</td><td style="text-align: right;">5,000¹</td></tr> <tr><td>Minimum lot area per dwelling unit (sq ft)</td><td style="text-align: right;">2,500</td></tr> <tr><td>Minimum lot width (ft)</td><td style="text-align: right;">50¹</td></tr> <tr><td>Maximum building coverage (% of lot area)</td><td style="text-align: right;">55¹</td></tr> <tr><td>Maximum gross ground floor area²</td><td style="text-align: right;">10,000</td></tr> <tr><td>Maximum height (ft)³</td><td style="text-align: right;">50⁴</td></tr> <tr><td>Minimum front yard depth (ft)</td><td style="text-align: right;">10</td></tr> <tr><td>Minimum side yard depth (ft)</td><td style="text-align: right;">n/a</td></tr> <tr><td>Minimum rear yard depth (ft)</td><td style="text-align: right;">10⁵</td></tr> </table>	Minimum lot area (sq ft)	5,000 ¹	Minimum lot area per dwelling unit (sq ft)	2,500	Minimum lot width (ft)	50 ¹	Maximum building coverage (% of lot area)	55 ¹	Maximum gross ground floor area ²	10,000	Maximum height (ft) ³	50 ⁴	Minimum front yard depth (ft)	10	Minimum side yard depth (ft)	n/a	Minimum rear yard depth (ft)	10 ⁵	
Minimum lot area (sq ft)	5,000 ¹																		
Minimum lot area per dwelling unit (sq ft)	2,500																		
Minimum lot width (ft)	50 ¹																		
Maximum building coverage (% of lot area)	55 ¹																		
Maximum gross ground floor area ²	10,000																		
Maximum height (ft) ³	50 ⁴																		
Minimum front yard depth (ft)	10																		
Minimum side yard depth (ft)	n/a																		
Minimum rear yard depth (ft)	10 ⁵																		
<p>NOTES: [sq ft = square feet; ft = feet]</p> <p>1. For townhouse development, applies to development site as a whole, provided individual townhouse lots have a minimum area of 1,800 sq ft and a minimum width of 18 ft.</p> <p>2. Applicable to certain principal uses noted in Table 4.2.B.2, Principal Use Table.</p>	<p>3. See Section 5.3.F regarding height measurement in the FPO district.</p> <p>4. For accessory structures in required minimum yards (Section 4.4.E.3), 16 ft + 1 ft per 2 ft of additional setback from adjacent lot lines.</p> <p>5. 3 ft for accessory structures allowed in required minimum yards (Section 4.4.E.3).</p>																		
TYPICAL DEVELOPMENT CONFIGURATION																			
																			
<p>Representative Buildings</p> <table style="width: 100%;"> <tr> <td>A: Single-family dwelling converted to offices</td> <td>D: Multifamily/townhouse</td> <td>G: Existing single-family home</td> </tr> <tr> <td>B: Mixed-use building</td> <td>E: Open space</td> <td></td> </tr> <tr> <td>C: Stand-alone commercial use</td> <td>F: Religious institution</td> <td></td> </tr> </table>		A: Single-family dwelling converted to offices	D: Multifamily/townhouse	G: Existing single-family home	B: Mixed-use building	E: Open space		C: Stand-alone commercial use	F: Religious institution										
A: Single-family dwelling converted to offices	D: Multifamily/townhouse	G: Existing single-family home																	
B: Mixed-use building	E: Open space																		
C: Stand-alone commercial use	F: Religious institution																		

C. COMMUNITY COMMERCIAL (CC)

PURPOSE	TYPICAL BUILDING TYPE
<p>The Community Commercial (CC) District is established and intended to accommodate a diverse range of medium-intensity retail, service, office, and institutional uses that provide goods and services serving the residents and businesses in the community at large (e.g., most retail sales and services uses, small- to medium-sized shopping centers, restaurants, office buildings, recreational and entertainments uses, auto and boat sales and service uses, hotels, places of worship, schools, colleges, medical clinics). The district also accommodates a broad mix of complementary uses, including single- and two-family dwellings, dwellings on the upper floors of nonresidential establishments, mixed-use development, and stand-alone high-density townhouse and multifamily dwellings. CC districts are generally appropriate at nodes along major streets.</p>	

PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS	TYPICAL LOT PATTERN	
Minimum lot area (sq ft)	8,000 ¹	
Minimum lot area per dwelling unit (sq ft)	2,000	
Minimum lot width (ft)	60 ¹	
Maximum building coverage (% of lot area)	65 ¹	
Maximum height (ft) ²	65 ³	
Minimum front yard depth (ft)	10	
Minimum side yard depth (ft)	n/a	
Minimum rear yard depth (ft)	10 ⁴	

NOTES: [sq ft = square feet; ft = feet]

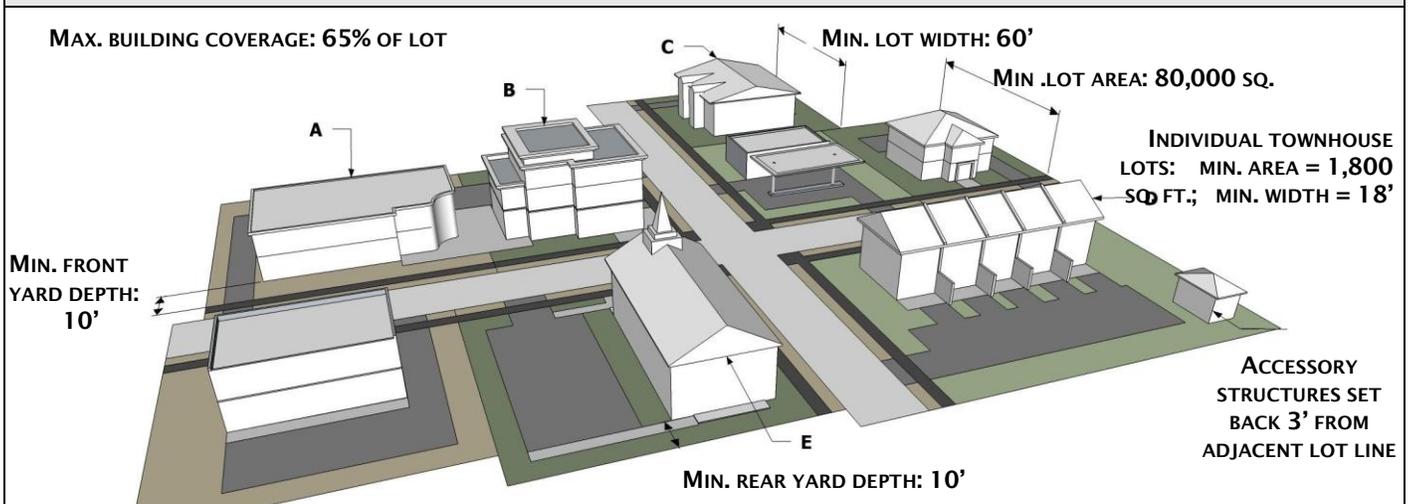
1. For townhouse development, applies to development site as a whole, provided individual townhouse lots have a minimum area of 1,800 sq ft and a minimum width of 18 ft.

2. See Section 5.3.F regarding height measurement in the FPO district.

3. For accessory structures in required minimum yards (Section 4.4.E.3), 16 ft + 1 ft per 2 ft of additional setback from adjacent lot lines.

4. 3 ft for accessory structures allowed in required minimum yards (Section 4.4.E.3).

TYPICAL DEVELOPMENT CONFIGURATION

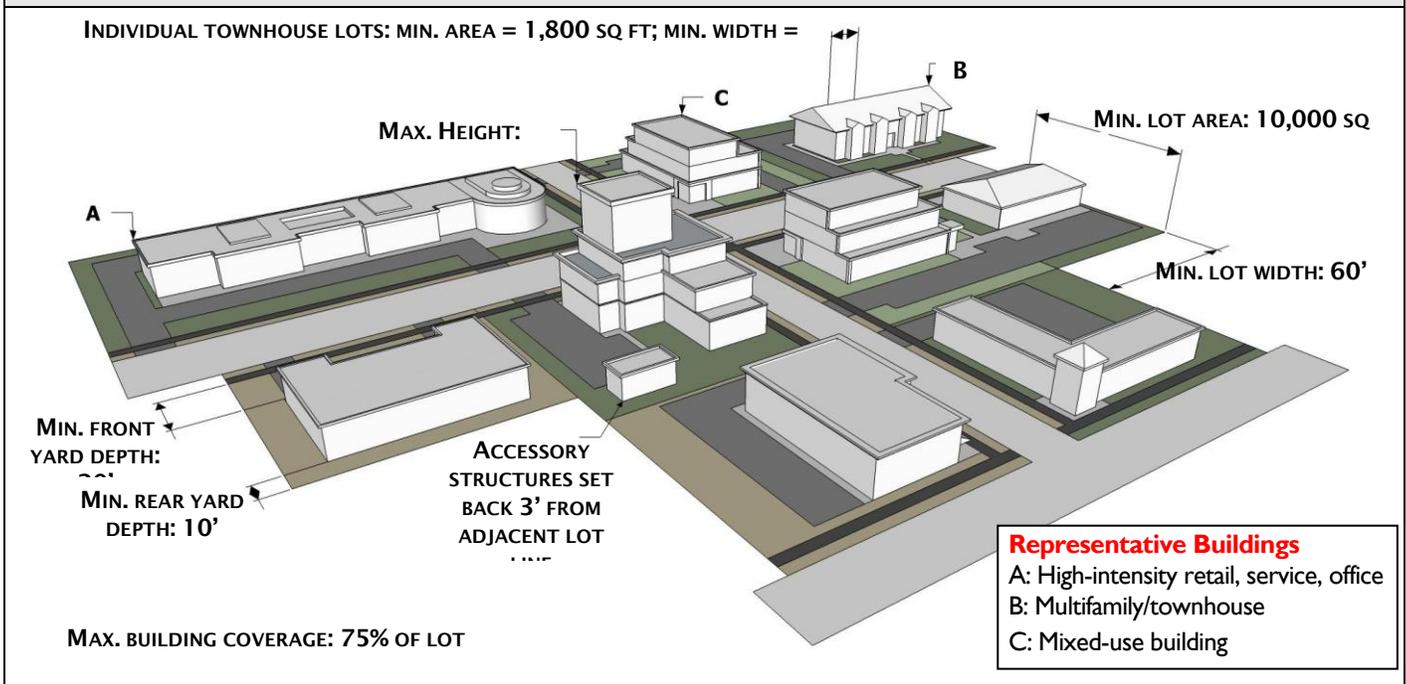


<p>Representative Buildings</p> <p>A: Medium-intensity retail, service, office, and institutional uses</p> <p>B: Mixed-use development</p>	<p>C: Two-family dwelling</p> <p>D: Multifamily/townhouse</p> <p>E: Religious institution</p>
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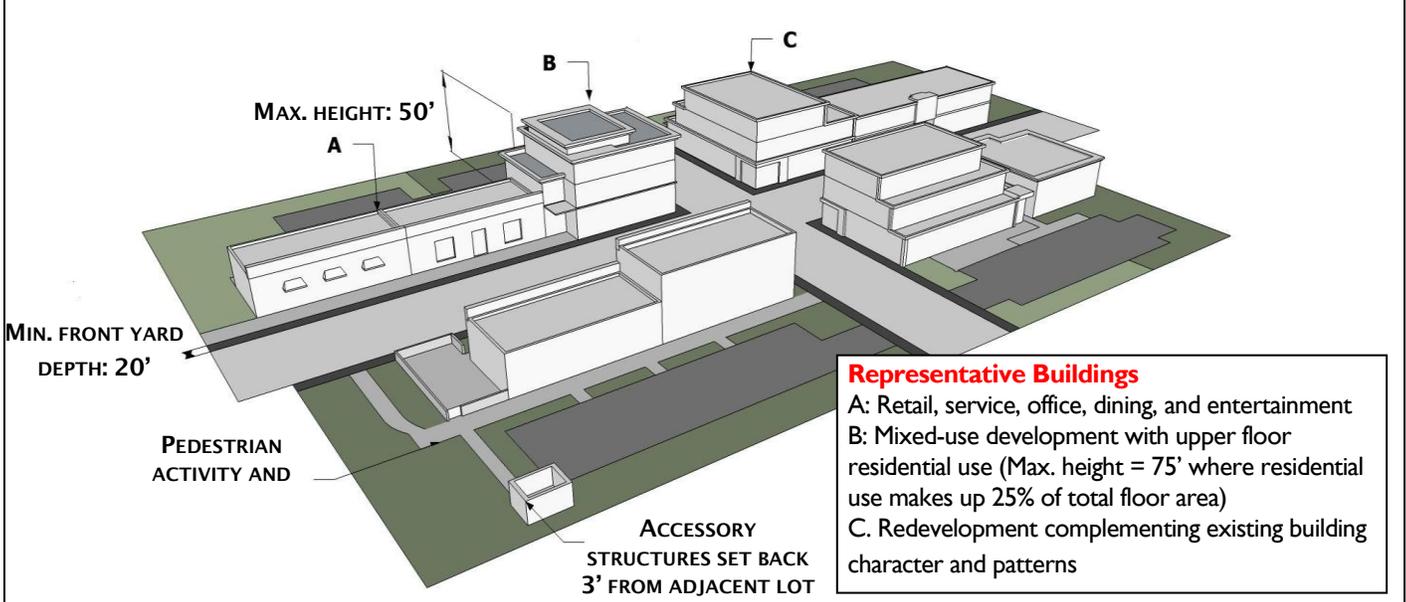
D. REGIONAL COMMERCIAL (RC)

PURPOSE		TYPICAL BUILDING TYPE
<p>The Regional Commercial (RC) District is established and intended to accommodate a diverse range of high-intensity retail, service, office, and institutional uses that provide goods and services serving community, citywide, and regional customer bases. The district also accommodates the city's major employment-generating non-industrial uses and a broad mix of complementary uses, including dwellings on the upper floors of nonresidential establishments, mixed-use development, and stand-alone high-density townhouse and multifamily dwellings. RC districts are generally appropriate in areas conveniently accessible to the regional roadway network and transit services.</p>		
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		TYPICAL LOT PATTERN
Minimum lot area (sq ft)	10,000 ¹	
Minimum lot area per dwelling unit (sq ft)	1,500	
Minimum lot width (ft)	70 ¹	
Maximum building coverage (% of lot area)	75 ¹	
Maximum height (ft) ²	75 ³	
Minimum front yard depth (ft)	20	
Minimum side yard depth (ft)	n/a	
Minimum rear yard depth (ft)	10 ⁴	
<p>NOTES: [sq ft = square feet; ft = feet]</p> <p>1. For townhouse development, applies to development site as a whole, provided individual townhouse lots have a minimum area of 1,800 sq ft and a minimum width of 18 ft.</p> <p>2. See Section 5.3.F regarding height measurement in the FPO district.</p> <p>3. For accessory structures in required minimum yards (Section 4.4.E.3), 16 ft + 1 ft per 2 ft of additional setback from adjacent lot lines.</p> <p>4. 3 ft for accessory structures allowed in required minimum yards (Section 4.4.E.3).</p>		

TYPICAL DEVELOPMENT CONFIGURATION



E. DOWNTOWN (DT)

PURPOSE		TYPICAL BUILDING TYPE
<p>The Downtown (DT) District is established and intended to foster vibrant, walkable, mixed-use, and economically-sustainable development and redevelopment in the city's traditional core. The DT district is intended to accommodate a wide range of retail, service, office, dining, entertainment, and upper-floor residential uses that generate daytime and nighttime activity on weekdays and weekends. DT district standards are intended to encourage development or redevelopment that complements the downtown area's unique architectural and historical character and building pattern and encourages pedestrian activity and connections within the downtown and between it and nearby key destinations (e.g., the riverfront and the Market Street commercial corridor). The need to encourage redevelopment and meet parking demands created by new development is intended to be balanced with the need to protect and enhance the downtown's small-scale character and pedestrian orientation.</p>		
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		TYPICAL LOT PATTERN
Minimum lot area (sq ft)	n/a	
Minimum lot area per dwelling unit (sq ft)	1,500	
Minimum lot width (ft)	n/a	
Maximum building coverage (% of lot area)	n/a	
Maximum height (ft) ¹	50 ²	
Minimum front yard depth (ft)	n/a	
Maximum front yard depth (ft)	5	
Minimum side yard depth (ft)	n/a	
Minimum rear yard depth (ft)	n/a	
<p>NOTES: [sq ft = square feet; ft = feet]</p> <p>1. See Section 5.3.F Height, regarding height measurement in the FPO district.</p> <p>2. 75 ft for mixed-use development in which at least 25% of total floor area is devoted to residential uses.</p>		
TYPICAL DEVELOPMENT CONFIGURATION		
		

F. GATEWAY COMMERCIAL (GC)

PURPOSE	TYPICAL BUILDING TYPE
<p>The Gateway Commercial (GC) District is established and intended to establish a gateway from Highway 90 into the city's downtown area, both directly via Pascagoula Street and indirectly via the Jackson Avenue connection to the north end of the Market Street commercial corridor. District standards are intended to encourage development that provides an appropriate transition from the suburban, auto-oriented character of Highway 90 and the Market Street corridor to the more urban, pedestrian-oriented development in the downtown.</p>	

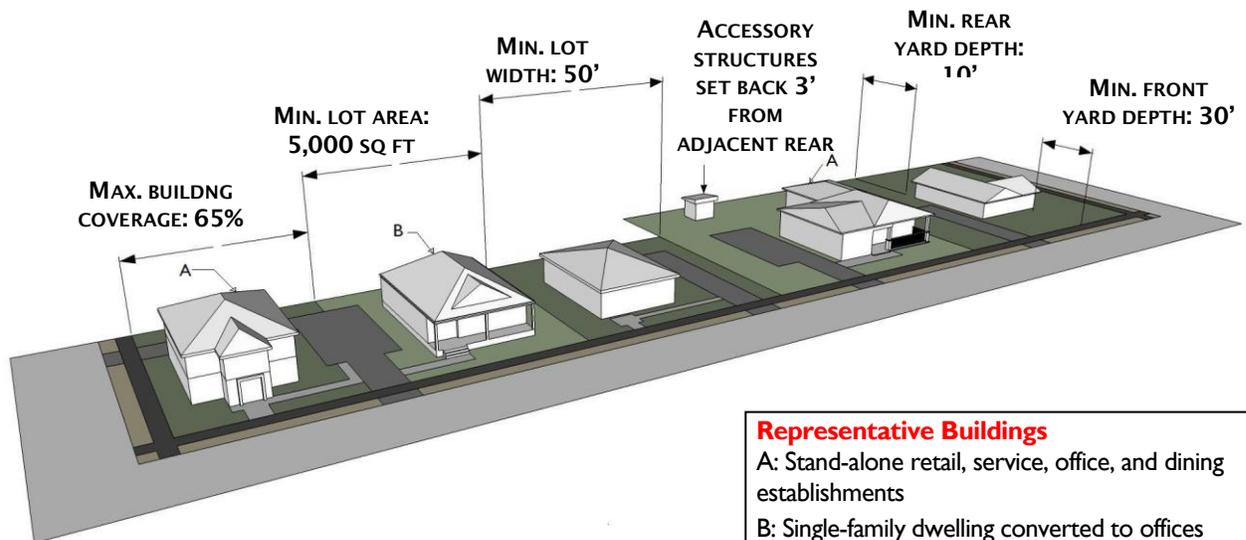
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		TYPICAL LOT PATTERN
Minimum lot area (sq ft)	5,000 ¹	
Minimum lot area per dwelling unit (sq ft)	2,000	
Minimum lot width (ft)	50	
Maximum building coverage (% of lot area)	65	
Maximum height (ft) ²	50 ³	
Maximum front yard depth (ft)	30	
Minimum front yard depth (ft)	n/a	
Minimum side yard depth (ft)	n/a	
Minimum rear yard depth (ft)	10 ⁴	

NOTES: [sq ft = square feet; ft = feet]

1. For townhouse development, applies to development site as a whole, provided individual townhouse lots have a minimum area of 1,800 sq ft and a minimum width of 18 ft.
2. See Section 5.3.F regarding height measurement in the FPO district.

3. For accessory structures in required minimum yards (Section 4.4.E.3), 16 ft + 1 ft per 2 ft of additional setback from adjacent lot lines.
4. 3 ft for accessory structures allowed in required minimum yards (Section 4.4.E.3).

TYPICAL DEVELOPMENT CONFIGURATION



G. WATERFRONT MIXED-USE (WMU)

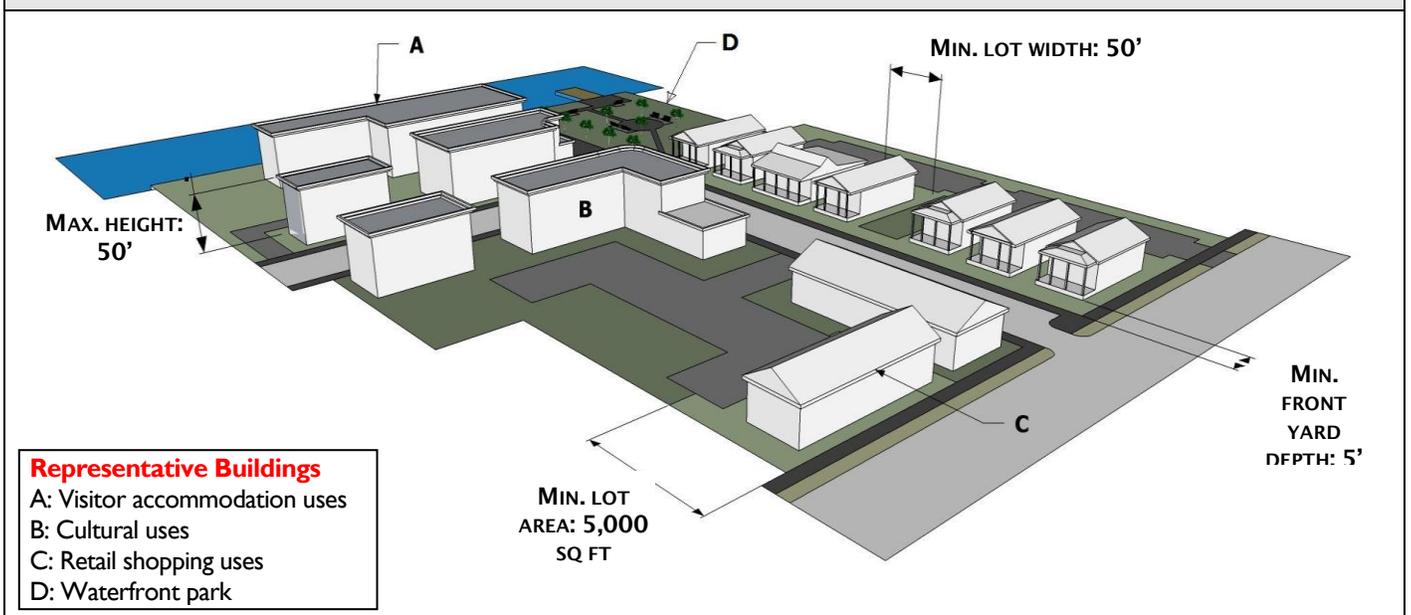
PURPOSE	TYPICAL BUILDING TYPE
<p>The Waterfront Mixed-Use (WMU) District is established and intended to reconnect the city to its waterfronts by encouraging mixed-use and infill development in targeted waterfront areas (e.g., the east bank of the Pascagoula River, adjacent and south of the downtown, and the mouth of the Bayou Chicot). The district is intended to foster development of mixed-use neighborhoods that support a variety of medium- to high-density housing types, retail shopping uses, cultural uses (e.g. art galleries), hospitality uses (e.g., restaurants, hotels), and water-oriented uses providing opportunities for leisure activities (e.g., marinas, docking facilities, boat launches, boat clubs, marine services). District standards are intended to promote and support tourism, ensure compatibility with adjacent development, encourage human-scale development oriented to the street, and foster pedestrian activity along the waterfront, within the district, and to and from adjoining activity centers.</p>	

PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		TYPICAL LOT PATTERN
Minimum lot area (sq ft)	5,000 ¹	
Minimum lot area per dwelling unit (sq ft)	1,500	
Minimum lot width (ft)	50	
Maximum building coverage (% of lot area)	n/a	
Maximum height (ft) ²	50	
Minimum front yard depth (ft)	n/a	
Maximum front yard depth (ft)	5	
Minimum side yard depth (ft)	n/a	
Minimum rear yard depth (ft)	n/a	

NOTES: [sq ft = square feet; ft = feet]

1. For townhouse development, applies to development site as a whole, provided individual townhouse lots have a minimum area of 1,800 sq ft and a minimum width of 18 ft.
2. See Section 5.3.F regarding height measurement in the FPO district.

TYPICAL DEVELOPMENT CONFIGURATION



3.4. INDUSTRIAL BASE ZONING DISTRICTS

A. GENERAL PURPOSES OF INDUSTRIAL BASE ZONING DISTRICTS

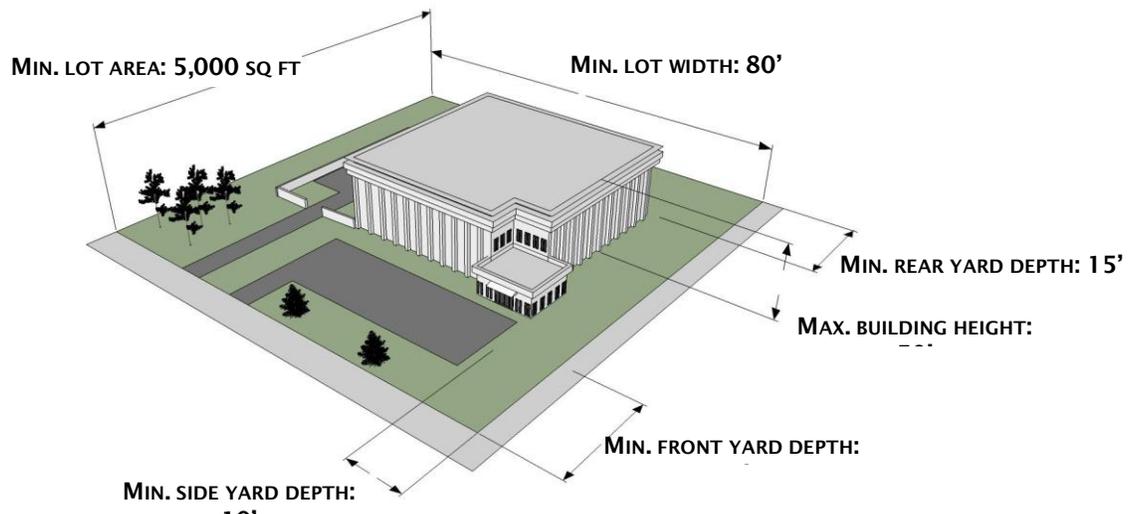
The industrial base zoning districts are established for the general purpose of ensuring there are lands in the city that provide a wide range of port, manufacturing, storage, and related uses to meet household and business needs, and more specifically to:

- 1.** Provide appropriately located lands for the full range of business uses needed by the city's residents, businesses, and workers, consistent with the goals, objectives, and policies of the comprehensive plan and any functional plans and small area plans adopted by the city;
- 2.** Strengthen the city's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities;
- 3.** Create suitable environments for various types of industrial uses, and protect them from the adverse effects of incompatible uses;
- 4.** Support the shipyard, refinery, and related activities taking place in the area;
- 5.** Minimize the impact of industrial development on residential and commercial districts and uses.

B. LIGHT INDUSTRIAL (LI)

PURPOSE		TYPICAL BUILDING TYPE
<p>The Light Industrial (LI) District is established and intended to accommodate light industrial uses that are small-scale or generally can be operated with minimal adverse impacts on the environment and surrounding uses (e.g., from dust, fumes, smoke, odors, noise, vibration, or due to exterior movement of vehicles, materials, and goods). Allowable uses include limited manufacturing, assembly, fabrication, processing, and research and development uses, as well as functionally related distribution, storage, and industrial service uses. The district also accommodates vehicle service uses and some commercial uses that may be incompatible in other districts (e.g., adult uses, crematory, outdoor kennels). Residential uses other than accessory caretaker dwellings are not allowed. District standards are intended to minimize potential nuisances or damage to the environment and adverse impacts on surrounding uses.</p>		
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		TYPICAL LOT PATTERN
Minimum lot area (sq ft)	10,000	
Minimum lot width (ft)	80	
Maximum building coverage (% of lot area)	65	
Maximum height (ft) ¹	50 ²	
Minimum front yard depth (ft)	20	
Minimum rear yard depth (ft)	15 ³	
<p>NOTES: [sq ft = square feet; ft = feet]</p> <p>1. See Section 5.3.F regarding height measurement in the FPO district.</p> <p>2. For accessory structures in required minimum yards (Section 4.4.E.3), 16 ft + 1 ft per 2 ft of additional setback from adjacent lot lines.</p> <p>3. 3 ft for accessory structures allowed in required minimum yards (Section 4.4.E.3).</p>		

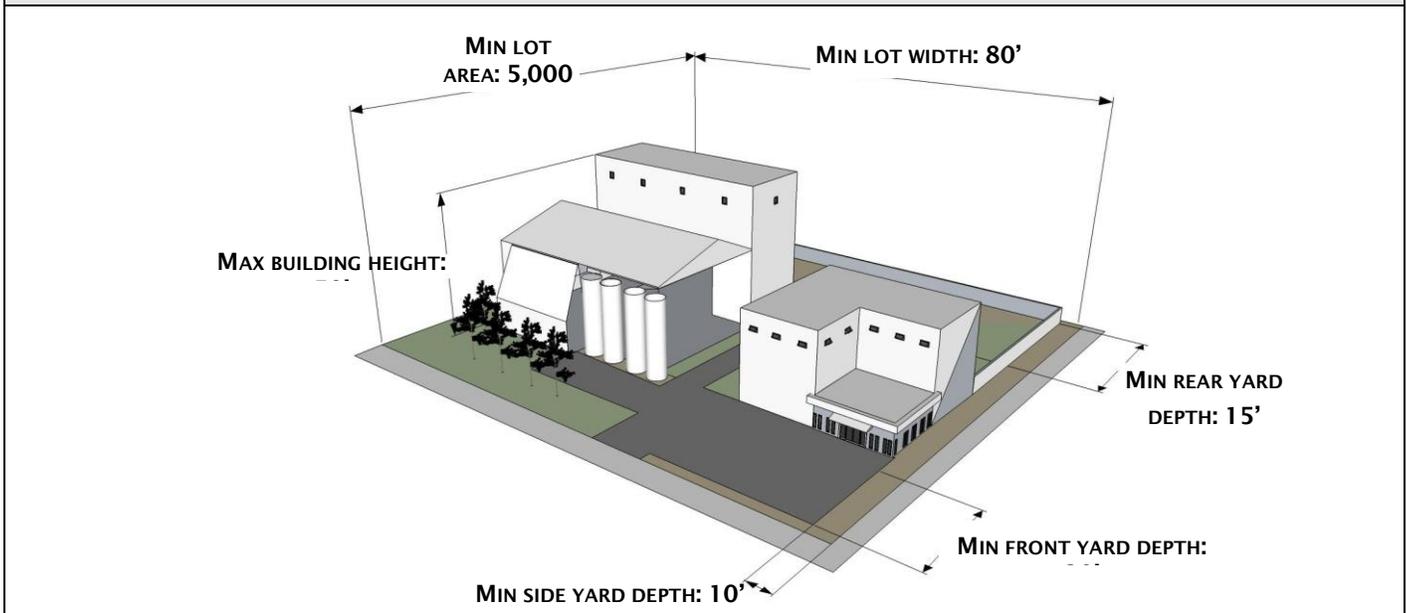
TYPICAL DEVELOPMENT CONFIGURATION



C. HEAVY INDUSTRIAL (HI)

PURPOSE		TYPICAL BUILDING TYPE
<p>The Heavy Industrial (HI) District is established and intended to accommodate heavy industrial uses that are large-scale or generally involve greater potential for off-site adverse impacts on the environment and surrounding uses (e.g., from dust, fumes, smoke, odors, noise, vibration or due to extensive exterior movement of vehicles, materials, and goods). Allowable uses include heavy manufacturing, assembly, fabrication, processing, and research and development uses, as well as functionally related distribution, storage, and industrial service uses. The district also accommodates vehicle service uses and some commercial uses that may be incompatible in other districts (e.g., adult uses, crematory, outdoor kennels). Residential uses other than accessory caretaker dwellings are not allowed. District standards are intended to minimize potential nuisances or damage to the environment and adverse impacts on surrounding uses.</p>		
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS		TYPICAL LOT PATTERN
Minimum lot area (sq ft)	10,000	
Minimum lot width (ft)	70	
Maximum building coverage (% of lot area)	65	
Maximum height (ft) ¹	65 ²	
Minimum front yard depth (ft)	n/a	
Maximum front yard depth (ft)	25	
Minimum side yard depth (ft)	12 ³	
Minimum rear yard depth (ft)	20 ³	
<p>NOTES: [sq ft = square feet; ft = feet]</p> <p>1. See Section 5.3.F regarding height measurement in the FPO district.</p> <p>2. For accessory structures in required minimum yards (Section 4.4.E.3), 16 ft + 1 ft per 2 ft of additional setback from adjacent lot lines.</p> <p>3. 3 ft for accessory structures allowed in required minimum yards (Section 4.4.E.3).</p>		

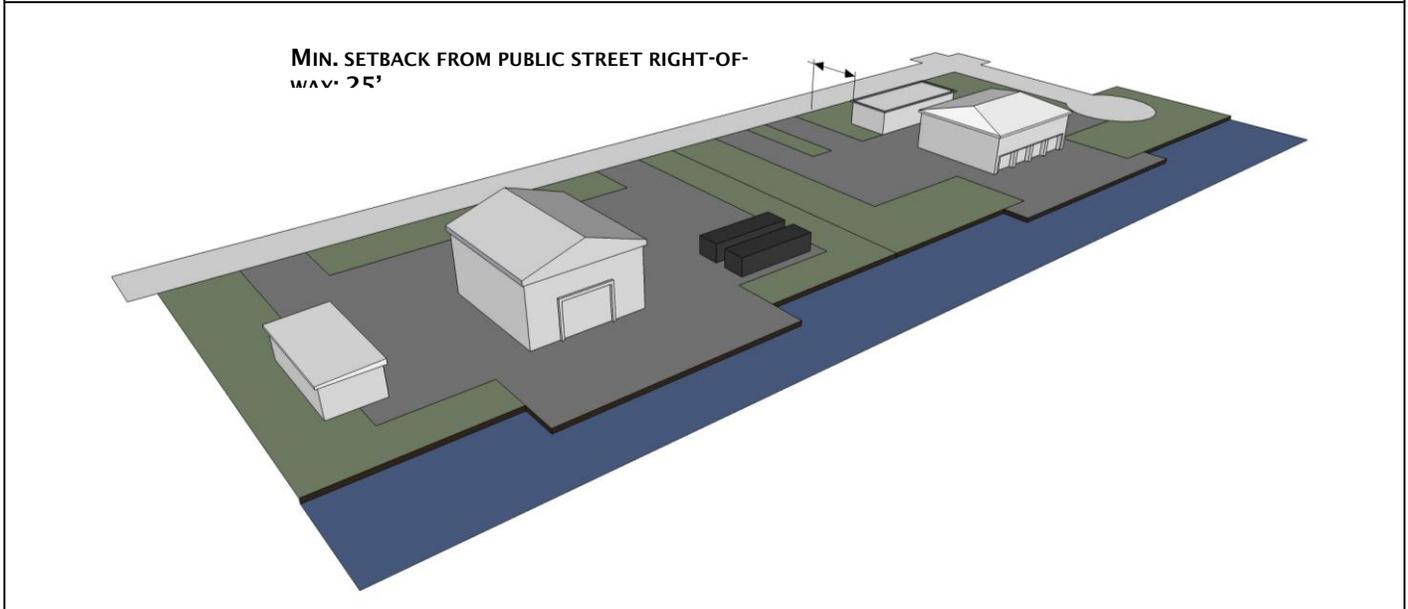
TYPICAL DEVELOPMENT CONFIGURATION



D. PORT (P)

PURPOSE		TYPICAL BUILDING TYPE
<p>The Port (P) District is established to apply primarily to the West Harbor of the Greater Port of Pascagoula and is intended to accommodate heavy industrial uses associated with shipbuilding, repair and servicing of ships and associated equipment, the docking of ships, the transfer of a wide range of products and cargo (e.g., forest and paper products, general cargo, frozen foods, grains, vehicles, machinery, fertilizers, petrochemicals, coke, crude oil, petroleum products, chemicals, bulk fish, construction aggregate, and phosphate rock) to and from ships, and the storage of products and cargo pending distribution or loading. The district may be applied to other lands intended to be developed for similar uses.</p>		
PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS ¹		TYPICAL LOT PATTERN
Minimum setback from public street right-of-way (ft)	25	
<p>NOTES: [ft = feet] 1. Development in the P district is subject to building spacing and other construction standards in the International Building Code and International Fire Code, as adopted and modified in accordance with Chapter 14 (Buildings and Building Regulations) and Chapter 30 (Fire Prevention and Protection) of the Code of Ordinances.</p>		

TYPICAL DEVELOPMENT CONFIGURATION



3.5. OVERLAY ZONING DISTRICTS

A. GENERAL

1. GENERAL PURPOSE OF OVERLAY ZONING DISTRICTS

Overlay zoning districts are superimposed over portions of one or more underlying base zoning districts (and perhaps other overlay districts) with the intent of supplementing generally applicable development regulations with additional development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zoning districts.

2. CLASSIFICATION OF OVERLAY ZONING DISTRICTS

Land shall be classified or reclassified into an overlay zoning district only in accordance with the procedures and requirements set forth in Section 2.5.B, Map Amendment (Rezoning), and this section.

B. FLOODPLAIN OVERLAY (FPO) ZONING DISTRICT

1. PURPOSE

The purpose of the Floodplain Overlay (FPO) District is to delineate and enhance public notice of those areas of the city that constitute areas of special flood hazard subject to the city's Floodplain Management Ordinance. It is intended that FPO district boundaries be amended as necessary to correspond to changes in the boundaries of areas of special flood hazard adopted as part of the Floodplain Management Ordinance.

2. RELATIONSHIP TO FLOODPLAIN MANAGEMENT ORDINANCE

All land within the FPO District is subject to regulations contained in the Floodplain Management Ordinance. Those regulations include provisions that: restrict or prohibit certain uses deemed dangerous to health, safety, or property; require uses vulnerable to flooding to be constructed to provide protection against flood damage; control the alteration of natural floodplains, watercourse channels, and natural protective barriers that accommodate floodwaters; control the filling, grading, dredging, or other land disturbance that might increase flood damage; and prevent or regulate construction of barriers that unnaturally divert floodwaters or increase flood hazards. If a provision of this Ordinance is inconsistent with a provision in the Floodplain Management Ordinance, the more restrictive provision shall govern.

3. SPECIAL HEIGHT MEASUREMENT

Structures in the FPO District are subject to the special height measurement provisions in Section 5.3.F, Height.

C. NEIGHBORHOOD CONSERVATION OVERLAY (NCO) ZONING DISTRICTS

1. PURPOSE

The Neighborhood Conservation Overlay (NCO) District is established and intended to protect and preserve the unique design features and character of established neighborhoods throughout the city, and to promote new construction that is compatible with the existing neighborhood character. The NCO district is a flexible tool that may be applied to multiple neighborhoods, each of which will have its own unique architectural, natural, cultural, and historic attributes.

2. ESTABLISHMENT OF INDIVIDUAL NEIGHBORHOOD CONSERVATION DISTRICTS

The City Council may establish individual Neighborhood Conservation Overlay Districts in accordance with this section and Section 2.5.A, Text Amendment, and Section 2.5.B, Map Amendment (Rezoning), after approving an area plan for the neighborhood specifying the development context in the district. Each NCO district shall be subject to the standards in Section 3.5.C.4, General Development Standards for All NCO Districts. In establishing a new NCO District, the City Council may also establish a unique set of development standards applicable to all development in the particular district (See Section 3.5.C.5, District-Specific Development Standards.).

3. MINIMUM STANDARDS FOR DESIGNATION OF AN NCO DISTRICT

The City Council may approve an application for designation of a NCO District only if:

- a.** At least 65 percent of the land area within the proposed NCO district, not including street and other rights-of-way, is developed;
- b.** Development patterns in the district demonstrate an on-going effort to maintain or rehabilitate the character and physical features of existing buildings in the district;
- c.** There is existing or potential pressure for new development or redevelopment and new infill development within the district;
- d.** The area must possess one or more of the following distinctive features that create a cohesive identifiable setting, character or association:
 - i.** Scale, size, type of construction, or distinctive building materials;
 - ii.** Lot layouts, setbacks, street layouts, alleys or sidewalks;
 - iii.** Special natural or streetscape characteristics, such as creek beds, parks, gardens or street landscaping;
 - iv.** Land use patterns, including mixed or unique uses or activities; or
 - v.** Abuts or links designated historic districts and/or landmarks.
- e.** The development standards proposed to be applied to the district will encourage the retention of the general character and appearance of existing development in the district.

4. GENERAL DEVELOPMENT STANDARDS FOR ALL NCO DISTRICTS

a. Compliance with Underlying Zoning District Standards

These standards supplement the applicable development and district-specific standards found in the underlying base zoning district and do not affect the use regulations applicable in the underlying zoning district.

b. Compliance with Approved Design and Development Standards

No permit for any new construction or expansion of an existing structure resulting in an increase in building footprint area of 25 percent or more may be issued until the City Manager determines that the proposal complies with all design standards established for the NCO district where the land is located. All new development in a NCO district shall comply with the development standards for the underlying zoning district.

c. Conflict with Other Standards

In the case of conflict between the NCO district standards and any other standards of this Ordinance, the NCO district development standards shall control.

5. DISTRICT-SPECIFIC DEVELOPMENT STANDARDS

Each area designated as a Neighborhood Conservation Overlay District shall identify, with specificity, the design standards to be applied to all new construction and expansion of existing structures. Aspects of development that these design standards may address include, but are not be limited to, the following:

- a. Lot size;
- b. Location of proposed buildings or additions;
- c. Setbacks or required yards;
- d. Building height;
- e. Building size (for principal and accessory structures);
- f. Building orientation;
- g. Exterior building materials and colors;
- h. Building roof line and pitch;
- i. Building foundation treatment;
- j. Landscaping and screening;
- k. Impervious surface coverage;
- l. Paving requirements or limitations;
- m. Exterior lighting;
- n. Required features on a front façade;
- o. Neighborhood character and compatibility;
- p. Views of or from specific locations;
- q. Riparian areas, wetland areas, or drainage patterns; and
- r. Demolition of structures.

The City Council may approve additional design standards addressing aspects of development not listed above. The City Council may also prohibit use types within a NCO district.

TABLE OF CONTENTS

ARTICLE 4: USE STANDARDS	4-1
4.1. Organization	4-1
4.2. Principal Uses	4-1
A. Purpose	4-1
B. Principal Use Table	4-1
1. Structure of Principal Use Table	4-1
2. Principal Use Table	4-3
3. Classification of Development with Multiple Principal Use Types	4-9
4. Interpretation of Unlisted Principal Uses	4-9
4.3. Standards for Specific Principal Uses	4-11
A. General	4-11
B. Residential Use Classification	4-11
1. Household Living Uses	4-11
2. Group Living Uses	4-14
C. Institutional Use Classification	4-14
1. Day Care Uses	4-14
2. Educational Uses	4-15
3. Government Uses	4-15
4. Health Care Uses	4-15
5. Other Institutional Uses	4-15
6. Park and Open Space Uses	4-16
7. Transportation Uses	4-16
8. Utility and Communication Uses	4-17
D. Commercial Use Classification	4-21
1. Adult Entertainment Uses	4-21
2. Animal Care Uses	4-21
3. Boat and Marine Sales and Service Uses	4-22
4. Business Support Services Uses	4-23
5. Eating and Drinking Establishments	4-23
6. Motor Vehicle Sales and Service Uses	4-24
7. Recreation/Entertainment Uses, Outdoor	4-27
8. Retail Sales and Service Uses	4-28
9. Self-Service Storage Uses	4-29
10. Visitor Accommodation Uses	4-30
E. Industrial Use Classification	4-33
1. Extractive Industry Uses	4-33
2. Industrial Services Uses	4-33
3. Manufacturing and Production Uses	4-34
4. Warehousing and Freight Movement Uses	4-34
5. Waste-Related Services Uses	4-35
6. Wholesale Uses	4-37
4.4. Accessory Uses and Structures	4-37
A. Purpose	4-37
B. Accessory Use/Structure Table	4-37
C. Structure of Accessory Use/Structure Table	4-38
1. Designation of Accessory Uses or Structures as Permitted or Prohibited	4-38
2. Reference to Standards for Specific Accessory Uses and Structures	4-38

D.	Interpretation of Unlisted Accessory Uses and Structures.....	4-39
1.	Procedure for Allowing Unlisted Accessory Uses and Structures	4-39
2.	Criteria for Allowing Unlisted Accessory Uses and Structures	4-39
3.	Effect of Allowing Unlisted Accessory Uses and Structures	4-39
E.	General Standards for All Accessory Uses and Structures.....	4-40
1.	Compliance with Ordinance Requirements.....	4-40
2.	Relationship to Principal Use or Structure	4-40
3.	Location of Accessory Uses and Structures.....	4-40
F.	Standards for Specific Accessory Uses and Structures.....	4-40
1.	Accessory Dwelling unit	4-40
2.	Amateur Ham Radio or Television Antenna	4-41
3.	Canopy, Nonresidential	4-41
4.	Clubhouse.....	4-41
5.	Greenhouse.....	4-42
6.	Home Occupation, Major.....	4-42
7.	Home Occupation, Minor	4-43
8.	Limited Fuel/Oil/Bottled Gas Distribution	4-43
9.	Outdoor Display/Sales.....	4-44
10.	Outdoor Storage (as an accessory use).....	4-44
11.	Pier or Boathouse.....	4-45
12.	Produce Stand.....	4-45
13.	Rainwater Cistern.....	4-45
14.	Recycling Drop-Off Station	4-45
15.	Satellite Dish	4-46
16.	Small Wind Energy System	4-46
17.	Solar Energy Collection System	4-48
18.	Storage or Parking of Large Trucks or Trailers/Recreational Vehicles or Large Boats	4-48
19.	Swimming Pool, Spa, or Hot Tub	4-48
4.5.	Temporary Uses and Structures.....	4-49
A.	Purpose	4-49
B.	Temporary Use/Structure Table	4-49
C.	Structure of Temporary Use/Structure Table.....	4-49
1.	Allowable Duration and Frequency	4-49
2.	Permit Requirement.....	4-50
3.	Reference to Temporary Use-Specific Standards.....	4-50
D.	Prohibited Temporary Uses	4-50
F.	Standards for Specific Temporary Uses and Structures.....	4-51
1.	Temporary Structures	4-51
2.	Temporary Uses	4-54
G.	Special Events	4-55
1.	Applicability	4-55
2.	Special Event Standards	4-56
3.	Permit Conditions	4-56

ARTICLE 4: USE STANDARDS

4.1. ORGANIZATION

Section 4.2, Principal Uses, includes a Principal Use Table that lists principal uses (organized by a hierarchy of use classification, use category, and use type) and designates whether each is allowed as a permitted use or special use—or is prohibited—in each base zoning district. The table also references any applicable standards specific to particular principal uses. These are set forth in Section 4.3, Standards for Specific Principal Uses. Section 4.4, Accessory Uses and Structures, includes an Accessory Use Table that lists common accessory uses, indicates which are allowed in each base zoning district, and references any applicable standards specific to particular accessory uses. The section also sets forth general standards applicable to all accessory uses. Both Section 4.2, Principal Uses, and Section 4.4, Accessory Uses and Structures, set forth a process whereby the City Manager may interpret unlisted uses as allowable. Section 4.5, Temporary Uses and Structures, includes a Temporary Use Table that lists common permitted temporary uses, specifies the allowable duration for each, indicates whether a Temporary Use Permit is required, and references any standards applicable to particular temporary uses. It sets forth general standards applicable to all temporary uses and contains standards applicable to special events.

4.2. PRINCIPAL USES

A. PURPOSE

The purpose of this section is to designate those principal land uses allowed in each of the various base zoning districts—whether as a permitted by right or only after special review—and to provide use-specific standards where necessary to minimize or otherwise mitigate potential adverse impacts on other development in the zoning district. The organization of listed permitted uses is intended to guide interpretations of whether an unlisted use should be deemed permitted based on its similarity to a listed permitted use.

B. PRINCIPAL USE TABLE

1. STRUCTURE OF PRINCIPAL USE TABLE

a. Classification of Principal Uses

The Principal Use Table organizes allowable principal uses by use classifications, use categories, and use types. This classification scheme provides a systematic basis for identifying and consolidating uses, for distinguishing unidentified uses to determine whether a particular use is allowable in a particular zoning district, and in addressing future use additions to the Principal Use Table.

i. Use Classifications

The use classifications identify broad general classifications of land use and include residential uses, institutional uses, commercial uses, and industrial uses. Use classifications are further broken down into a series of general “use categories” and specific “use types.”

ii. Use Categories

The use categories describe the major sub-groups of the respective use classifications, and are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the Residential Use Classification is divided into the Household Living and Group Living use categories. Each use category is defined in terms of its characteristics and example use types in

Section 10.2, Terms and Uses Defined. Use categories are further broken down into a series of individual use types.

iii. Use Types

The specific use types are included in the respective use category. They identify the specific principal uses that are considered to fall within characteristics identified in the use category. For example, live/work dwellings, single-family detached dwellings, townhouse dwellings, multifamily dwellings, and manufactured homes are use types in the Household Living use category. Each use type is defined in Section 10.2, Terms and Uses Defined.

b. Designation of Principal Uses as Permitted, Special, or Prohibited

i. A “P” in a cell of the Principal Use Table indicates that the corresponding use category or use type is allowed as a principal use by right in the corresponding base zoning district subject to compliance with any standards for the specific principal use referenced in the final column of the table. Permitted principal uses are subject to all other applicable regulations of this Ordinance, including, but not limited to, those set forth in Article 5: Intensity and Dimensional Standards, Article 6: Development Standards, and Article 7: Subdivisions.

ii. An “S” in a cell of the Principal Use Table indicates that the corresponding use category or use type is allowed as a principal use in the corresponding base zoning district only upon approval of a Special Use Permit in accordance with Section 2.5.C, Special Use Permit, and any standards for the specific principal use referenced in the final column of the table. Uses subject to a Special Use Permit are subject to all other applicable regulations of this Ordinance, including, but not limited to, those set forth in Article 5: Intensity and Dimensional Standards, Article 6: Development Standards, and Article 7: Subdivisions.

iii. A blank cell in the Principal Use Table indicates that the corresponding use type is prohibited as a principal use in the corresponding base zoning district.

c. Reference to Standards for Specific Principal Uses

A particular use category or use type allowable as a principal use in a zoning district may be subject to additional standards that are specific to the particular use. The applicability of such use-specific standards is noted through a section reference in the last column of the Principal Use Table titled “Use-Specific Standards.” References refer to standards in Section 4.3, Standards for Specific Principal Uses. These standards shall apply to the particular principal use regardless of the base zoning district where it is proposed, unless otherwise specified.

2. PRINCIPAL USE TABLE

TABLE 4.2.B.2: PRINCIPAL USE TABLE

P = PERMITTED S= SPECIAL USE BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	BASE ZONING DISTRICT													USE-SPECIFIC STANDARDS
		RESIDENTIAL				COMMERCIAL						INDUSTRIAL			
		SFR 10	SFR 8	SFR 6	MR 3	NC	CC	RC	DT	GC	WMU	LI	HI	P	
RESIDENTIAL USE CLASSIFICATION															
Household Living Uses	Dwelling, live/work				S	P	P	P	P	P	P				4.3.B.1.a
	Dwelling, multifamily				P	P	P	P	P	P	P				
	Dwelling, single-family detached	P	P	P	P	P	P			P	P				
	Dwelling, townhouse			P	P	P	P	P	P	P	P				
	Dwelling, two-family			S	P	P	P			P	P				4.3.B.1.b
	Dwelling, upper story (above nonresidential use)				P	P	P	P	P	P	P				4.3.B.1.c
	Manufactured home				P										4.3.B.1.d
Manufactured home park				P										4.3.B.1.e	
Group Living Uses	Assisted living facility				S	P	P	P	P	P	P				
	Continuing care retirement community			S	S	S	P	P	P	P	P				
	Group home				S	P	P	P	S	P	P				4.3.B.2.a
	Rooming or boarding house				S	P	P	P	P	P	P				4.3.B.2.b
INSTITUTIONAL USE CLASSIFICATION															
Community Services Uses	Art gallery			S	S	P	P	P	P	P	P				
	Club or lodge			S	S	P	P	P	P	P	P				
	Community center	P	P	P	P	P	P	P	P	P	P				
	Library	S	S	S	P	P	P	P	P	P	P				
	Museum			S	S	P	P	P	P	P	P				
	Senior center	P	P	P	P	P	P	P	P	P	P				
Day Care Uses	Youth center	P	P	P	P	P	P	P	P	P	P				
	Adult day care facility	S	S	S	P	P	P	P	P	P	P				4.3.C.1.a
	Child day care facility	S	S	S	P	P	P	P	P	P	P				4.3.C.1.b
Education Uses	Family child care home	P	P	P	P	P	P	P	P	P	P				
	College or university	S	S	P	P	P	P	P	P	P	P				
	Elementary school	P	P	P	P	P	P	P	P	P	P				4.3.C.2.a
	High school	S	P	P	P	P	P	P	P	P	P				
	Middle school	S	P	P	P	P	P	P	P	P	P				
Vocational or trade school					P	P	P	P	P	P					
Government Uses	Correctional facility					S	P	S				P	P	P	4.3.C.3.a
	Courthouse facilities						P	P	P	P	P				
	Fire or EMS station	S	S	S	P	P	P	P	P	P	P	P	P	P	
	Government maintenance, storage, and distribution facility					S	S	S		S	S	P	P	P	
	Government administrative offices	S	S	S	S	P	P	P	P	P	P				

Article 4: Use Standards
 Section 4.2: Principal Uses
 4.2.B Principal Use Table

TABLE 4.2.B.2: PRINCIPAL USE TABLE

P = PERMITTED S= SPECIAL USE BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	BASE ZONING DISTRICT													USE-SPECIFIC STANDARDS	
		RESIDENTIAL				COMMERCIAL						INDUSTRIAL				
		SFR 10	SFR 8	SFR 6	MR 3	NC	CC	RC	DT	GC	WMU	LI	HI	P		
	Police station	S	S	S	P	P	P	P	P	P	P	P	P	P	P	
	Post office	S	S	S	S	P	P	P	P	P	P					
Health Care Uses	Blood/tissue collection facility						P	P	P	P	P					
	Drug or alcohol treatment facility						P	P	P	P	P					
	Hospital						P	P	P	P	P					4.3.C.4.a
	Medical or dental clinic					P ¹	P	P	P	P	P					
	Medical or dental lab					P ¹	P	P	P	P	P	P				
	Medical treatment facility					P ¹	P	P	P	P	P	P				4.3.C.4.b
	Nursing care facility						P	P	P	P	P	P				
	Outpatient facility					S ¹	P	P	P	P	P	P				4.3.C.4.b
	Psychiatric treatment facility						P	P		P	P					
Other Institutional Uses	Convention center						P	P	P	P	P					4.3.C.5.a
	Halfway house				S	S	P	P	S	P	P					4.3.C.5.b
	Place of worship	P	P	P	P	P	P	P	P	P	P					4.3.C.5.c
Park and Open Area Uses	Arboretum or botanical garden	P	P	P	P	P	P	P	S	P	P					
	Cemetery or mausoleum	S	S	S												4.3.C.6.a
	Community garden	P	P	P	P	P	P	P	P	P	P	P	P	P		4.3.C.6.b
	Greenway	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Park	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Public square or plaza	P	P	P	P	P	P	P	P	P	P	P	P	P		
Transportation Uses	Helicopter landing facility						S	P	S				P	P	P	4.3.C.7.a
	Surface transportation passenger terminal				S	P	P	P	P	P	P					
Utility and Communication Uses	Newspaper or magazine publishing						P	P	P	P	P	P	P	P		
	Radio or television studio						P	P	P	P	P					
	Wireless communication antenna, collocation on existing tower	P	P	P	P	P	P	P	P	P	P	P	P	P		4.3.C.8.a
	Wireless communication antenna, placement on existing structure	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Wireless communication tower, freestanding					S	S	S	S	S	S	S	S	S	S	
	Utility, major				S	S	S	S	S	S	S	S	P	P	P	4.3.C.8.b
Utility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

TABLE 4.2.B.2: PRINCIPAL USE TABLE

P = PERMITTED S= SPECIAL USE BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	BASE ZONING DISTRICT													USE-SPECIFIC STANDARDS	
		RESIDENTIAL				COMMERCIAL						INDUSTRIAL				
		SFR 10	SFR 8	SFR 6	MR 3	NC	CC	RC	DT	GC	WMU	LI	HI	P		
COMMERCIAL USE CLASSIFICATION																
Adult Entertainment Uses	Adult arcade												P	P		4.3.D.1
	Adult bookstore												P	P		
	Adult cabaret												P	P		
	Adult motel												P	P		
	Adult motion picture theater												P	P		
	Other adult entertainment use											P	P			
Animal Care Uses	Animal shelter							S	S				P	P		4.3.D.2.a
	Animal grooming					P ¹	P	P	P	P	P					
	Kennel, indoor					S ¹	P	P					P	P		4.3.D.2.a
	Kennel, outdoor						S	P					P	P		
	Veterinary clinic, with boarding					S ¹	P	P					P	P		4.3.D.2.a
	Veterinary clinic, without boarding					P ¹	P	P	P	P	P					
Boat and Marine Sales and Service Uses	Boat and marine parts sales and installation					P ¹	P	P	P	P	P	P	P	P	P	
	Boat and marine repair and servicing						P	P					P	P	P	4.3.D.3.a
	Boat and marine sales or rental					P ¹	P	P	P	P	P	P	P	P	P	4.3.D.3.b
	Boat docking facility					P	P	P			P	P	P	P	P	
	Boat fueling station											S	S	S	P	
	Public boat launch or ramp	S	S	S	P	P	P	P		P	P	P	P	P	P	
	Boat dry storage						P	P				S	P	P	P	
	Boating club					P ¹	P	P	P	P	P	P	P	P	P	
	Marina						P	P		P	P	P	P	P	4.3.D.3.c	
Business Support Services Uses	Business service center					P ¹	P	P	P	P	P	P	P	P	P	
	Conference/training center					S ¹	P	P	P	P	P					4.3.D.4.a
	Parcel services					¹ P	P	P	P	P	P	P	P	P	P	
	Telephone call center						P	P			P					
	Travel agency					P ¹	P	P	P	P	P					
Eating and Drinking Establishments	Bar or lounge					P ¹	P	P	P	P	P					4.3.D.5.a
	Brewpub					P ¹	P	P	P	P	P					
	Nightclub					S	P	P	P	P	P					
	Restaurant, with indoor or outdoor seating				S	P ¹	P	P	P	P	P					4.3.D.5.b
	Restaurant, with drive-through service						P	P								4.3.D.5.c
	Specialty eating/drinking establishment				S	P ¹	P	P	P	P	P					
	Mobile Food Vendor				S	P	P	P	S	S	P	P	P	S		4.3.D.5.d

Article 4: Use Standards
 Section 4.2: Principal Uses
 4.2.B Principal Use Table

TABLE 4.2.B.2: PRINCIPAL USE TABLE

P = PERMITTED S= SPECIAL USE BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	BASE ZONING DISTRICT													USE-SPECIFIC STANDARDS	
		RESIDENTIAL				COMMERCIAL						INDUSTRIAL				
		SFR 10	SFR 8	SFR 6	MR 3	NC	CC	RC	DT	GC	WMU	LI	HI	P		
Motor Vehicle Sales and Service Uses	Auto painting or body shop						S	P					P	P	P	4.3.D.6.a
	Auto parts sales and installation						P	P		S	S		P	P	P	4.3.D.6.b
	Auto repair and servicing (without painting or bodywork)						S	P		S	S		P	P	P	4.3.D.6.a
	Auto sales or rental						P	P		S			P	P		4.3.D.6.c
	Auto wrecker service						S	P					P	P	P	4.3.D.6.d
	Car wash and auto detailing					S	P	P	S	S	S		P	P	P	4.3.D.6.e
	Commercial parking deck or garage (as principal use)					S	P	P	P	S	S		P	P	P	4.3.D.6.f
	Commercial parking lot (as principal use)					S	P	P	P	P	P		P	P	P	4.3.D.6.g
	Gasoline filling station					S	P	P	S	S	S		P	P	P	4.3.D.6.h
	Recreational vehicle sales or rental						P	P		S			P	P		4.3.D.6.c
	Taxi service facility					S	P	P			P					
	Tire or muffler sales and mounting/installation						P	P					P	P	P	4.3.D.6.i
	Transmission shop						S	P					P	P	P	
	Truck or tractor sales or rental						S	P					P			4.3.D.6.c
Truck stop						S	P					P			4.3.D.6.j	
Office Uses	Business services offices					P ¹	P	P	P	P	P					
	Contractor's offices					P ¹	P	P	P	P	P	P				
	Financial services offices					P ¹	P	P	P	P	P					
	Professional services offices					P ¹	P	P	P	P	P					
	Sales offices					P ¹	P	P	P	P	P					
Recreation/ Entertainment Uses, Indoor	Auditorium or theater					P ¹	P	P	P	P	P					
	Motion picture theater					P ¹	P	P	P	P	P					
	Other indoor commercial recreation/ entertainment use					P ¹	P	P	P	P	P					
Recreation/ Entertainment Uses, Outdoor	Arena, stadium, or amphitheater						S	P	S	S						4.3.D.7.a
	Athletic field	S	S	S	P	P	P	P		P						
	Golf course	S	S	S	S		P	P								
	Golf driving range						S	P								

TABLE 4.2.B.2: PRINCIPAL USE TABLE

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USE CATEGORY	USE TYPE	BASE ZONING DISTRICT													USE-SPECIFIC STANDARDS
		RESIDENTIAL				COMMERCIAL						INDUSTRIAL			
		SFR 10	SFR 8	SFR 6	MR 3	NC	CC	RC	DT	GC	WMU	LI	HI	P	
	Other outdoor commercial recreation/entertainment use						S	P	S	S	S				4.3.D.7.b
Retail Sales and Service Uses	Personal Services														
	Art, music, dance, or martial arts studio/school					P ¹	P	P	P	P	P				
	Bank or financial institution, with drive-through service					S ¹	P	P		S					4.3.D.8.a
	Bank or financial institution, without drive-through service					P ¹	P	P	P	P	P				
	Crematory							S				P	P		
	Dry cleaning or laundry drop-off establishment					P ¹	P	P	P	P	P				
	Funeral home or mortuary						P	P	P	P					4.3.D.8.d
	Laundromat					P ¹	P	S	P	P	P				
	Personal and household goods repair establishment					P ¹	P	P	P	P	P				
	Personal services establishment					P ¹	P	P	P	P	P				4.3.D.8.e
	Tattoo or body piercing establishment						P	P			P	P	P		
	Retail Sales														
	Book or media shop					P ¹	P	P	P	P	P				
	Convenience store, with gasoline sales					S ¹	P	P		S		P			4.3.D.8.b
	Convenience store, without gasoline sales				S	P ¹	P	P	P	P	P	P			
	Drug store or pharmacy, with drive-through service					S ¹	P	P		S					4.3.D.8.a
	Drug store or pharmacy, without drive-through service					P ¹	P	P	P	P	P				
	Farmers' market					P	P	P	S	P	P				
	Flea market					S	P	P	S	S	S				4.3.D.8.c
Grocery store					P ¹	P	P	P	P	P					
Home center						P	P				P				
Liquor store						P	P	P	P	P					
Retail sales establishment, large						P	P							4.3.D.8.f	
Retail sales establishment, other					P ¹	P	P	P	P	P					

Article 4: Use Standards
Section 4.2: Principal Uses
4.2.B Principal Use Table

TABLE 4.2.B.2: PRINCIPAL USE TABLE

P = PERMITTED S= SPECIAL USE BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	BASE ZONING DISTRICT												USE-SPECIFIC STANDARDS		
		RESIDENTIAL				COMMERCIAL						INDUSTRIAL				
		SFR 10	SFR 8	SFR 6	MR 3	NC	CC	RC	DT	GC	WMU	LI	HI		P	
Self-Service Storage Uses	Self storage or mini-warehouse facility						S	P					P	P	P	4.3.D.9
Visitor Accommodation Uses	Bed and breakfast inn			S	S	P	P	P	P	P	P					4.3.D.10.a
	Campground or recreational vehicle park							P			S					4.3.D.10.b
	Hotel or motel					S	P	P	P	P	P					4.3.D.10.c
	Timeshare or short-term rental accommodation					S	P	P	P	P	P					
	Tourist home				S	P	P	P	P	P	P					
INDUSTRIAL USE CLASSIFICATION																
Extractive Industry Uses	All extractive industry uses												P	P	P	4.3.E.1
Industrial Services Uses	Building, heating, plumbing, or electrical contractor's storage yard							S					P	P	P	
	Fuel oil or bottled gas distribution												P	P	P	
	Fuel oil storage												P	P	P	
	General industrial services												P	P	P	
	Heavy equipment sales, rental, or storage						S	P					P	P	P	4.3.E.2.a
	Heavy equipment servicing and repair						S	P					P	P	P	
	Laundry, dry cleaning, or carpet cleaning facility							S					P	P	P	4.3.E.2.b
	Machine shop							S					P	P	P	4.3.E.2.c
	Repair of scientific or professional instruments						S	P					P	P	P	
	Research and development						S	P					P	P	P	
	Small engine repair shop							S					P	P	P	4.3.E.2.c
Tool repair shop							S					P	P	P		
Manufacturing and Production Uses	Boat manufacturing													P	P	
	Manufacturing, Heavy													P	P	4.3.E.3.a
	Manufacturing, Light												P	P	P	
	Shipbuilding														P	
Warehousing and Freight Movement Uses	Cold storage facility												P	P	P	
	Outdoor storage (as a principal use)						S	S					P	P	P	4.3.E.4.a
	Shipping container storage yard												P	P	P	4.3.E.4.b

TABLE 4.2.B.2: PRINCIPAL USE TABLE

P = PERMITTED S= SPECIAL USE BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	BASE ZONING DISTRICT												USE-SPECIFIC STANDARDS			
		RESIDENTIAL				COMMERCIAL						INDUSTRIAL					
		SFR 10	SFR 8	SFR 6	MR 3	NC	CC	RC	DT	GC	WMU	LI	HI		P		
	Truck or freight terminal							P					P	P	P	4.3.E.4.c	
	Warehouse, distribution							S	S				P	P	P		
	Warehouse, storage							S	S				P	P	P		
Waste-Related Services Uses	Energy recovery plant												S	S	S	4.3.E.5.a	
	Hazardous waste collection site												S	S	S		
	Incinerator												S	S	P		
	Landfill												S	S	S	4.3.E.5.b	
	Recycling and salvage center												S	S	P	4.3.E.5.c	
	Recycling drop-off center						P	P	P	P	P	P	P	P	P	P	4.3.E.5.d
	Salvage yard or junkyard													S	S	P	4.3.E.5.e
	Tire disposal or recycling facility													S	S	S	
	Waste composting facility													S	S	S	4.3.E.5.a
Wholesale Uses	All wholesale uses							S	P				P	P	P	4.3.E.6	

NOTES:

1. Limited to a total gross ground floor area of 10,000 sf.

3. CLASSIFICATION OF DEVELOPMENT WITH MULTIPLE PRINCIPAL USE TYPES

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore, and bakery, for example, would be classified in the Retail Sales and Service Use Category because all of the development’s principal uses are in that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable use category and each use is subject to applicable regulations for that use category. Developments with multiple principal uses, such as shopping centers, may incorporate only those use types allowed in the applicable zoning district.

4. INTERPRETATION OF UNLISTED PRINCIPAL USES

a. Procedure for Interpreting Unlisted Principal Uses

The City Manager may interpret a particular principal use not expressly listed in the Principal Use Table as allowed in a particular zoning district—as either a permitted use or a special use—in accordance with the procedure in Section 2.5.N, Interpretation, and based on the standards in Section 4.2.B.4.b, Criteria for Allowing Unlisted Principal Uses.

b. Criteria for Allowing Unlisted Principal Uses

The City Manager shall interpret an unlisted principal use as an allowed permitted use or special use in a particular zoning district only after determining

that the nature, function, and duration of the use and the impact of allowing it in the zoning district are so similar to those of a use type or use category that is allowed in the zoning district that the unlisted use should be deemed allowed in the same manner (i.e., as a permitted use or as a special use) as the similar use type or use category and subject to the same use-specific standards. In making such determination, the City Manager shall consider the relevant characteristics of the unlisted use, the purpose and intent statements in this Ordinance concerning the zoning district (Article 3: Zoning Districts), and the character of use types allowable in the district. The relevant characteristics of the unlisted use that should be considered in making this determination include but are not limited to the following:

- i.** Actual or projected characteristics of each activity likely to occur at the unlisted use;
- ii.** The type, size, orientation, and nature of buildings, and structures devoted to each activity;
- iii.** The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
- iv.** Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity;
- v.** Transportation requirements, including the modal split for people and freight, by volume type, and characteristics of traffic generation to and from the site;
- vi.** Relative amounts of sales from each activity;
- vii.** The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building, and the predominant types of items stored;
- viii.** Customer type for each activity;
- ix.** How each use is advertised, including signage;
- x.** The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
- xi.** Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
- xii.** The impact on adjacent lands created by the proposed use type, which should not be greater than that of other use types allowed in the zoning district.

c. Effect of Allowing Unlisted Uses as Permitted or Special Uses

- i.** After interpreting an unlisted principal use as allowed as a permitted use or special use in a particular zoning district, the City Manager shall determine whether the unlisted use is likely to be common or to recur frequently, and whether its omission from the Principal Use Table is likely to lead to public uncertainty and confusion.
- ii.** On determining that the allowed unlisted principal use is likely to be common or would lead to confusion if it remains unlisted, the City Manager shall initiate an application for a text amendment to this Ordinance in accordance with Section 2.5.A, Text Amendment, to list the use in the Principal Use Table as a permitted use or a special use, as appropriate. Until final action is taken on the text amendment application,

the interpretation of the City Manager shall be binding.

- iii. If the City Manager determines that the allowed unlisted principal use is of an unusual or transitory nature, and unlikely to recur frequently, the interpretation shall be binding in accordance with Section 2.5.N.6, Effect of Interpretation, without further action or amendment of this Ordinance.

4.3. STANDARDS FOR SPECIFIC PRINCIPAL USES

A. GENERAL

Standards for specific principal uses are applied to individual principal use types regardless of the zoning district in which they are located or the review procedure by which they are approved, unless expressly stated to the contrary. This section is intended to set forth and consolidate the standards for all principal uses for which a reference to this Section is provided in “Use-Specific Standards” column in Table 4.2.B.4, Principal Use Table. These standards may be modified by other applicable requirements in this Ordinance.

B. RESIDENTIAL USE CLASSIFICATION

1. HOUSEHOLD LIVING USES

a. Dwelling, Live/Work

Live/work dwellings shall comply with the following standards:

- i. The residential portion of the building shall occupy over 50 percent of the gross floor area.
- ii. The nonresidential portion of the building shall be located on the ground floor.
- iii. The nonresidential portion of the building shall comply with all applicable nonresidential building code requirements.
- iv. Employees shall be limited to occupants of the residential portion of the building plus up to three persons not residing in the residential portion.
- v. Drive-through facilities are prohibited.
- vi. The use shall comply with the parking, landscaping, and open space standards for mixed uses in Article 6: Development Standards.
- vii. Any nonresidential off-street parking shall be located as far as practicable from existing adjacent single-family dwellings.

b. Dwelling, Two-Family

Two-family dwellings shall comply with the following standards:

- i. Except for circular driveways, no more than one driveway shall be located on the same block face.
- ii. In the Single-Family Residential 6 (SFR-6) zoning district, there shall be a single entrance on any individual building façade.
- iii. Ground based, roof-based, and wall-mounted electrical equipment, HVAC equipment and other utility connection devices shall be ganged and shall be screened or located outside the view from any adjacent public street.

c. Dwelling, Upper Story

Residential living above the first floor is allowed in zoning districts in which the city intends to preserve nonresidential activity at street level. Lobbies, security,

Article 4: Use Standards

Section 4.3: Standards for Specific Principal Uses

4.3.B Residential Use Classification

and uses incidental to the residential living units may be allowed on the street level, but all principal living spaces in multi-story or multi-tenant buildings shall be above the first floor.

d. Manufactured Home

Manufactured homes shall comply with the following standards:

- i.** The manufactured home shall not be located on a parcel containing another manufactured home or other principal structure.
- ii.** The manufactured home shall be located on a poured concrete foundation or on a continuously-dug and poured concrete footing around the perimeter of the home which is designed by a registered professional engineer to withstand a 150 mph Basic Wind Speed as defined by the current adopted edition of the International Residential Code. The foundation shall include a continuous and permanent brick, stone, or masonry foundation or curtain wall from the frame to the ground.
- iii.** The manufactured home shall be skirted utilizing brick, stone, sculptured concrete masonry units, or either precast or poured in place concrete panels with an architectural finish. All skirting shall have the required amount of foundation venting as determined by the International Residential Code and the Floodplain Management Ordinance.
- iv.** The manufactured home, excluding the foundation, shall meet wind loading requirements as set forth in the Uniform Standards Code for Factory-Built Homes Law, Regulation MH-5.
- v.** The length of the manufactured home shall not exceed four times its width.
- vi.** The manufactured home shall have no less than 1,200 square feet of enclosed floor area.
- vii.** The manufactured home shall be oriented with its longer side parallel to the adjacent street, to the maximum extent practicable.
- viii.** All wheels, axles, transporting lights, tongue, and moving hitch shall be removed before occupancy of the dwelling.
- ix.** The manufactured home shall have a minimum roof pitch of 4:12 and a roof overhang of at least six inches (excluding guttering) on all sides.
- x.** The roof of the manufactured home shall be finished with a type of roofing material commonly used in site-built residential construction.
- xi.** The exterior siding of the manufactured home shall consist predominately of wood or hardboard lap siding not exceeding the reflectivity of gloss white paint, and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in site-built residential construction.
- xii.** All porches, decks, ramps, or entry steps shall be wood or masonry with guardrails and handrails as required by the International Residential Code.
- xiii.** A manufactured home located within an area of special flood hazard, as established by the city's Floodplain Management Ordinance, shall be installed to meet the elevation requirements of the Floodplain Management Ordinance. Installation where elevation requirements exceed 5 feet as measured from the natural grade to the top of the frame shall be prohibited.
- xiv.** Installation of a manufactured home within a coastal high hazard area, as established by the city's Floodplain Management Ordinance, shall be prohibited.

- xv. The manufactured home shall bear a valid seal or decal indicating conformance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, (42 U.S.C. Section 5401 et seq.) and the Mississippi State Fire Marshal's Office, Factory Built Home Division.
- xvi. The manufactured home shall meet standards v, vi, ix, x, and xi above prior to permitting and placement on the lot. The City Manager shall require actual photographs showing compliance prior to issuance of a permit.

e. Manufactured Home Park

Manufactured home parks shall comply with the following standards:

- i. Interior drives shall:
 - (A) Be at least 20 feet wide;
 - (B) Provide access to a public street;
 - (C) Be designed and maintained to support the imposed loads of fire apparatus;
 - (D) Be surfaced to provide all-weather driving capabilities with gravel, shell, Portland cement concrete, or asphalt for their full width; and
 - (E) Be maintained so as to be smooth, dust free and pothole-free.
- ii. An outdoor security light of not less than 7,000 lumens shall be spaced no more than 200 feet apart along the length of internal drives.
- iii. The total floor area of all habitable rooms within each manufactured home shall exceed 150 square feet for the first occupant of the home plus 100 square feet for each additional occupant. Habitable rooms include space designed or used for living, sleeping, eating or cooking, and does not include bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas. The number of occupants of a manufactured home shall not exceed the limits set in this section.
- iv. The owner of a manufactured home park shall not allow the placement or continued occupancy within the park of a manufactured home that is dilapidated or otherwise unfit for human habitation due to deterioration, lack of maintenance, wind damage, fire damage, or any other reason.
- v. The owner of a manufactured home park shall be responsible for maintaining the grounds free of litter, trash, debris, and dilapidated vehicles. All manufactured home parks shall meet the requirements of the International Property Maintenance Code.
- vi. The owner of a manufactured home park shall be responsible for maintaining the utilities in good working order. All vacant manufactured home spaces shall have the sewer lines capped so as to prevent rainwater infiltration.
- vii. The owner of a manufactured home park shall be responsible for informing park tenants of the requirement to obtain a manufactured home installation permit prior to the placement of the manufactured home.
- viii. Each manufactured home space shall be clearly identified with the space number plainly legible and visible from an internal drive in such a manner as to provide weather resistant identification. Numbers and letters shall be at least four inches high with a minimum stroke width of one-half inch, and their color shall contrast with the background.
- ix. Manufactured homes shall be installed in accordance with the applicable sections of the International Residential Code for One and Two Family

Article 4: Use Standards

Section 4.3: Standards for Specific Principal Uses

4.3.C Institutional Use Classification

Dwellings and the Uniform Standards Code for Factory-Built Homes Law, Regulation MH-5.

- x. All plumbing installations shall meet the requirements of the International Plumbing Code.
- xi. All electrical installations shall meet the requirements of the National Electrical Code.
- xii. Manufactured homes installed in locations within an area of special flood hazard shall comply with the requirements of the Floodplain Management Ordinance.

2. GROUP LIVING USES

a. Group Home

Any group home shall be located at least 2,600 feet (approximately one-half mile) from any other group home.

b. Rooming or Boarding House

A rooming or boarding house shall comply with the following standards:

- i. No more than ten rooms shall be rented at any one time;
- ii. The owner shall maintain the house as a primary residence;
- iii. Sleeping rooms in a rooming house shall:
 - (A) Not include individual kitchen facilities; and
 - (B) Be accessed by a common room or hallway, and shall not have individual access to the outside (except for emergency exits).

C. INSTITUTIONAL USE CLASSIFICATION

1. DAY CARE USES

a. Adult Day Care Facility

Adult day care facilities shall comply with all relevant state requirements, including but not limited to the dimensional spacing requirements as measured on a per client basis.

b. Child Day Care Facility/Family Child Care Home

Child day care facilities and family child care homes shall comply with the following standards:

- i. **Compliance with State Regulations**
Child day care facilities shall be licensed as a day care facility by the state and comply with all state regulations for day care facilities. Family child care homes shall be registered as such by the state and comply with all state regulations for family child care homes.
- ii. **Outdoor Play Areas**
Outdoor play areas shall be:
 - (A) Safely segregated from accessways, and parking, loading, or service areas; and
 - (B) Not operated for outdoor play activities after 8:00 P.M.

iii. Vehicular Access, Circulation, and Pick-Up/Delivery Areas

Child day care facilities shall include vehicular access and circulation that is designed to:

- (A) Enhance the safety of children as they arrive and leave the facility;
- (B) Provide a designated passenger pick-up and delivery area that includes at least one loading/unloading space per 20 children and is located adjacent to the child day care facility in such a way that children do not have to cross vehicular accessways to enter or exit the facility.

2. EDUCATIONAL USES

a. School, Elementary/Middle/High

Any temporary structures needed for the expansion of an elementary, middle, or high school located in a Single-Family Residential (SFR) district and on a parcel with an area of 20 acres or less shall:

- i. Not be located between the principal building and any abutting right-of-way, unless there is no other practical alternative due to topography, the presence of utilities or easements, or the existence of undisturbed open space or other site features beyond the landowner's control.
- ii. Have the base of the temporary structure screened from view from abutting properties and public streets.

3. GOVERNMENT USES

a. Correctional Facility

All outdoor prisoner activity areas shall be screened from view from adjacent streets and properties.

4. HEALTH CARE USES

a. Hospital

Hospitals shall be:

- i. Located on a site or parcel with an area of at least five acres.
- ii. Located on a parcel that fronts or has direct access to an arterial or collector street.
- iii. Served by a public water and wastewater system.

b. Medical Treatment Facility/Outpatient Facility

Medical treatment facilities and outpatient facilities located in a Neighborhood Commercial (NC) or Waterfront Mixed-Use (WMU) district shall:

- i. Be small-scale with a gross floor area not exceeding 3,000 square feet; and
- ii. Design associated visitor and patient facilities to be compatible with surrounding uses.

5. OTHER INSTITUTIONAL USES

a. Convention Center

Convention centers shall:

- i. Be located on a parcel with an area of at least five acres; and

Article 4: Use Standards

Section 4.3: Standards for Specific Principal Uses
4.3.C Institutional Use Classification

- ii. Be located within a building that is at least 500 feet from any SFR district.

b. Halfway House

Any halfway house shall be located at least 2,600 feet (approximately one-half mile) from any other halfway house.

c. Place of Worship

- i. A place of worship located in a Single-Family Residential (SFR) or Neighborhood Commercial (NC) district shall be located on a parcel that fronts an arterial or collector street.
- ii. The City Manager shall have the authority to grant modifications of the above standard where necessary to eliminate a substantial burden on religious exercise, as guaranteed by the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000 (42 U.S.C. Sec. 2000), as amended. In doing so, the City Manager may impose conditions consistent with RLUIPA that will substantially secure the objectives of the modified standard and substantially mitigate any potential adverse impact on the environment or adjacent properties.

6. PARK AND OPEN SPACE USES

a. Cemetery or Mausoleum

Except as otherwise stated, the development and expansion of cemeteries shall comply with the following standards:

- i. New cemeteries shall be located on a parcel with an area of at least two and one-half acres. (This standard shall not apply to existing cemeteries or the expansions thereof.)
- ii. New cemeteries shall be located on a parcel that fronts an arterial or collector street.
- iii. Cemeteries shall include adequate space for the parking and maneuvering of funeral processions.

b. Community Garden

Community gardens shall comply with the following standards:

- i. Overhead lighting in community gardens is prohibited.
- ii. Signage is limited to a single, non-illuminated, flat sign of four square feet in area.
- iii. No more than two vehicles shall be parked on the site of a community garden, excluding those parked within an enclosed structure.
- iv. Retail sales are limited to sales of items grown and to a sales area of less than 64 square feet.
- v. Plantings in community gardens shall not obstruct roadway visibility or impede the flow of traffic.
- vi. Perimeter fencing, including trellises, is allowed in community gardens and is subject to the standards in Section 6.6.7, Fences and Walls.

7. TRANSPORTATION USES

a. Helicopter Landing Facility

Helicopter landing facilities shall:

- i. Provide adequate area for safe take-offs and landings in accordance with

standards of the Federal Aviation Administration (FAA); and

- ii. Provide a perimeter buffer adequate to mitigate any adverse impact on any property zoned Single-Family Residential (SFR) and located within 500 feet of the facility.

8. UTILITY AND COMMUNICATION USES

a. Wireless Communication Antenna/Tower

i. Purpose

This section is intended to establish general standards for the siting of telecommunications towers and antennas that will:

- (A) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- (B) Encourage the location of towers in nonresidential areas;
- (C) Minimize the total number of new towers throughout the city;
- (D) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- (E) Encourage the location of towers and antennas in areas where the adverse impact on the community is minimal;
- (F) Encourage towers and antennas to be carefully sited, designed, and screened to minimize their adverse visual impact;
- (G) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- (H) Consider the public health and safety concerns of communication towers and antennas; and
- (I) Encourage the use of engineering and careful siting of tower structures to avoid potential damage to adjacent properties from tower failure.

ii. Applicability

All new wireless communications facilities, whether a principal or accessory use, shall be subject to these standards unless specifically exempted in 4.3.C.8.a.iii, Exemptions.

iii. Exemptions

The following shall be exempt from the standards of this section (but shall be required to comply with other relevant standards in this Ordinance, such as accessory use or design standards):

- (A) Satellite dish antennas, subject to the accessory use standards in Section 4.4.F.15, Satellite Dish;
- (B) Receive-only television or radio antennas for noncommercial use;
- (C) Antennas legally operated by FCC-licensed amateur radio operators; and
- (D) Emergency communication towers owned by the city or other public agency that are used wholly or in part for public safety or emergency communication purposes.

Article 4: Use Standards

Section 4.3: Standards for Specific Principal Uses
4.3.C Institutional Use Classification

iv. Freestanding Towers

Freestanding wireless communications towers, whether as a principal or accessory use, shall comply with the following standards:

(A) Safety

- (1) Before obtaining a building permit, the applicant shall submit engineering drawings to the City Manager, sealed by a licensed engineer, that include a statement that the tower will meet all applicable local, state, and federal building codes and structural standards.
- (2) The tower shall be designed to withstand 150 miles per hour wind load with a three-second gust factor.

(B) Height

The height of a wireless communications tower, including any building or structure atop the tower, shall not exceed 199 feet.

(C) Aesthetics

- (1) Towers shall either maintain a galvanized steel finish or be painted.
- (2) Towers shall be camouflaged with the surrounding area, through paint, incorporation into architectural design/structure, or other means, to the maximum extent practicable.
- (3) The exterior appearance of ground-based accessory structures located within a residential zoning district shall be designed to look like a residential structure typical of the district (e.g., with a pitched roof and frame or brick siding).

(D) Lighting

If lighting is required by the Federal Aviation Administration (FAA), it shall comply with FAA standards. To the extent allowed by the FAA, strobe lights shall not be used for nighttime lighting and lighting shall be oriented so as not to project directly onto any surrounding residentially-zoned property. Documentation from the FAA that the lighting is the minimum lighting it requires shall be submitted to the City Manager before issuance of any building permit for the tower.

(E) Setbacks

- (1) In residential districts, wireless communications towers shall be set back from abutting property lines the distance equal to or exceeding the height of the tower.
- (2) In nonresidential districts, wireless communications towers shall be set back from abutting property lines the distance equal to or exceeding the one-half the tower height or 50 feet, whichever is greater.
- (3) Buildings associated with a wireless communications tower shall meet the minimum yard depth requirements for the zoning district where located.

(F) Separation from other Towers

New wireless communication towers shall not be located within 1,500 feet of an existing wireless communications tower. This standard shall not apply to a wireless communications tower placed out of view in a building or other structure.

(G) Collocation

- (1) No freestanding wireless communications tower shall be allowed unless it is demonstrated that no suitable existing tower, building, or other structure within the coverage area is available for the collocation of antennas.
- (2) New freestanding wireless communications towers shall be designed to accommodate the present and future needs of the owner and at least two comparable users. Unused space on an existing wireless communications tower shall be made available to other users pursuant to terms and conditions mutually agreeable to the parties unless mechanical, structural, or regulatory factors prevent collocation. In determining fair market rental, the rent paid by a current collocator under a swapping agreement need not be considered.

(H) Buffer and Screening

A type C buffer (See Section 6.3.E, Perimeter Buffers.), shall be provided around the perimeter of a freestanding wireless communications tower facility (including equipment structures and guy anchor supports).

(I) Security Fencing

Towers, guy anchor supports, and ground-based equipment buildings shall be enclosed by security fencing not less than ten feet in height. Security fencing may be chain link, but chain link fencing shall be fully screened from adjacent streets by landscaping material.

(J) Interference

No wireless communications tower, antenna, or supporting equipment shall disturb or diminish radio or television or similar reception on adjoining residentially zoned land.

(K) Use of Associated Buildings

Building and structures associated with a wireless communications tower shall not be used as an employment center for any worker. This does not prevent the periodic maintenance, inspection, and monitoring of equipment and instruments, or renovation of the facility.

(L) No Outdoor Storage

No outdoor storage shall be allowed on a wireless communications tower site.

(M) Compliance with State or Federal Laws and Regulations

Towers and antennas shall meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the state or federal government that regulates wireless communications towers and antennas.

(N) Replacement of Existing Towers

Existing freestanding wireless communications towers may be replaced with a new tower that increases the number of collocation opportunities, subject to the following standards:

- (1) The height of the replacement tower shall not exceed 110 percent of the height of the replaced tower, but in no instance

Article 4: Use Standards

Section 4.3: Standards for Specific Principal Uses
4.3.D Commercial Use Classification

shall the height of the replacement tower exceed 199 feet.

- (2) The replacement tower shall be located within 100 feet of the replaced tower, unless the City Manager determines that a farther distance furthers the purpose and intent of this Ordinance.
- (3) The replacement tower shall comply with all the standards of this sub-section.

(O) Discontinued Use

If a wireless communications tower is not used for a period of six consecutive months, the City Manager may send the tower owner notice indicating that the tower must be removed within 90 days from the date of notice.

v. Collocation of Antennas on Existing Towers

Antennas may be collocated on existing wireless communications towers if they comply with the following standards:

- (A) It is demonstrated the tower can accept the additional structural loading created by the collocation.
- (B) Any modification of an existing tower to accommodate the collocation of additional antenna shall comply with the height limit established for freestanding wireless communications towers in Section 4.3.C.8.a.iv(B), Height.
- (C) Antennas and associated equipment shall comply with the safety, lighting, interference, and regulatory compliance standards for wireless communications towers included within this subsection.

vi. Placement of Antennas on an Existing Buildings

An antenna may be attached to any nonresidential, townhouse, or multifamily residential building in accordance with the following standards:

(A) Height

The antenna shall not extend above a height 25 percent higher than the highest point of the building or structure.

(B) Other Standards

Antennas and associated equipment shall comply with the safety, lighting, interference, and regulatory compliance standards for wireless communications towers included within this sub-section.

(C) Screening

- (1) Antennas visible from the street shall be omni-directional, be screened, or be camouflaged to the maximum extent practicable to minimize their appearance.
- (2) All other equipment shall be located within the building or screened in some other fashion to prevent off-site views.

b. Utility, Major

An electrical power facility, substation, or transmission station shall be set back at least 100 feet from all lot lines.

D. COMMERCIAL USE CLASSIFICATION

1. ADULT ENTERTAINMENT USES

a. Purpose

Adult entertainment uses are recognized as having certain serious and objectionable operational characteristics and deleterious secondary effects on adjacent areas, particularly when several adult entertainment uses are concentrated or when they are located in close proximity to residential neighborhoods and uses involving the assembly of children or other vulnerable or sensitive persons. Special regulation of these uses is necessary to ensure that these adverse effects do not contribute to the degradation or decline of surrounding neighborhoods. The primary intent of the following standards is to prevent the concentration of adult entertainment uses in any one location and separate them from residential neighborhoods and vulnerable uses.

b. Separation Standards

i. Other Adult Uses

No parcel containing an adult entertainment use shall be located within 1,000 feet of a parcel containing another adult entertainment use, provided that this separation requirement shall not apply to adult entertainment uses located in a building with a common roof, a single entrance, and under single proprietorship.

ii. Residential Zoning

No parcel containing an adult entertainment use shall be located within 1,000 feet of a residential zoning district.

iii. Certain Uses

No parcel containing an adult entertainment use shall be located within 1,000 feet of a parcel containing any of the following uses:

- (A)** Child day care facility or family child care home;
- (B)** Elementary, middle, or high school;
- (C)** Public park, playground, or outdoor recreation facility; and
- (D)** Place of worship.

2. ANIMAL CARE USES

a. Animal Shelter/Kennel (Outdoor or Indoor)/Veterinary Clinic with Boarding

Animal shelters, kennels (outdoor or indoor), and veterinary clinics with boarding shall comply with the following standards:

- i.** No more than 20 animals (not including fish, small reptiles, and rodents kept as domesticated pets) shall be boarded at any given time.
- ii.** Structures in which animals are kept shall be sufficiently insulated so no unreasonable noise or odor can be detected off the premises.
- iii.** Any open runs or pens used to house animals shall be located at least 75 feet from any lot line.
- iv.** Accessory uses to an indoor kennel may include retail sales and grooming services, as long as the accessory uses occupy no more than 25 percent of the total gross floor area.
- v.** Any incinerators included as an accessory use to an animal shelter shall be

Article 4: Use Standards

Section 4.3: Standards for Specific Principal Uses

4.3.D Commercial Use Classification

permitted only in accordance with a Special Use Permit approved in accordance with Section 2.5.C, Special Use Permit.

3. BOAT AND MARINE SALES AND SERVICE USES

a. Boat or Marine Repair and Servicing

Boat or marine repair and servicing uses shall comply with the following standards:

- i.** Outdoor repair and storage of boats or related equipment being repaired or serviced shall be limited to an area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened with a wooden fence or masonry wall in accordance with Section 6.7, Fences and Walls.
- ii.** Sandblasting shall be allowed only in the Industrial and Port districts.
- iii.** The use shall provide adequate, enclosed trash storage facilities on the site.
- iv.** Boats shall be not stored as a source of parts.
- v.** Boats that are repaired and are awaiting removal shall not be stored for more than 30 consecutive days. A boat abandoned by its lawful owner before or during the repair process may remain on site after the 30 day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the boat from the premises using the appropriate legal means.

b. Boat or Marine Sales or Rental

Uses primarily involving the sales or rental of boats shall comply with the following standards:

- i.** No boat or equipment displays shall be located within a required yard or perimeter buffer.
- ii.** The use shall not have more than one boat display pad for every 100 feet of street frontage. The boat display pad may be elevated up to two feet above adjacent displays or grade level.
- iii.** No boats or other similar items shall be displayed on the top of a building.
- iv.** All lights and lighting shall be designed and arranged so no source of light is directly visible from any residential district or existing residential use.
- v.** No other materials for sale shall be displayed between the principal structure and the street.
- vi.** The use may include the repair and servicing of boats or marine equipment as an accessory use. If it does, the use shall also comply with the standards in Section 4.3.D.3.a, Boat or Marine Repair and Servicing.

c. Marina

Marinas shall comply with the following standards:

- i.** No marina shall be established on a parcel less than one acre in area.
- ii.** Exterior lighting shall comply with the standards in Section 6.8, Exterior Lighting, and shall be directed and shielded to avoid glare on adjacent residential uses, including residential uses located across the bayou or similar body of water serving the marina.
- iii.** Dry stacking of boats outside enclosed structures shall be prohibited.

4. BUSINESS SUPPORT SERVICES USES

a. Conference/Training Center

Conference and training centers shall comply with the following standards:

- i.** Dining and banquet facilities may be provided for employees, trainees, and conferees, provided the gross floor area devoted to such facilities does not exceed 20 percent of the total floor area of the principal building.
- ii.** On-site recreational facilities may be provided for use by employees, trainees, or conferees.
- iii.** No products shall be sold on-site except those that are clearly incidental and integral to training programs and seminars conducted in the center (e.g., shirts, glasses and mugs, pens and pencils, and similar items bearing the logo of conference or seminar sponsors or participants).

5. EATING AND DRINKING ESTABLISHMENTS

a. Bar or Lounge/Brewpub/Nightclub

i. Live Entertainment

Live music and entertainment with or without amplification is permitted.

ii. Off-Premise Alcohol Sales

If licensed by the state for off-premise sales, brewpubs may sell malt beverages for consumption off premises, limited to the sale of no more than ten percent of the total on-premises production.

iii. Accessory Uses

Bars, lounges, brewpubs, and nightclubs serving as an accessory use to a principal use shall comply with the standards in Section 4.4, Accessory Uses and Structures.

b. Restaurant, with Outdoor Seating

Restaurants having outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the following standards:

- i.** The outdoor seating area shall be located no closer than 100 feet from any Single-Family Residential (SFR) zoning district.
- ii.** The outdoor portions of the restaurant shall not operate after 11:00 P.M.
- iii.** The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.

c. Restaurant, with Drive-Through Service

Restaurants having drive-through facilities shall comply with the following standards:

- i.** Drive-through facilities shall be located at least 100 feet from any residential zoning district.
- ii.** Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the restaurant entrance and customer parking spaces.
- iii.** Restaurants shall comply with the stacking space requirements in Section 6.1.G.9, Vehicle Stacking Space.

Article 4: Use Standards

Section 4.3: Standards for Specific Principal Uses
4.3.D Commercial Use Classification

d. Mobile Food Vendor

- i.** Vendors locating on private property shall have written permission on file with a permit showing permission from the owner of the property where located, and permission shall include access to public restrooms and parking for customers.
- ii.** Vending units requiring any outside utility support, such as power or water, are subject to inspection and approval by the Planning and Building Department as a temporary installation. All connections must be completed in a manner which prevents potential harm to operators, customers, or nearby public.
- iii.** Vendors locating in DT, GC, or WMU only, may apply for permission to locate in public right-of-way, with no dedicated parking or restroom access. Upon application, the City Manager shall review the proposed location and determine appropriateness based on details of the proposed use, proximity to other businesses, resulting impact on vehicular and pedestrian traffic, proposed hours of operation, and other factors as deemed appropriate. Permission may be granted in renewable 90-day increments, and will be site specific. If located on public right-of-way, a vendor may be required to move with a minimum 1-hour notice, when in the best interest of the public, as determined by Police Department, Fire Department, or Code Enforcement Department. If using a sidewalk, a vendor must not impede pedestrian traffic in such a way to cause the City to be noncompliant with Americans with Disability Act (ADA) requirements.
- iv.** When not in use, vending units may be stored on-site, if on private property and secure. If operated on public property, the unit must be removed when not in use. When not in use, the unit must be stored in a secure, screened area. No more than one unit may be stored on residential property or in a residential zone, and if so stored, must be completely contained within a privacy-fenced area or garage. The location of the vending unit storage must be clearly identified on application for permit/license.
- v.** Vending units must not be locked or attached to trees, garbage receptacles, or street furniture.
- vi.** Vending units may not locate in any area that blocks view of traffic or traffic signals or signs, and may not locate within ten (10) feet of any fire hydrant.
- vii.** Vendors are responsible for collection, removal, and disposal of all waste associated with their operation.
- viii.** Sales may include food, beverage, and branding materials associated with the unit such as T-shirts or decals.
- ix.** Special events and vendor permits within City Parks are not included in this section. Permission to operate in those situations will be addressed separately as appropriate.

6. MOTOR VEHICLE SALES AND SERVICE USES

a. Auto Painting or Body Shop/Auto Repair and Servicing

Automobile painting/body shops and auto repair and servicing uses shall comply with the following standards:

- i.** The use shall be located at least 250 feet from any residential zoning district, school, or child day care facility.

- ii. The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.
- iii. Vehicles shall not be parked or stored as a source of parts.
- iv. The use shall provide adequate, enclosed trash storage facilities on the site.
- v. Repair and storage of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened with a wooden fence or masonry wall in accordance with Section 6.7, Fences and Walls.
- vi. Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days. In cases where a vehicle is abandoned by its lawful owner before or during the repair process, the vehicle may remain on site as long as is necessary after the 30 day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle from the premises using the appropriate legal means.

b. Auto Parts Sales and Installation

Automobile parts sales and installation uses shall comply with the following standards:

- i. Repair of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened with a wooden fence or masonry wall in accordance with Section 6.7, Fences and Walls.
- ii. The use shall provide adequate, enclosed trash storage facilities on the site.

c. Auto/Recreational Vehicle/Truck or Tractor Sales or Rentals

Uses primarily involving the sales or rental of new or used automobiles, recreational vehicles (RVs), trucks, or tractors shall comply with the following standards:

- i. No vehicle or equipment displays shall be located within a required setback or perimeter buffer.
- ii. The use shall not have more than one vehicle display pad for every 100 feet of street frontage. The vehicle display pad may be elevated up to two feet above adjacent displays or grade level.
- iii. No vehicles or other similar items shall be displayed on the top of a building.
- iv. All lights and lighting shall be designed and arranged so no source of light is directly visible from any residential district or existing residential use;
- v. No other materials for sale shall be displayed between the principal structure and the street.
- vi. The use may include the repair and servicing of vehicles as an accessory use. If it does, the use shall also comply with the standards in Section 4.3.D.6.a, Auto Painting or Body Shop/Auto Repair and Servicing.

d. Auto Wrecker Service

Automotive wrecker service uses shall comply with the following standards:

Article 4: Use Standards

Section 4.3: Standards for Specific Principal Uses
4.3.D Commercial Use Classification

- i. The use shall be located at least 250 feet from any residential district or existing residential use, school, or day care center.
- ii. The number of vehicles stored on-site shall be limited to 15 vehicles.
- iii. Vehicles shall not be stored for more than 90 days.
- iv. Vehicles shall be stored to the rear of the principal structure, behind a wooden fence or masonry wall in accordance with Section 6.7, Fences and Walls.

e. Car Wash and Auto Detailing

Car wash and auto detailing uses shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements. If an automatic car wash is an accessory use to a gasoline sales use, it shall be governed by the use and dimensional standards applicable to the gasoline sales use.

f. Commercial Parking Deck or Garage (as a Principal Use)

A commercial parking deck or garage shall comply with the following standards:

- i. Parking shall be the principal use of the parking structure. Parking spaces may be rented for parking, and retail sales and service and office establishments may be located on the ground floor of the structure. No other business of any kind shall be conducted in the structure, including repair service, washing, display, or storage of vehicles or other goods.
- ii. A commercial parking deck or garage shall not be located contiguous to a Single-Family Residential (SFR) zoning district.

g. Commercial Parking Lot (as a Principal Use)

A commercial parking lot operated as a principal use shall comply with the following standards:

- i. Parking shall be the principal use of the parking lot. Parking spaces may be rented for parking, or otherwise used in accordance with an approved Temporary Use Permit or other permit from the city, but no other business of any kind shall be conducted on the lot, including repair service, washing, display, or storage of vehicles or other goods.
- ii. A commercial parking lot shall not be located contiguous to a Single-Family Residential (SFR) zoning district.
- iii. In the Neighborhood Commercial (NC) and Downtown (DT) zoning districts, a commercial parking lot shall have no more than 100 feet of street frontage.

h. Gasoline Filling Station

Gasoline filling stations and other uses involving the retail sales of gasoline and other automotive fuels shall comply with the following standards:

- i. Gasoline pumps, canopies, and associated service areas are prohibited in any established front yard in the Neighborhood Commercial (NC) and Downtown (DT) zoning districts.
- ii. If the gasoline sales use is located on a corner lot, the lot shall have an area of at least 30,000 square feet and a frontage of at least 200 feet on each street side. In all other cases, the lot shall have an area of at least 15,000 square feet and a lot width of at least 150 feet.
- iii. The gasoline filling station shall have no more than two vehicular access points. Access points shall be located at least 150 feet from any

intersecting street rights-of-way and at least 15 feet from any other lot line, and shall be no more than 40 feet wide.

- iv. The gasoline filling station shall be designed to ensure safe and adequate vehicle stacking, circulation, and turning movements.
- v. Gasoline pump canopies shall have a maximum clearance height of 14 feet above grade, except where state or federal law requires higher clearances.
- vi. Trash containers shall be covered and fully screened by a wall that is constructed of the same material as the principal structure. Trash containers shall be located so as to minimize their visibility from adjacent public streets or other public gathering areas.

i. Tire or Muffler Sales and Mounting/Installation

Tire sales and mounting uses and transmission or muffler shop uses shall comply with the following standards:

- i. Repair of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened with a wooden fence or masonry wall in accordance with Section 6.7, Fences and Walls.
- ii. The use shall provide adequate, enclosed trash storage facilities on the site.
- iii. All automobile parts, dismantled vehicles, and similar materials shall be stored within an enclosed building or totally screened from view by an opaque or privacy fence.
- iv. The use shall not include outdoor storage lots or impound yards for towed vehicles.

j. Truck Stop

A truck stop shall meet the standards for a gasoline filling station (Section 4.3.D.6.h); except that gasoline pump canopies shall have a maximum clearance height of 20 feet above grade.

7. RECREATION/ENTERTAINMENT USES, OUTDOOR

a. Arena, Stadium, or Amphitheater

Outdoor arenas, amphitheaters, and stadiums shall comply with the following standards:

- i. Arenas and stadiums shall be located at least 500 feet from existing child day care centers and residential zoning districts.
- ii. Arenas and stadiums shall be located on a site or parcel with an area of at least five acres.
- iii. Arenas and stadiums shall be located on a site or parcel that, at the primary point of access, has at least 200 feet of frontage on an arterial street.
- iv. Arenas and stadiums shall locate access points to minimize traffic to and through local streets in residential neighborhoods.
- v. Arenas and stadiums shall provide safety fences, up to the height of eight feet, as necessary to protect the general health, safety, and welfare.

Article 4: Use Standards

Section 4.3: Standards for Specific Principal Uses
4.3.D Commercial Use Classification

b. Other Outdoor Commercial Recreation/Entertainment Use

Other outdoor commercial recreation/entertainment use shall comply with the following standards:

- i.** Other recreational entertainment outdoor facilities must be located on a site having a minimum of three acres.
- ii.** Lighted tennis courts, ball fields, and other recreational entertainment, outdoor uses open to the public shall be screened from any existing or proposed residential land with a Type C buffer, in accordance with Section 6.3.E, Perimeter Buffers.
- iii.** Accessory restaurants, nightclubs, and bars or other recreational entertainment, outdoor uses, shall comply with standards in Section 4.4, Accessory Uses and Structures.
- iv.** Private and commercial recreational uses such as tennis courts, ball fields, and other similar activities are permitted, provided that no such use, structure, or accessory use is located closer than 50 feet to any adjoining property lines unless such property line fronts a public street with a right-of-way not less than 25 feet, in which instance the required setback need not exceed 25 feet.

8. RETAIL SALES AND SERVICE USES

a. Bank or Financial Institution/Drug Store or Pharmacy, with Drive-Through Service

A bank, financial institution, drug store, or pharmacy with drive-through service shall comply with the following standards:

- i.** The drive-through facility shall be located to the side or rear of the primary building, where practicable.
- ii.** Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.
- iii.** Drive-through facilities shall comply with the stacking space requirements in Section 6.1.G.9, Vehicle Stacking Space.

b. Convenience Store, with Gasoline Sales

Convenience stores with gasoline sales shall comply with the standards for gasoline filling stations in Section 4.3.D.6.h, Gasoline Filling Station.

c. Farmers' Market; Flea Market

Farmers' markets and flea markets shall:

- i.** Provide adequate restroom facilities (whether fixed or portable) and trash receptacles in accordance with county and state health department standards; and
- ii.** Maintain all stalls, booths, and tables in good repair. Items for sale may not be displayed or stored within customer pathways. In the case of an outdoor flea market, all items for sale as well as display tables, booths, or any other non-permanent fixtures must be returned to an enclosed structure at the end of the business day.

d. Funeral Home or Mortuary

Funeral homes shall comply with the following standards:

- i. The funeral home shall have its principal frontage, access, and orientation directly on an arterial street.
- ii. The funeral home shall have a type C buffer between it and any residentially zoned property abutting or directly across the street from the funeral home site.
- iii. On-premise signage shall be oriented toward the arterial street that provides access to the site.
- iv. All structures shall be located so as not to require access from an interior residential street.

e. Personal Services Establishment

Personal service establishments in the Neighborhood Commercial (NC) zoning district shall comply with the following standards:

- i. The business activities of the establishment shall be conducted within an enclosed building, with no more than 20 percent of the gross floor area devoted to storage.
- ii. The establishment shall only sell products at retail.

f. Retail Sales Establishment, Large

Large retail sales establishments shall comply with the design standards in Section 6.11, Commercial and Mixed-Use Design Standards, including those specific to large retail sales establishments.

9. SELF-SERVICE STORAGE USES

Self-service storage or mini-warehouse facilities shall comply with the following standards:

a. Site Layout

- i. The minimum lot area shall be one acre.
- ii. If separate buildings are constructed, there shall be a minimum separation of ten feet between buildings.

b. Operation

- i. The only commercial uses permitted on-site shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.
- ii. Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address.
- iii. No more than one security or caretaker quarters may be developed on the site and shall be integrated into the building's design.
- iv. Except as otherwise authorized in this subsection, all property stored on the site shall be contained entirely within enclosed buildings.
- v. Hours of public access to a self-storage use abutting a residential zoning district or existing residential use shall be restricted to the hours between 6:00 A.M. and 10:00 P.M.

Article 4: Use Standards

Section 4.3: Standards for Specific Principal Uses
4.3.D Commercial Use Classification

c. Storage of Recreational Vehicles and Boats

Open storage of recreational vehicles (RVs) and pleasure boats of the type customarily maintained by persons for their personal use shall be permitted within a self-service storage facility use, provided that the following standards are met:

- i.** The storage shall occur only within a designated area, which shall be clearly delineated;
- ii.** The size of the storage area shall not exceed 25 percent of the buildable area of the site;
- iii.** Outdoor storage areas shall be located to the rear of the principal structure and be screened with a wooden fence or masonry wall at least eight feet high;
- iv.** Storage shall not occur within required minimum yards;
- v.** Vehicles shall be allowed on the premises overnight for storage only.

d. Parking and Circulation

- i.** Interior parking shall be provided in the form of aiseways adjacent to the storage bays. These aiseways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aiseways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted.
- ii.** The one- or two-way traffic flow patterns in aiseways shall be clearly marked. Marking shall consist, at a minimum, of standard directional signage and painted lane markings with arrows.
- iii.** Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aiseways.
- iv.** All access ways shall be paved with asphalt, concrete, or comparable paving materials.

e. Building Appearance

- i.** Garage doors serving individual storage units shall be perpendicular to a street so as to not be visible from adjacent streets.
- ii.** With the exception of a structure used as a security guard or caretaker quarters or for dry stacking of boats, the maximum height of a self-service storage facility shall be 20 feet.
- iii.** Outdoor lighting shall be the minimum necessary to discourage vandalism and theft, and shall be provided in accordance with Section 6.8, Exterior Lighting.
- iv.** The exterior facades of all structures shall receive uniform architectural treatment, including masonry, stucco, and painting of surfaces. Colors used shall be compatible with the character of the surrounding area. Perimeter or exterior walls visible from a public street or detached residential dwelling shall not include metal as a primary material.

10. VISITOR ACCOMMODATION USES

a. Bed and Breakfast Inn

Bed and breakfast inn uses shall comply with the following standards:

- i.** Single-family homes used as a bed and breakfast inn shall not subdivide existing rooms into individual sleeping rooms smaller than 120 square feet

in size.

- ii. A bed and breakfast inn shall be owner-occupied.
- iii. All guest parking shall be to the side or rear of the home, and shall include at least one off-street parking space per sleeping room.
- iv. The number of sleeping rooms shall be limited to a maximum of six.
- v. There shall only be one kitchen facility, and all meals served on the premises shall be for overnight guests.

b. Campground or Recreational Vehicle Park

Campgrounds and recreational vehicle (RV) parks shall comply with the following standards:

i. Size and Density

- (A) The minimum site area shall be two acres.
- (B) The maximum density shall be 24 camping or RV spaces per acre.
- (C) The minimum area of a camping or RV space shall be 1,000 square feet.
- (D) The minimum width of a camping or RV space shall be 24 feet.

ii. Traffic Circulation

- (A) All recreational vehicle parks shall abut an arterial or collector street and have direct access from such street.
- (B) Accessways in campgrounds and recreational vehicle parks shall be hard surfaced and meet the following minimum width standards:
 - (1) One-way accessways with no parking: 12 feet.
 - (2) One-way street with parking on one side, or two-way accessways with no parking: 24 feet.
 - (3) Two-way accessways with parking on one side: 32 feet.
 - (4) Two-way street with parking on both sides; 40 feet.
- (C) Turnarounds shall be provided for all dead-end roads over 100 feet in length. The minimum radius of a required turnaround shall be 80 feet.

iii. Accessory Uses

Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities and other uses and structures customarily incidental to operation of campgrounds and RV parks are permitted as accessory uses. In addition, stores, restaurants, beauty parlors, barbershops, and other convenience establishments shall be permitted as accessory uses in campgrounds and RV parks subject to the following standards:

- (A) Such establishments and the parking areas primarily related to their operation shall not occupy more than five percent of the gross area of the campground or RV park.
- (B) Such establishments shall be restricted in their use to occupants of the campground or RV park.
- (C) Such establishments shall present no visible evidence from any street outside the park of their commercial character that would attract customers other than occupants of the campground or RV park.
- (D) The structures housing such facilities shall not be located closer than 100 feet to any public street and shall not be directly accessible from

Article 4: Use Standards

Section 4.3: Standards for Specific Principal Uses

4.3.D Commercial Use Classification

any public street, but shall be accessible only from an accessway within the campground or RV park.

iv. Open Space and Recreational Area

At least 15 percent of the gross area of a campground or RV park shall be set-aside and developed as common use areas for open or enclosed recreation facilities. No required buffer area, street, storage area, utility site, or camping or RV space shall be included in meeting the open space and recreational area requirement.

v. Screening

Recreational vehicle parks shall provide a type C buffer in accordance with Section 6.3.E, Perimeter Buffers.

vi. Prohibition of Permanent Occupancy

(A) No recreational vehicle shall be permanently occupied as a dwelling or business. Continuous occupancy of a recreational vehicle extending beyond five months in any 12-month period shall be presumed to be permanent occupancy.

(B) Removal of the wheels of a recreational vehicle, except for temporary purposes or to attach the vehicle to the ground for stabilizing purposes, is prohibited.

vii. Utilities

(A) Campground and RV park utilities and facilities shall be provided in accordance with the appropriate city ordinances and state regulations.

(B) Privies, septic tanks, underground absorption fields, sewage lagoons, the use of "honey wagons," package-type sewage treatment facilities and other types of private wastewater treatment systems are prohibited.

viii. Refuse Disposal

(A) Storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisances.

(B) Durable watertight refuse containers, sufficient to contain all the refuse, shall be provided at each service building and sanitary waste station, or at a central storage area readily accessible and located not more than 300 feet from any camping or RV space or picnic site.

(C) For parks exceeding 20 spaces, dumpsters shall be required at a rate of four cubic yards per 20 spaces; otherwise, refuse containers shall be provided at the rate of eight cubic feet (60 gallons) for each five camping or RV spaces.

(D) Refuse shall be picked up at least twice weekly. The dumpsters shall be set back at least 50 feet from any external street line or right-of-way and shall be screened from any adjoining residential development by a fence or landscaping, or a combination thereof.

(E) All solid waste generated by a campground or RV park shall be stored and disposed of in accordance with the Mississippi Department of Environmental Quality and all other applicable regulations governing solid waste management and all city ordinances and regulations governing solid waste.

c. Hotel or Motel

Hotels and motels shall comply with the following standards:

i. Area Devoted to Non-Living Quarters

Up to 15 percent of the gross floor area of a hotel or motel may be in non-living-quarter incidental uses (accessory uses), including management/employee offices, meeting rooms, banquet halls, retail services, such as newsstands and gift shops, and similar uses, provided any incidental business is conducted primarily to service guests, and there is no entrance to such places of business except from the inside of the building.

ii. Eating Establishments

In addition to the accessory uses allowed in Section 4.4, Accessory Uses and Structures, up to an additional 20 percent of the gross floor area of a hotel or motel may be devoted to eating establishments as an accessory use. The eating establishments(s) may have an entrance from outside the principal building.

E. INDUSTRIAL USE CLASSIFICATION

1. EXTRACTIVE INDUSTRY USES

Extractive industry uses shall comply with the following standards:

- a.** Extractive industry uses shall be located at least 1,000 feet from any residential district or existing residential use, community center, child day care facility, or education use.
- b.** Extractive industry uses shall be surrounded by a solid fence that is at least eight feet high, located no less than 100 feet from any public right-of-way, and located no less than 50 feet from any adjacent property.
- c.** Extractive industry uses shall include measures to reduce the off-site transmission of noise or dust to the maximum extent practicable.

2. INDUSTRIAL SERVICES USES

a. Heavy Equipment Sales, Rental, or Storage

Uses primarily involving the sales, rental, or storage of heavy equipment shall comply with the following standards:

- i.** The use shall be located at least 250 feet from any residential district or existing residential use, school, or day care facility.
- ii.** No heavy equipment displays shall be located within a required yard or perimeter buffer.
- iii.** The use shall not have more than one heavy equipment display pad for every 100 feet of street frontage.
- iv.** No heavy equipment shall be displayed on the top of a building.
- v.** All lights and lighting shall be designed and arranged so no source of light is directly visible from any residential district or existing residential use.

Article 4: Use Standards

Section 4.3: Standards for Specific Principal Uses

4.3.E Industrial Use Classification

b. Laundry, Dry Cleaning, or Carpet Cleaning Facility

Laundry, dry cleaning, and carpet cleaning facilities shall be within an enclosed building and shall use nonflammable liquids in the cleaning processes that emit no odor, fumes, or steam detectable to normal senses from off the premises.

c. Machine Shop; Small Engine Repair Shop; Tool Repair Shop

Repair of all machines shall occur within an enclosed building. Temporary outdoor storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened with a wooden fence or masonry wall in accordance with Section 6.7, Fences and Walls. The height of materials and equipment stored shall not exceed the height of the screening fence or wall.

3. MANUFACTURING AND PRODUCTION USES

a. Manufacturing, Heavy

Heavy Manufacturing uses shall comply with the following standards:

- i.** The use shall be located at least 500 feet from any residential district or existing residential use, school, or day care facility.
- ii.** Outdoor storage areas shall be located to the rear of the principal structure and be screened with a wooden fence or masonry wall no less than eight feet in height in accordance with Section 6.7, Fences and Walls. The height of materials and equipment stored shall not exceed the height of the screening fence or wall.
- iii.** The use shall be designed to ensure proper functioning of the on-site transportation circulation system.

4. WAREHOUSING AND FREIGHT MOVEMENT USES

a. Outdoor Storage (as a Principal Use)

Areas used for outdoor storage shall be fully enclosed with a fence or masonry wall no less than eight feet high in accordance with Section 6.7, Fences and Walls. The height of materials and equipment stored shall not exceed the height of the screening fence or wall. Customers and vehicles shall be allowed to circulate through the area used for outdoor storage.

b. Shipping Container Storage Yard

Shipping container storage yards shall comply with the following standards:

- i.** Drive aisles at least 50 feet wide shall be provided between rows of containers to provide sufficient space for forklifts and safe maneuvering.
- ii.** Containers shall not be stored in groups that occupy an area measuring greater than 200 feet by 80 feet.
- iii.** Containers shall be placed on a level, well-compacted surface of gravel or limestone or similar material. All entrance drives and off street parking areas shall be paved with asphalt or concrete. The container storage area, as well as the entrance drives and off-street parking areas, shall be maintained free of potholes.
- iv.** Shipping containers may be stacked no higher than four containers high provided that no stacking of containers shall be located within 200 feet of any residential zoning district.
- v.** Only shipping containers being used in the active transport of goods,

wares, or merchandise shall be placed or stored in a shipping container storage yard.

- vi. All shipping containers shall be placed or stored in a shipping container storage yard in an empty and ready-to-ship state.
- vii. On-site repairs of shipping containers shall be limited to minor repairs needed to ensure that they remain in a condition ready to ship—including cleaning, repairing, servicing, painting, or fumigation.
- viii. All shipping containers shall be kept within a fenced area and a type C buffer shall be provided around the perimeter of the site, between the fenced area and the property line.
- ix. No signage shall be placed on the shipping container units.
- x. Any graffiti on shipping containers that is visible from adjacent properties or public right-of-ways shall be removed immediately.
- xi. All truck chassis shall remain in an operable condition, be roadworthy, and display all valid vehicle license and current tags, as required.
- xii. The property shall remain locked after hours or when it is unmanned.

c. Truck or Freight Terminal/Warehouse (Distribution or Storage)

Truck or freight terminals and distribution or storage warehouses shall comply with the following standards:

- i. The use shall be located at least 500 feet from any residential district or existing residential use, school, or day care center.
- ii. The use shall not locate storage areas within a required yard or perimeter buffer.
- iii. The use shall locate outdoor storage areas to the rear of the principal structure and screen them with a wooden fence or masonry wall no less than eight feet in height in accordance with Section 6.7, Fences and Walls.
- iv. The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.

5. WASTE-RELATED SERVICES USES

a. Energy Recovery Plant/Hazardous Waste Collection Site/Incinerator/Waste Composting Facility

Energy recovery plants, hazardous waste collection sites, incinerators, land application of wastes, and waste composting uses shall comply with the following standards:

- i. The use shall be located at least 1,000 feet from any existing residential district, education use, or child day care facility.
- ii. The use shall be surrounded by a solid fence that is at least eight feet high, located no less than 100 feet from any public right-of-way, and located no less than 50 feet from any adjacent property.

b. Landfill

Landfills shall comply with the following standards:

- i. Land clearing and inert debris (LCID) landfills and construction debris (CD) landfills shall be set back at least 300 feet from any residential district or existing residential use, school, or child day care facility, and shall provide a type C buffer around its perimeter (See Section 6.3.E, Perimeter Buffers).
- ii. Sanitary landfills shall be set back at least 1,000 feet from any residential

Article 4: Use Standards

Section 4.3: Standards for Specific Principal Uses

4.3.E Industrial Use Classification

district or existing residential use, school, or child day care facility, and shall provide a type C buffer around its perimeter (See Section 6.3.E, Perimeter Buffers).

- iii. Access to a landfill shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.
- iv. Landfills shall include measures to reduce the off-site transmission of noise or dust to the maximum extent practicable.
- v. Landfills shall comply with state landfill permitting requirements and with all state landfill regulations and permit conditions.

c. Recycling and Salvage Center

A recycling and salvage center shall comply with the following standards:

- i. The center shall be on a parcel with an area of at least five acres.
- ii. The center shall be located at least 250 feet from any residential district or existing residential use, education use, or child day care facility.
- iii. Except for a freestanding office, no part of the center shall be located within 50 feet of any property line.
- iv. All storage areas shall be effectively screened from view by walls, fences, or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from rights-of-way or adjacent lots. In no case shall the height of recyclable or recovered materials, or non-recyclable residue stored in outdoor areas exceed 20 feet or the height of the principal building on the lot, whichever is greater.
- v. All outdoor storage areas shall be surrounded by a solid fence that is at least eight feet high, located no less than 100 feet from any public right-of-way, and located no less than 50 feet from any adjacent property.
- vi. Recyclable materials shall be contained within a leak-proof bin or trailer, and not stored on the ground.
- vii. Only limited sorting, separation, or other processing of deposited materials shall occur on the site.
- viii. There shall be no collection or storage of hazardous or biodegradable wastes on the site.

d. Recycling Drop-Off Center

A recycling drop-off center shall comply with the following standards:

- i. The collection bin shall be located in or adjacent to an off-street parking area, and shall not occupy more than five percent of the total on-site parking spaces. The mobility of the collection bin shall be retained.
- ii. The center shall be manned during normal operating hours.
- iii. The bin and adjacent area shall be maintained in an orderly manner and kept free from trash.
- iv. All bins shall be at least 10 feet from any lot line.
- v. There shall be no collection or storage of hazardous or biodegradable wastes on the site.
- vi. The facility shall be screened with a wooden fence or masonry wall no less than eight feet in height in accordance with Section 6.7, Fences and Walls. The height of materials and equipment stored shall not exceed the height of the screening fence or wall.

e. Salvage Yard or Junkyard/Tire Disposal or Recycling Facility

A salvage yard or junkyard or tire disposal or recycling facility shall comply with the following standards:

- i. The facility shall be located on a parcel with an area of at least three acres.
- ii. The facility shall be not located within 50 feet of any property line (except for a freestanding office).
- iii. The facility shall be screened with a wooden fence or masonry wall no less than eight feet in height in accordance with Section 6.7, Fences and Walls. The height of materials and equipment stored shall not exceed the height of the screening fence or wall.

6. WHOLESALE USES

Any outdoor storage component of a wholesale use shall comply with the standards in Section 4.3.E.4.a, Outdoor Storage (as a Principal Use).

4.4. ACCESSORY USES AND STRUCTURES

A. PURPOSE

This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses and structures. The purpose of this section is to allow a broad range of accessory uses and structures, so long as they are located on the same site as the principal use or structure and comply with the standards set forth in this section to reduce potentially adverse impacts on surrounding lands.

B. ACCESSORY USE/STRUCTURE TABLE

TABLE 4.4.B: ACCESSORY USE/STRUCTURE TABLE¹														
P = PERMITTED S = SPECIAL USE BLANK CELL = PROHIBITED														
ACCESSORY USE OR STRUCTURE	BASE ZONING DISTRICT												USE-SPECIFIC STANDARDS	
	RESIDENTIAL				COMMERCIAL						INDUSTRIAL			
	SFR 10	SFR 8	SFR 6	MR 3	NC	CC	RC	DT	GC	WMU	LI	HI		P
Accessory dwelling unit	P	P	P	P	P	P			P	P				4.4.F.1
Amateur ham radio or TV antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	4.4.F.2
Automated teller machine (ATM)				P	P	P	P	P	P	P	P	P	P	
Bike rack	P	P	P	P	P	P	P	P	P	P	P	P	P	
Canopy, nonresidential					P	P	P	P	P	P	P	P	P	4.4.F.3
Clothesline	P	P	P	P	P	P	P	P	P	P	P	P	P	
Clubhouse	P	P	P	P	P	P	P	P	P	P				4.4.F.4
Fence or wall	P	P	P	P	P	P	P	P	P	P	P	P	P	
Garage	P	P	P	P	P	P	P	P	P	P	P	P	P	
Greenhouse	P	P	P	P	P	P	P	P	P	P	P	P	P	4.4.F.5
Home occupation, major				S	P	P	P	P	P	P				4.4.F.6
Home occupation, minor	S ²	S ²	S ²	P	P	P	P	P	P	P				4.4.F.7
Limited fuel/oil/bottled gas distribution					P	P	P	P	P	P	P	P	P	4.4.F.8
Outdoor display/sales					P	P	P	P	P	P	P	P	P	4.4.F.9
Outdoor storage (as an						P	P				P	P	P	4.4.F.10

Article 4: Use Standards

Section 4.4: Accessory Uses and Structures

4.4.C Structure of Accessory Use/Structure Table

TABLE 4.4.B: ACCESSORY USE/STRUCTURE TABLE¹														
P = PERMITTED S = SPECIAL USE BLANK CELL = PROHIBITED														
ACCESSORY USE OR STRUCTURE	BASE ZONING DISTRICT													USE-SPECIFIC STANDARDS
	RESIDENTIAL				COMMERCIAL						INDUSTRIAL			
	SFR 10	SFR 8	SFR 6	MR 3	NC	CC	RC	DT	GC	WMU	LI	HI	P	
accessory use)														
Pier or boathouse	P	P	P	P	P	P	P	P	P	P	P	P	P	4.4.F.11
Produce stand					P	P	P	P	P	P	P	P	P	4.4.F.12
Rainwater cistern	P	P	P	P	P	P	P	P	P	P	P	P	P	4.4.F.13
Recycling drop-off station	S	S	S	P	P	P	P	P	P	P	P	P	P	4.4.F.14
Satellite dish	P	P	P	P	P	P	P	P	P	P	P	P	P	4.4.F.15
Small wind energy system	S	S	S	P	P	P	P	P	P	P	P	P	P	4.4.F.16
Solar energy collection system	P	P	P	P	P	P	P	P	P	P	P	P	P	4.4.F.17
Storage or parking of large trucks or trailers					P	P	P	P	P	P	P	P	P	4.4.F.18
Storage or parking of recreational vehicles or large boats	P	P	P	P										
Swimming pool, spa, or hot tub	P	P	P	P	P	P	P	P	P	P	P	P	P	4.4.F.19
<p>NOTES:</p> <p>1. The City Manager may allow a use listed in Table 4.2.B.2, Principal Use Table, as an accessory use to a principal use permitted by the Principal Use Table on determining that the use is accessory to the principal use, in accordance with the definition of “accessory use” in Section 10.2, Terms and Uses Defined. Examples of such accessory uses include, but are not limited to, a child day care facility as an accessory use to a place of worship, or a restaurant, bar, or nightclub as an accessory use to a hotel.</p> <p>2. The City Manager may approve a Home Occupation, minor, as a Permitted Use rather than Special Use, if all parts of Section 4.4.F.7 are met at the time of application.</p>														

C. STRUCTURE OF ACCESSORY USE/STRUCTURE TABLE

1. DESIGNATION OF ACCESSORY USES OR STRUCTURES AS PERMITTED OR PROHIBITED

- a. A “P” in a cell of the Accessory Use/Structure Table indicates that the corresponding accessory use or structure is allowed as an accessory use or structure by right in the corresponding base zoning district subject to compliance with the standards for the specific accessory use or structure referenced in the final column of the table. Permitted accessory uses and structures are subject to all other applicable regulations of this Ordinance, including, but not limited to, those set forth in Article 5: Intensity and Dimensional Standards, Article 6: Development Standards, and Article 7: Subdivisions.
- b. A blank cell in the Accessory Use/Structure Table indicates that the corresponding accessory use or structure is prohibited as an accessory use or structure in the corresponding base zoning district.

2. REFERENCE TO STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

A particular use category, use type, or structure allowable as an accessory use or structure in a zoning district may be subject to additional standards that are specific to the particular use or structure. The applicability of such use-specific standards is noted through a section reference in the last column of the Accessory Use/Structure Table titled “Use-Specific Standards.” References refer to standards in Section 4.4.F,

Standards for Specific Accessory Uses and Structures. These standards shall apply to the particular accessory use or structure regardless of the base zoning district where it is proposed, unless otherwise specified.

D. INTERPRETATION OF UNLISTED ACCESSORY USES AND STRUCTURES

1. PROCEDURE FOR ALLOWING UNLISTED ACCESSORY USES AND STRUCTURES

The City Manager may interpret a particular accessory use of structure not expressly listed in the Accessory Use/Structure Table as allowed in a particular zoning district, in accordance with the procedure in Section 2.5.N, Interpretation, and based on the standards in Section 4.4.D.2, Criteria for Allowing Unlisted Accessory Uses and Structures.

2. CRITERIA FOR ALLOWING UNLISTED ACCESSORY USES AND STRUCTURES

The City Manager shall interpret an unlisted use or structure as an allowable accessory use or structure to a principal use or structure allowed in a particular zoning district only after determining that:

- a. The use or structure is accessory to the principal use or structure, in accordance with the definitions of “accessory use” and “accessory structure” in Section 10.2, Terms and Uses Defined;
- b. The nature, function, and potential impacts of the use or structure are so similar to those of uses or structures that are accessory to the principal use or structure, or of accessory uses allowable in the zoning district, that the unlisted use or structure should be deemed allowable in the same manner as the similar accessory uses or structures;
- c. The use or structure is compatible with the character of principal and accessory uses and structures allowable in the district; and
- d. Allowing the use or structure as an accessory use or structure is consistent with the purpose and intent statements in this Ordinance concerning the zoning district (Article 3: Zoning Districts).

3. EFFECT OF ALLOWING UNLISTED ACCESSORY USES AND STRUCTURES

- a. After interpreting an unlisted use or structure as an allowable accessory use or structure to a principal use or structure allowed in a particular zoning district, the City Manager shall determine whether the unlisted use or structure is likely to be common or to recur frequently, and whether its omission from the Accessory Use/Structure Table is likely to lead to public uncertainty and confusion.
- b. On determining that the allowable unlisted use or structure is likely to be common or would lead to confusion if it remains unlisted, the City Manager shall initiate an application for a text amendment to this Ordinance in accordance with Section 2.5.A, Text Amendment, to list the use or structure in the Accessory Use/Structure Table. Until final action is taken on the text amendment application, the interpretation of the City Manager shall be binding.
- c. If the City Manager determines that the allowable unlisted use or structure is of an unusual or transitory nature, and unlikely to recur frequently, the interpretation shall be binding in accordance with Section 2.5.N.6, Effect of Interpretation, without further action or amendment of this Ordinance.

E. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

1. COMPLIANCE WITH ORDINANCE REQUIREMENTS

All accessory uses and structures shall conform to the applicable requirements of this Ordinance, including the standards in Article 3: Zoning Districts, Article 4: Use Standards, Article 5: Intensity and Dimensional Standards, and Article 5: Development Standards. The provisions of this section establish additional standards and restrictions for particular accessory uses and structures.

2. RELATIONSHIP TO PRINCIPAL USE OR STRUCTURE

- a.** An accessory use or structure shall not be established or constructed before the establishment or construction of the principal use or structure, except as provided in Section 4.5.F.1.b.i(B), Other Temporary Residences.
- b.** If the principal use or structure is destroyed or removed, the accessory use or structure shall no longer be allowed, except as provided in Section 4.5.F.1.b.i(B)(2).

3. LOCATION OF ACCESSORY USES AND STRUCTURES

- a.** Except for fences and walls, all accessory uses and structures shall comply with the minimum yard and spacing standards applicable to accessory structures in the zoning district where the structure is located.
- b.** No accessory use or structure shall be located within any platted or recorded easement or over any known utility.
- c.** Except for permitted fences and walls, flagpole, or ornamental pond, no accessory use or structure shall occupy or take place in a required minimum front yard.
- d.** No accessory use or structure shall be allowed in an area designated as a fire lane or emergency access route on an approved site plan.
- e.** Except for flagpoles, fences, benches, or parking covers in designated parking areas, no accessory use or structure shall be located in an area designated as a parking area on an approved site plan.
- f.** Except for uses and structures located on corner lots, an accessory use or structure may be built in a required minimum side yard, but not within three feet of the nearest side lot line.
- g.** Accessory uses and structures may be built in a required minimum rear yard provided the uses and structures do not occupy more than 40 percent of the required minimum rear yard and are located no closer than three feet to a side or rear lot line.

F. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

1. ACCESSORY DWELLING UNIT

Accessory dwelling units shall comply with the following standards:

- a.** Accessory dwelling units are permitted only on lots with single-family detached dwellings, and are not permitted on lots with two-family dwellings, townhouse dwellings, multifamily dwellings, or manufactured homes.
- b.** Not more than one accessory dwelling unit per lot is permitted.

- c. An accessory dwelling unit may be within or attached to the principal dwelling (e.g., a downstairs apartment), or exist within or as a detached structure (e.g., an apartment above a detached garage or a guesthouse). An accessory dwelling unit attached to the principal dwelling shall have an operative interconnecting door with the principal dwelling, and shall have a principal access only from the side or rear yard of the principal dwelling.
- d. The accessory dwelling unit shall be served by the same utility systems as the principal dwelling.
- e. The use of a manufactured home, recreational vehicle, or a similar vehicle as an accessory dwelling unit is prohibited.
- f. The floor area of an accessory dwelling unit shall not exceed the lesser of 1,000 square feet or 25 percent of the floor area of the principal dwelling.
- g. At least one, but no more than two, off-street parking spaces shall be provided for an accessory dwelling unit (in addition to the off-street parking required for the principal dwelling).

2. AMATEUR HAM RADIO OR TELEVISION ANTENNA

- a. Ham radio or television antennas shall not exceed a height of 90 feet above grade.
- b. Ham radio or television antennas attached to a principal structure shall be located on a side or rear elevation of the structure.
- c. Freestanding ham radio or television antennas shall be located behind the principal structure.

3. CANOPY, NONRESIDENTIAL

- a. Canopies shall be attached to a principal structure and shall not be freestanding or attached to an accessory structure.
- b. The form, pitch, and materials used for the roof of a canopy covering a drive-through service facility shall be designed to appear as an extension of the roof covering the principal structure.
- c. Canopies shall have a maximum height of 15 feet, as measured from the finished grade to the underside of the canopy.
- d. The design of the canopy, including any columns, shall match the design and exterior building materials of the principal building.
- e. Canopies covering fuel pumps may include logos or trademarks, but shall not include any other signage or advertising.
- f. In addition to meeting the standards in Section 40-5.9, Exterior Lighting, canopies shall not be internally illuminated, and any exterior lighting associated with a canopy shall be shielded so that the source of illumination is not visible from off-site areas.

4. CLUBHOUSE

Clubhouses are allowed as an accessory use to a membership club (e.g., country club, golf course, tennis club, swim club, boating club) or to a townhouse development or multifamily development in any district in which those uses are permitted. They are also allowed as an accessory use to a residential subdivision development. Clubhouses shall comply with the following standards:

Article 4: Use Standards

Section 4.4: Accessory Uses and Structures

4.4.F Standards for Specific Accessory Uses and Structures

- a. Food and alcoholic beverages in membership clubhouses may only be sold to members and their guests, and patrons actually using the club facilities.
- b. Food and beverages may not be sold at clubhouses within townhouse, multifamily, or subdivision developments except through vending machines.
- c. A clubhouse accessory to a residential subdivision development shall be proposed, reviewed, and developed in conjunction with the subdivision, or approved phase thereof.

5. GREENHOUSE

All incidental equipment and supplies related to a greenhouse use, including fertilizer and empty containers, shall be kept within the greenhouse or an accessory structure.

6. HOME OCCUPATION, MAJOR

A major home occupation (See definitions in Section 10.2, Terms and Uses Defined.) shall be permitted as accessory to any principal dwelling unit, provided it complies with the following standards:

- a. A Special Use Permit authorizing the major home occupation shall be obtained in accordance with Section 2.5.C, Special Use Permit.
- b. The home occupation is located within the dwelling or an associated accessory building (but not an accessory dwelling unit), and involves an area that does not exceed 25 percent of the heated floor area of the principal structure.
- c. The operator of the home occupation is a full-time resident of the principal dwelling.
- d. No more than two persons other than full-time residents of the principal dwelling are employed in connection with the home occupation.
- e. The home occupation causes no change in the external appearance of the existing dwelling and structures on the property.
- f. There is no outdoor display or storage of goods, equipment, or services associated with the home occupation.
- g. There is no other exterior evidence, other than a sign permitted in accordance with Section 2.5.H, Sign Permit, and Section 6.13, Signage, to indicate that the premises are being used for any purpose other than for a dwelling use.
- h. There are no direct, on-premise retail sales to customers other than of goods grown, produced, or assembled on the premises, unless only incidental to and part of the primary function of the home occupation.
- i. There is sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation provided and maintained in addition to the space or spaces required for the dwelling itself.
- j. The home occupation does not involve significantly greater volumes or frequencies of deliveries or shipments, vehicular traffic, or pedestrian traffic than normally expected in a residential area.
- k. The home occupation does not generate noise, vibration, odor, glare, fumes, or electrical or communications interference (including visual or audible interference with radio or television reception) that can be detected by the normal senses off the premises.

7. HOME OCCUPATION, MINOR

A minor home occupation (See definitions in Section 10.2, Terms and Uses Defined.) shall be permitted as accessory to any principal dwelling unit, provided it complies with the following standards:

- a. In a Single-Family Residential (SFR-) district, a Special Use Permit authorizing the minor home occupation shall be obtained in accordance with Section 2.5.C, Special Use Permit.
- b. The home occupation is located within the dwelling or an associated accessory building (but not an accessory dwelling unit), and involves an area that does not exceed 15 percent of the heated floor area of the principal structure, or 400 square feet, whichever is less.
- c. The operator of the home occupation is a full-time resident of the principal dwelling.
- d. No one other than full-time residents of the principal dwelling is employed in connection with the home occupation.
- e. All activities associated with the home occupation shall be conducted indoors.
- f. The home occupation causes no change in the external appearance of the existing dwelling and structures on the property.
- g. There is no outdoor display or storage of goods, equipment, or services associated with the home occupation.
- h. There is no other exterior evidence, other than a sign permitted in accordance with Section 2.5.H, Sign Permit, and Section 6.13, Signage, to indicate that the premises are being used for any purpose other than for a dwelling use.
- i. There are no direct, on-premise retail sales to customers other than of goods grown, produced, or assembled on the premises, unless only incidental to and part of the primary function of the home occupation.
- j. There is sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation provided and maintained in addition to the space or spaces required for the dwelling itself.
- k. The home occupation does not involve significantly greater volumes or frequencies of deliveries or shipments, vehicular traffic, or pedestrian traffic than normally expected in a residential area.
- l. The home occupation does not generate noise, vibration, odor, glare, fumes, or electrical or communications interference (including visual or audible interference with radio or television reception) that can be detected by the normal senses off the premises.

8. LIMITED FUEL/OIL/BOTTLED GAS DISTRIBUTION

Limited fuel/oil/bottled gas distribution is intended to provide sales of limited quantities of gas, propane, and similar fuels in accordance with the definition of the use in Section 10.2, Terms and Uses Defined. Limited fuel/oil/bottled gas distribution is an accessory use to the following principal uses:

- a. Convenience stores (with or without gasoline sales);
- b. Grocery stores;

Article 4: Use Standards

Section 4.4: Accessory Uses and Structures

4.4.F Standards for Specific Accessory Uses and Structures

- c. Large retail sales establishments; and
- d. Other retail sales establishments.

9. OUTDOOR DISPLAY/SALES

Outdoor display or sales may be allowed as an accessory use for all retail sales and service uses and wholesale sales uses. It is the intent of this Ordinance to allow the display of merchandise for sale, except where the display of such items impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition. The outdoor display/sales of goods shall comply with the following standards:

- a. Outdoor display/sales areas shall be depicted on any site plan for the principal use.
- b. All outdoor display of goods shall be located immediately adjacent to the front or side of the principal building, and not in drive aisles, loading zones, fire lanes, or parking lots.
- c. Outdoor display/sales areas shall be limited to no more than one-half of the length of the front or side of the principal building. In the case of a multitenant building, the total amount of outdoor display/sales area for all the in-line tenants combined shall not exceed one-half the aggregate length of the front of the building.
- d. Outdoor display/sales areas shall be located to maintain a clearance area in front of primary building entrances for a depth of at least ten feet, projected straight out from the width of entrance doors.
- e. No goods shall be attached to a building's wall surface.
- f. The height of the outdoor display shall not exceed eight feet.
- g. The outdoor display/sales area shall be located on an improved surface such as the sidewalk or pavement.
- h. At least five feet along the parking lot side of the display shall be maintained free of obstructions, so as to allow pedestrians and handicapped persons to safely and conveniently travel between parking areas or drive aisles to the building, or along the building, without having to detour around the display/sales area.
- i. Outdoor sales shall not include hazardous and flammable materials, such as gasoline, oil, antifreeze, kerosene, poisons, pesticides, and similar items.
- j. Outdoor display/sales may be allowed on a public sidewalk or in a public street right-of-way only in accordance with Chapter 74 of the Code of Ordinances and the standards of this subsection.

10. OUTDOOR STORAGE (AS AN ACCESSORY USE)

Outdoor storage may be allowed as an accessory use in accordance with the following standards:

- a. Each outdoor storage area shall be incorporated into the overall design of the principal structure on the site, and shall be located to the side or rear of the principal structure.
- b. Goods stored in an outdoor storage area intended for sale or resale shall be limited to those sold on the premises in conjunction with the principal use.

- c.** Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by any combination of an opaque fence, wall, or landscaped berm that is at least six feet high in side yards and eight feet high in rear yards, and incorporates at least one of the predominant materials and one of the predominant colors used in the primary structure. Materials shall not be stored higher than the height of the primary structure.
- d.** If the outdoor storage area is covered, then the covering shall include at least one of the predominant exposed roofing colors on the primary structure.
- e.** Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.
- f.** No materials may be stored in areas intended for vehicular or pedestrian circulation.

11. PIER OR BOATHOUSE

A pier or boathouse shall be allowed as an accessory use provided that it is used only by the primary occupants of the property and their guests, and is not used for commercial uses except those allowed for the principal use in the district.

12. PRODUCE STAND

Produce stands shall:

- a.** Be limited to the retail sale of agriculture and horticulture products;
- b.** Be located to minimize the visual impact of the structure from adjacent public streets;
- c.** Not remain in the same location for more than six months;
- d.** Provide adequate ingress, egress, and off-street parking areas; and
- e.** Be subject to the sign standards in Section 6.13, Signage.

13. RAINWATER CISTERN

Aboveground rainwater cisterns shall:

- a.** Be located directly adjacent to the principal structure on a lot;
- b.** Not be located within required minimum front, side, or rear yards, unless the cistern is below five feet in height;
- c.** Be affixed to the principal structure or accessory structure so as to capture rainwater from the structure's gutter system; and
- d.** Not serve as signage.

14. RECYCLING DROP-OFF STATION

Recycling drop-off stations shall comply with the following standards:

- a.** All drop-off containers and storage bins, with the exception of roll-out carts located in townhouse and multifamily developments and recycling containers located on education use sites, shall be located within an enclosed structure or screened from view with fencing or plantings that have a height at least 50 percent of the height of the containers and bins. If plantings are used, the plants must reach the required height within three years of planting.

Article 4: Use Standards

Section 4.4: Accessory Uses and Structures

4.4.F Standards for Specific Accessory Uses and Structures

- b.** Roll-out carts shall be a neutral or earth tone color, not be visible from a public street, and be located within the interior of the development.
- c.** The station shall be kept free of litter, debris, and residue.
- d.** Each station shall be allowed one on-premise freestanding sign identifying the name and telephone number of a party responsible for management and maintenance of the station. The sign shall be no more than four feet high and contain no more than 16 square feet in area (including all sides of the sign combined).
- e.** Excluding screening, recycling drop-off stations shall occupy no more than 500 square feet.
- f.** The station shall not occupy or block access to parking spaces or aisles.
- g.** The station shall not use portable shipping containers or tractor trailers for storage.

15. SATELLITE DISH

Satellite dishes are subject to the following standards to the maximum extent feasible, but only where there is no impairment of acceptable signal quality. These standards are not intended to impose unreasonable delays or costs on the installation, maintenance, or use of satellite dishes, and shall not be interpreted or enforced in any manner contrary to federal or state law.

- a.** Satellite dishes in residential zoning districts shall not be located within the front yard of a lot's principal structure unless the lot owner can demonstrate that there is no possibility to avoid location in the front yard and still have an obstruction-free reception window to the satellite dish.
- b.** Satellite dishes in residential zoning districts may be located within the side and rear yards of the principal structure, but not closer than five feet to any lot line.
- c.** Satellite dishes may be located on the roof of a principal structure, provided they comply with applicable maximum height standards or allowable exceptions thereto (See Section 5.4.B.1). Where an existing structure exceeds the applicable height limit, a satellite dish may be located on the roof irrespective of applicable height standards, provided the dish extends no more than five feet above the roof surface, as necessary to receive acceptable signal quality.

16. SMALL WIND ENERGY SYSTEM

Small-scale wind turbines shall comply with the following standards:

a. Location and Setback

- i.** Tower-mounted wind energy systems shall not be located within a front yard.
- ii.** A small wind energy system shall be set back a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus five feet from all property lines, public street rights-of-way, and overhead utility lines. Guy wires and other support devices shall be set back at least five feet from all property lines.

b. Height

The maximum extended height of a small wind energy system shall be the maximum height allowed in the zoning district plus 25 feet.

c. Sound

Sound produced by the wind turbine under normal operating conditions, as measured at the property line abutting an existing residential use, shall not exceed 55 dBA for any period of time. The 55dBA sound level may be exceeded during short-term events out of the owner's control, such as utility outages and/or severe wind storms.

d. Appearance

The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white) that blends into a range of sky colors, or a color consistent with that of the buildings on the site. Bright, luminescent, or neon colors, as determined by the City Manager, are prohibited.

e. Blade Clearance

The blade tip or vane of any small wind energy system shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, public right of ways, driveways, or sidewalks.

f. Lighting

No illumination of the turbine or tower shall be allowed unless required by the Federal Aviation Administration (FAA).

g. Access to Tower

On a freestanding tower, any climbing foot pegs or rungs below 12 feet shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.

h. Signage Prohibited

No wind generator, tower, building, or other structure associated with a small wind energy system shall include any signage visible from any public street other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification.

i. Utility Notification

No small wind energy system intended to connect to the electric utility shall be installed until evidence has been submitted to the city that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator.

j. Abandonment

On determining that a wind turbine has been inoperable for six consecutive months, the City Manager shall send the owner a notice and order requiring restoration of the system to operating order within six months after receiving the notice. If the owner fails to restore the system to operating condition within the six-month time frame, the owner shall be required, at the owner's expense, to remove the wind turbine from the tower for safety reasons. If the owner fails to remove the wind turbine from the tower, the city may pursue legal action to have the wind turbine removed at the owner's expense.

Article 4: Use Standards

Section 4.4: Accessory Uses and Structures

4.4.F Standards for Specific Accessory Uses and Structures

17. SOLAR ENERGY COLLECTION SYSTEM

Solar energy collection systems shall comply with the following standards.

a. Location

A solar energy collection system may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground in accordance with the standards in Section 4.4.E.3, Location of Accessory Uses and Structures.

b. Height

- i. A solar energy collection system shall comply with the maximum height standards for the zoning district in which it is located, including allowable exceptions thereto (See Section 5.4.B.1), provided that a roof-mounted system shall not extend more than 12 feet above the roofline of the structure on which it is mounted.
- ii. Where an existing structure exceeds the applicable height limit, a solar energy collection system may be located on its roof irrespective of applicable height standards, provided the system extends no more than five feet above the roof surface.

18. STORAGE OR PARKING OF LARGE TRUCKS OR TRAILERS/RECREATIONAL VEHICLES OR LARGE BOATS

a. Intent

In recognition that the continual or long-term parking or storing of certain vehicles on streets and within front yards in residential neighborhoods detracts from the residential character of such neighborhoods, this provision is intended to prohibit such activity in residential zoning districts. It is not intended to prevent the occasional or short-term parking of such vehicles for purposes such as loading, unloading, or cleaning, or to apply in nonresidential zoning districts.

b. Applicability

The standards in this subsection apply to trucks with more than two axles or that exceed 20,000 pounds of gross vehicle weight, trailers with more than one axle, recreational vehicles (RVs), and boats greater than 25 feet in length.

c. Standards

- i. No truck, trailer, recreational vehicle, or boat subject to this subsection shall be parked or stored on a public right-of-way in or abutting a residential zoning district for longer than four days over any calendar year.
- ii. In residential districts, no truck, trailer, recreational vehicle, or boat subject to this subsection shall be parked or stored in any front yard for longer than four days over any calendar year.
- iii. Any recreational vehicle being used for human habitation shall not be parked on any street, alley, or other public place in the city.

19. SWIMMING POOL, SPA, OR HOT TUB

The area containing a swimming pool, spa, or hot tub shall be completely enclosed by a fence that is at least six feet high and has a gate that can be securely fastened. In lieu of such fencing, a spa or hot tub may have a lockable cover that is capable of supporting a minimum of 150 pounds, and that is locked in place when the spa or hot tub is not in use.

4.5. TEMPORARY USES AND STRUCTURES

A. PURPOSE

This section allows for the establishment of certain temporary uses and structures of limited duration and special events, provided that such uses, structures, or events do not negatively affect adjacent land and are discontinued upon the expiration of a set time period. Temporary uses do not involve the construction or alteration of any permanent building or structure.

B. TEMPORARY USE/STRUCTURE TABLE

TABLE 4.G: TEMPORARY USE/STRUCTURE TABLE		
TEMPORARY USE OR STRUCTURE	ALLOWABLE TIME FRAME	USE-SPECIFIC STANDARDS
TEMPORARY STRUCTURES		
Construction-related activities for new construction	A	No permit required; see Section 4.5.F.1.a
Expansion or replacement of existing facilities (including temporary offices for construction and/or security purposes)	A	Permit required; see Section 4.5.F.1.b
Real estate sales office/model sales home	A	Permit required; see Section 4.5.F.1.c
Temporary storage in a portable shipping container	B	Permit required; see Section 4.5.F.1.d
TEMPORARY SALES		
Farmers' market	C	Permit required; see Section 4.5.F.2.a
Garage or yard sale	D	Permit required by City Code of Ordinances
Outdoor seasonal sales	E	Permit required; see Section 4.5.F.2.b
Temporary not-for-profit fund raising events	D	No permit required
SPECIAL EVENTS		
Special event	D	Permit required; see Section 4.5.G
ALLOWABLE TIME FRAMES: A. Such structures may be in place for no more than one to four years, unless expressly stated otherwise in this Ordinance. B. Such containers may be in place for no more than 30 days per calendar year, and no more than three occurrences per parcel, per year. C. Such uses may operate on a continuous basis for up to five months per year on a single site. D. Such events are limited to 14 total days per calendar year, per parcel, unless expressly stated otherwise in this Ordinance. E. Such sales are limited to a maximum of 60 days per calendar year, and no more than three occurrences per parcel, per year, unless expressly stated otherwise in this Ordinance.		

C. STRUCTURE OF TEMPORARY USE/STRUCTURE TABLE

1. ALLOWABLE DURATION AND FREQUENCY

The column of the Temporary Use/Structure Table titled "Allowable Time Frame," references notes that establish the maximum duration and frequency for the listed temporary uses or structures.

Article 4: Use Standards

Section 4.5: Temporary Uses and Structures
4.5.D Prohibited Temporary Uses

2. PERMIT REQUIREMENT

Whether the listed temporary use or structure requires a Temporary Use Permit in accordance with Section 2.5.G, Temporary Use Permit, is indicated in the column titled "Use-Specific Standards."

3. REFERENCE TO TEMPORARY USE-SPECIFIC STANDARDS

A particular use or structure allowable as a temporary use or structure in a zoning district may be subject to additional standards that are specific to the particular use or structure. The applicability of such use-specific standards is noted through a section reference in the column titled "Use-Specific Standards" in Table 4.5.B, Temporary Use/Structure Table. References refer to standards in Section 4.5.F, Standards for Specific Temporary Uses and Structures. These standards shall apply to the particular temporary use or structure regardless of the base zoning district where it is proposed, unless otherwise specified.

D. PROHIBITED TEMPORARY USES

Without limiting the standards of this Ordinance, the following activities are prohibited in all districts:

1. Retail sales or display of goods, products, or services within the public right-of-way, except as part of an authorized not-for-profit, special, or city-recognized event.
2. Retail sales or display of goods, products, or services from a motor vehicle, trailer, or shipping container, except as part of a permitted seasonal sale.

E. GENERAL STANDARDS FOR ALL TEMPORARY USES AND STRUCTURES

Unless otherwise specified in this Ordinance, all temporary uses, structures, or special events shall:

1. Be properly permitted by the city (if required);
2. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
3. Be compatible with the principal uses taking place on the site;
4. Not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
5. Not include permanent alterations to the site;
6. Meet all the setback requirements of the underlying base and overlay zoning districts;
7. Comply with the maximum signage size for temporary signs in Section 6.13, Signage;
8. Not maintain temporary signs associated with the temporary use or structure after the activity ends;
9. Not violate the applicable conditions of approval that apply to a site or a use on the site;
10. Not interfere with the normal operations of any permanent use located on the property; and
11. Be located on a site containing sufficient land area to allow the temporary use,

structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands.

F. STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES

1. TEMPORARY STRUCTURES

a. Construction-Related Activities for New Construction

i. General

Temporary construction-related activities for new construction, including construction offices, storage buildings, construction waste and recycling receptacles, outdoor storage, and employee parking areas, may occur on the same site as the construction activity without obtaining a Temporary Use Permit. Such uses shall be removed within 30 days after issuance of a certificate of occupancy.

ii. Adjacent Site

Because of site constraints, construction-related activities may need to occur on a site that is adjacent to or nearby the construction site. In such cases, a Temporary Use Permit is required (See Section 2.5.G, Temporary Use Permit.). Such uses shall be removed within 30 days after issuance of a certificate of occupancy, and the site shall be restored to its previous condition.

b. Expansion or Replacement of Existing Facilities

i. Scope

(A) Factory-Fabricated and Transportable Structures

Factory-fabricated and transportable buildings that are designed to arrive at the site ready for occupancy (except for minor unpacking and connection to utilities), and designed for relocation to other sites, may be placed on land to serve as the following:

- (1) Expansion space for existing religious institutions, health care facilities, and government offices, provided plans for the permanent expansion of the existing facilities have been submitted to and been approved by the city.
- (2) Temporary classroom space to augment an existing public educational facility.
- (3) Temporary offices for construction and security personnel during the construction of a development for which the city has issued a building permit.
- (4) Temporary quarters for recreational facilities that are being provided in conjunction with a new residential development, provided the city has approved a site plan (Section 2.5.D, Site Plan Approval) or subdivision (Section 2.5.E, Subdivision Approval) for the development.
- (5) Temporary quarters for other nonresidential uses when the permanent building has been destroyed by a fire or other physical catastrophe, provided a building permit for the permanent facility is obtained within four months after approval of the temporary quarters. The City Manager may approve a written request for an extension of an additional six

Article 4: Use Standards

Section 4.5: Temporary Uses and Structures

4.5.F Standards for Specific Temporary Uses and Structures

months for good cause shown. Failure to obtain a Building Permit within the time frame allowed will revoke approval for the temporary quarters.

- (6) One temporary office per site to include but not be limited to, the following uses: hiring, membership solicitation, multifamily development office/leasing, and other general office uses. The number of modular buildings housing such uses shall be limited to one, in addition to those already allowed by this section. Such modular buildings shall not be placed on the property prior to the issuance of a building permit.
- (7) A temporary residence used for housing occupants of an on-site existing principal dwelling unit subject to casualty damage. The City Manager must find that the original residence that was damaged is not habitable at the time of issuance of the permit. No such permit shall be renewed or extended after the residence has been repaired or replaced and rendered habitable.

(B) Other Temporary Residences

- (1) A building intended to ultimately be accessory to a principal dwelling (e.g., an accessory apartment above a garage) may be constructed before the principal dwelling, in accordance with standards applicable to accessory structures, and temporarily used as the principal dwelling of the lot while the principal dwelling is being constructed, provided the building or inhabited part thereof meets all applicable building, health, and other regulations for habitable dwellings.
- (2) An accessory building to a principal residence subject to casualty damage may be temporarily used as the principal dwelling on the lot while the damaged principal dwelling is being repaired or reconstructed, provided the building or inhabited part thereof meets all applicable building, health, and other regulations for habitable dwellings.

ii. Standards

In addition to meeting the general standards of Section 4.5.E, General Standards for All Temporary Uses and Structures, all temporary structures approved in accordance with this section shall meet the following standards:

- (A) Except as otherwise provided in this Ordinance, a temporary structure may be located anywhere on the site except within the following areas:
 - (1) Existing required landscaping or perimeter buffer areas;
 - (2) Areas designated as future required landscaping areas, whether or not vegetation currently exists; and
 - (3) Other areas designated on the site for open space, vehicular use, or ingress/egress.
- (B) In addition to any other off-street parking required on the site in accordance with Section 6.2, Off-Street Parking and Loading, adequate off-street parking shall be provided for the temporary use.
- (C) All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained prior to installation or use of the temporary structure.

- (D) The temporary structure shall be compatible with the existing buildings on the site in terms of exterior color.
- (E) Temporary structures used to house occupants of existing dwellings subject to casualty damage resulting from a natural disaster (e.g., hurricane, tornado, flood)—see Sections 4.5.F.1.b.i(A)(7) and 4.5.F.1.b.i(B)(2) above—shall comply with any additional standards set forth in a Declaration of Emergency issued in response to the disaster.

iii. Duration

(A) General

Temporary structures under this subsection may remain on the site for no more than 12 months. This period may be renewed for three 12-month periods, for good cause shown, upon approval of a written request for such extension that is submitted to the City Manager before expiration of the Temporary Use Permit. Except as otherwise provided in 4.5.F.1.b.iii(B), Exceptions, in no event shall the temporary structure be allowed to remain on the site for more than four years.

(B) Exceptions

- (1) Temporary classrooms for use as part of an existing educational facility may be allowed to remain on the site for longer than four years.
- (2) Temporary structures used to house occupants of an existing principal dwelling subject to casualty damage resulting from a natural disaster (e.g., hurricane, tornado, flood)—see Sections 4.5.F.1.b.i(A)(7) and 4.5.F.1.b.i(B)(2) above—may be allowed to remain on the site for any longer time period set forth in a Declaration of Emergency issued in response to the disaster.

c. Real Estate Sales Office and Model Sales Home

i. General Standards

One temporary real estate sales office or model sales home may be allowed as incidental to a new residential or nonresidential development, provided it complies with the following standards:

- (A) The use is located on a lot approved by the city as part of the development.
- (B) Signage complies with the standards of Section 6.13, Signage.
- (C) The temporary use is aesthetically compatible with the character of surrounding development in terms of exterior color, predominant exterior building materials, and landscaping.
- (D) The temporary use complies with the minimum yard and setback standards of the zoning district in which it is located.
- (E) Off-street parking provided for the temporary use complies with the standards of Section 6.2, Off-Street Parking and Loading.
- (F) Upon termination of the temporary real estate sales office or model sales home, the structure shall be converted into, or removed and replaced with, a permanent use.
- (G) In approving or renewing approval of a real estate sales office, the City Manager may impose other conditions as is deemed necessary to avoid adverse impacts that the use as a sales office may have on

Article 4: Use Standards

Section 4.5: Temporary Uses and Structures

4.5.F Standards for Specific Temporary Uses and Structures

adjacent properties or the community as a whole.

- (H) All temporary trailers shall be removed from the site prior to the issuance of the last certificate of occupancy for the site.

ii. Duration

(A) Temporary Real Estate Sales Office

Temporary real estate sales offices may be approved for a period of up to 12 months. This period may be renewed for three additional 12-month periods, for good cause shown, upon approval of a written request for such an extension that is submitted to the City Manager before expiration of the permit. In no event shall the temporary real estate sales office be allowed to remain on the site for more than four years.

(B) Model Sales Home

Model sales homes may be approved for a period of up to four years. This period may be renewed for additional six-month periods, for good cause shown, upon approval of a written request for such an extension that is submitted to the City Manager before expiration of the permit. There is no time limit on the use of model sales units.

d. Temporary Storage in a Portable Shipping Containers

Temporary storage in a portable shipping container shall be permitted to serve an existing residential use, provided containers shall not be located on an individual parcel or site for more than 14 consecutive days per site, per calendar year. This time limit shall not apply where the use in response to natural disaster (e.g., hurricane, tornado, flood).

2. TEMPORARY USES

a. Farmers' Market

Farmers' markets shall:

- i. Renew all applicable Temporary Use Permits once per calendar year;
- ii. Be limited to the retail sale of agriculture and horticulture products;
- iii. Be located to minimize the visual impact of the structure from adjacent public streets;
- iv. Provide adequate ingress, egress, and off-street parking areas; and
- v. Be subject to the sign standards in Section 6.13, Signage.

b. Outdoor Seasonal Sales

i. Applicability

Merchants may display and/or sell goods in the city on a temporary basis without establishing a permanent place of business, subject to the standards of this section. Temporary outdoor seasonal sales include sales of Christmas trees and wreaths, pumpkins, or seasonal produce.

ii. Location

- (A) The outdoor display and/or sale of goods consistent with the provisions of Section 4.4.F.9, Outdoor Display/Sales, is considered an accessory use and does not require a Temporary Use Permit.
- (B) All other sales/displays of goods (other than agricultural products) require a Temporary Use Permit in accordance with Section 2.5.G, Temporary Use Permit, and this subsection.

iii. Standards

A temporary use for the temporary display and/or sale of products shall comply with the following standards:

- (A) The property shall contain an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking-space availability.
- (B) The display or sale of goods, products, and/or services shall not occur in the public right-of-way or within 100 feet of an existing residential use.
- (C) The display or sale of products, goods and/or services shall be limited in scope to similar or complementary products, goods, and/or services to those offered by the existing principal use located on the same site. The temporary sale of non-agricultural products, goods, and/or services that differ from the normal range of those offered by an existing principal use shall be prohibited.
- (D) Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property.
- (E) Tents and other temporary structures shall be located on an improved surface such as asphalt, gravel, or other improved surface.
- (F) Off-street parking shall be adequate to accommodate the proposed sale of products.
- (G) The temporary display or sale of products shall not cause interference with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided.
- (H) The hours of operation of the temporary sale of products shall be from no earlier than 7:00 A.M. to no later than 10:00 P.M., or the same as the hours of operation of the principal use.

iv. Duration; Sales per Year

- (A) The temporary sale of non-agricultural products shall be allowed on an individual parcel or site for no more than 30 total days per calendar year.
- (B) The number of temporary sales of products per site per calendar year shall not exceed three.

G. SPECIAL EVENTS

1. APPLICABILITY

a. General

The procedures and standards of this subsection shall apply to all special events held on private property within the city that are planned for, or which reasonably may be expected to attract, more than 100 persons at any one time (including, but not limited to, cultural events, musical events, celebrations, festivals, fairs, and carnivals), unless exempted in accordance with 4.5.G.1.c, Exemptions.

Article 4: Use Standards

Section 4.5: Temporary Uses and Structures

4.5.G Special Events

b. Temporary Use Permit for Special Event Required

All special events subject to this subsection require a Temporary Use Permit approved in accordance with Section 2.5.G, Temporary Use Permit, before initiation of the special event.

c. Exemptions

The following events or activities are exempt from the standards of this subsection (i.e., may occur without a Temporary Use Permit for a special event). Such activities are subject to all other applicable procedures and standards of this Ordinance.

- i.** Special events or activities occurring within, or on the grounds of, a private residence or on the common areas of a two-family, townhouse, or multifamily residential development.
- ii.** Any event sponsored in whole or in part by the city or state.
- iii.** Any organized activities conducted at sites or facilities typically intended and used for such activities—including, but not limited to, sporting events (such as golf, soccer, softball, and baseball tournaments) conducted on courses or fields intended and used for such activities, fairs and carnivals at fairgrounds, wedding services conducted at reception halls or similar facilities, funeral services conducted at funeral homes or cemeteries, and religious services, wedding services, and funeral services conducted at places of worship.
- iv.** Temporary special events that are expressly approved as part of a Zoning Compliance Permit (Section 2.5.I).

2. SPECIAL EVENT STANDARDS

In addition to complying with the standards in Section 4.5.E, General Standards for All Temporary Uses and Structures, special events shall:

- a.** Not create an unreasonable risk of significant:
 - i.** Damage to public or private property, beyond normal wear and tear;
 - ii.** Injury to persons;
 - iii.** Public or private disturbances or nuisances;
 - iv.** Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
 - v.** Additional and impracticable or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; and
 - vi.** Other adverse effects upon the public health, safety, or welfare;
- b.** Not be of such a nature, size, or duration that the particular location requested cannot reasonably accommodate the event;
- c.** Not be at a time and location that has already been permitted or reserved for other activities; and
- d.** Be limited to a maximum duration of 14 days per site per calendar year, unless otherwise specifically authorized by the City Manager.

3. PERMIT CONDITIONS

In approving a Temporary Use Permit for a special event, the City Manager is authorized to impose such conditions on the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property

in the area, as long as the condition relates to a situation created or aggravated by the proposed special event. Such conditions, where appropriate, may require:

- a.** Provision of temporary parking facilities, including vehicular access and egress;
- b.** Prevention or control of nuisance factors—including, but not limited to, glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
- c.** Regulation of temporary buildings, structures, and facilities—including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
- d.** Provision of sanitary and medical facilities;
- e.** Provision of solid waste collection and disposal;
- f.** Provision of security and safety measures;
- g.** Use of an alternative location or date for the proposed special event;
- h.** Modification or elimination of certain proposed activities;
- i.** Regulation of operating hours and days, including limitation of the duration of the special event to a shorter time period than that requested or specified in this subsection;
- j.** Submission of a performance guarantee to ensure that any temporary facilities or structures used for such proposed special event will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.

Article 5: Intensity & Dimensional Standards

TABLE OF CONTENTS

ARTICLE 5: INTENSITY AND DIMENSIONAL STANDARDS	5-1
5.1. Purpose	5-1
5.2. Intensity and Dimensional Standards Table	5-1
5.3. Measurement	5-2
A. Lot Area.....	5-2
B. Lot Area Per Dwelling Unit	5-2
C. Lot Width.....	5-2
D. Floor Area per Dwelling Unit	5-2
E. Building Coverage	5-3
F. Height	5-3
G. Yard Depth	5-3
1. Generally.....	5-3
2. Front Yard Depth.....	5-3
3. Side Yard Depth.....	5-4
5.4. Exceptions and Variations	5-4
A. Reduction of Minimum Lot Area or Width to Block Face Average	5-4
B. Maximum Height.....	5-4
1. Exceptions	5-4
2. Variations	5-5
C. Minimum Front Yard Depth.....	5-5
1. Reduction of Minimum Front Yard Depth to Block Face Average.....	5-5
2. Exception to Measurement from Future Street Right-of-Way.....	5-5
D. Allowable Minimum Yard Encroachments	5-5

ARTICLE 5: INTENSITY AND DIMENSIONAL STANDARDS

5.1. PURPOSE

The purpose of this article is to present the intensity and dimensional standards for all principal and accessory uses and structures allowed in this Ordinance, set forth rules for measuring and applying the standards, and identify exceptions to and variations from the standards. These standards may be further modified by other applicable sections of this Ordinance.

5.2. INTENSITY AND DIMENSIONAL STANDARDS TABLE

Unless otherwise specified in this Ordinance, all principal and accessory uses and structures are subject to the intensity and dimensional standards set forth in Table 5.2, Intensity and Dimensional Standards Table.

TABLE 5.2: INTENSITY AND DIMENSIONAL STANDARDS TABLE									
ZONING DISTRICT	MIN. LOT AREA (SQ FT) ¹	MIN. LOT AREA PER DU (SQ FT) ²	MIN. LOT WIDTH (FT) ³	MIN. FLOOR AREA PER DU (SQ FT)	MAX. BUILDING COVERAGE (% OF LOT AREA)	MAX. HEIGHT (FT)	MIN. YARD DEPTH (FT)		
							FRONT	SIDE	REAR
RESIDENTIAL DISTRICTS									
SFR 10: Single-Family Residential 10	10,000	n/a	70	1,500	40	35	25	12	20
SFR8: Single-Family Residential 8	8,000	n/a	60	1,200	45	35	20	10	15
SFR6: Single-Family Residential 6	6,000	n/a	55	1,000	50	35	15	7	12
MR 3: Mixed Residential 3	5,000	8,000 for first 2 units + 2,500 per additional unit	50	500	55	50	12	5 + 3 per story above first story	10
COMMERCIAL DISTRICTS									
NC: Neighborhood Commercial	5,000	2,500	50	n/a	55 ⁴	50	10	n/a	10
CC: Community Commercial	8,000	2,000	60	n/a	65	65	10	n/a	10
RC: Regional Commercial	10,000	1,500	70	n/a	75	75	20	n/a	10
DT: Downtown	n/a	1,500	n/a	n/a	n/a	50 ⁵	n/a ⁶	n/a	n/a
GC: Gateway Commercial	5,000	2,000	50	n/a	65	50	n/a ⁷	n/a	10
WMU: Waterfront Mixed-Use	5,000	1,500	50	n/a	n/a	50	n/a ⁶	n/a	n/a
INDUSTRIAL DISTRICTS									
LI: Light Industrial	10,000	n/a	70	n/a	65	50	20	10	15
HI: Heavy Industrial	10,000	n/a	70	n/a	65	65	25	12	20
P: Port	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Article 5: Intensity and Dimensional Standards

Section 5.3: Measurement

5.3.A Lot Area

TABLE 5.2: INTENSITY AND DIMENSIONAL STANDARDS TABLE									
ZONING DISTRICT	MIN. LOT AREA (SQ FT) ¹	MIN. LOT AREA PER DU (SQ FT) ²	MIN. LOT WIDTH (FT) ³	MIN. FLOOR AREA PER DU (SQ FT)	MAX. BUILDING COVERAGE (% OF LOT AREA)	MAX. HEIGHT (FT)	MIN. YARD DEPTH (FT)		
							FRONT	SIDE	REAR

NOTES: [sq ft = square feet; ft = feet; DU = dwelling unit]

1. For townhouse development, minimum lot area standards apply only to the development site as a whole; individual townhouse lots shall have a minimum area of 1,800 sq. ft.
2. Minimum lot area per dwelling unit standards apply only to dwelling uses and dwelling portions of mixed-use developments.
3. Individual townhouse lots shall have a minimum width of 18 ft.
4. Maximum gross ground floor area is 10,000 for certain principal uses noted in Table 4.2.B.2, Principal Use Table.
5. Maximum height is 75 ft for mixed-use development in which at least 25% of total floor area is devoted to residential uses.
6. Maximum front yard depth is 5 ft.
7. Maximum front yard depth is 30 ft.

5.3. MEASUREMENT

A. LOT AREA

Lot area shall be determined by measuring the total horizontal land area (in square feet) within the lot lines of the lot—excluding any area within existing or proposed public street rights-of-way or private street easements.

B. LOT AREA PER DWELLING UNIT

Lot area per dwelling unit shall be determined by dividing the total lot area (See Section 5.3.A, Lot Area.) by the total number of dwelling units located or proposed on the lot and multiplying the result by 43,560 (the number of square feet in one acre).

C. LOT WIDTH

Lot width shall be determined by measuring the horizontal distance along a line delineating the minimum front yard depth applicable to the lot, between its intersections with the side lot lines (See Figure 5.3, Lot Dimensions.).

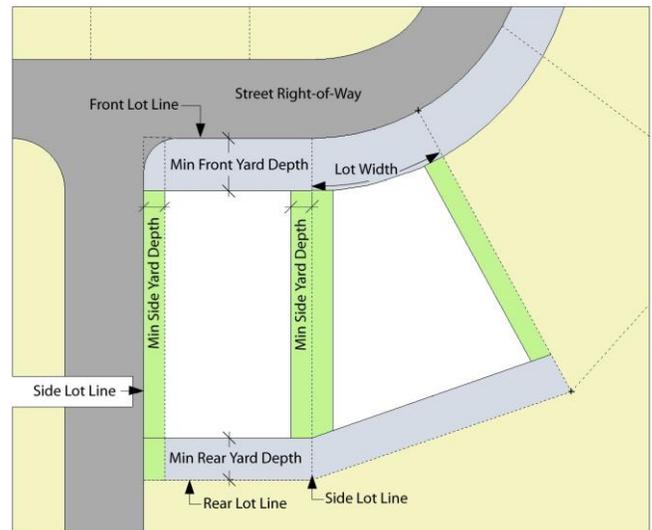


Figure 5.3: Lot Dimensions

D. FLOOR AREA PER DWELLING UNIT

Floor area per dwelling unit shall be determined by measuring the gross horizontal area of each floor of a dwelling unit, and adding up the areas for all floors of the dwelling.

E. BUILDING COVERAGE

Building coverage (as a percentage of lot area) shall be determined by measuring the total horizontal land area (in square feet) covered by all principal and accessory buildings and structures on the lot, dividing that coverage area by the total lot area (See Section 5.3.A, Lot Area.), and multiplying by 100.

F. HEIGHT

The height of a structure shall be determined by measuring the vertical distance from the elevation of the average finished grade around the exterior of the structure’s foundation (or base of supporting columns) to the highest point of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridge of a gable, hip, cone, gambrel, or shed roof (See Figure 5.3.F, Height Measurement.). In the Floodplain Overlay (FPO) district, the height of the structure shall be measured from the base flood elevation (BFE) applicable at the structure’s location or from an elevation eight feet above the average finished grade around the exterior of the structure’s foundation (or supporting columns), whichever is higher.

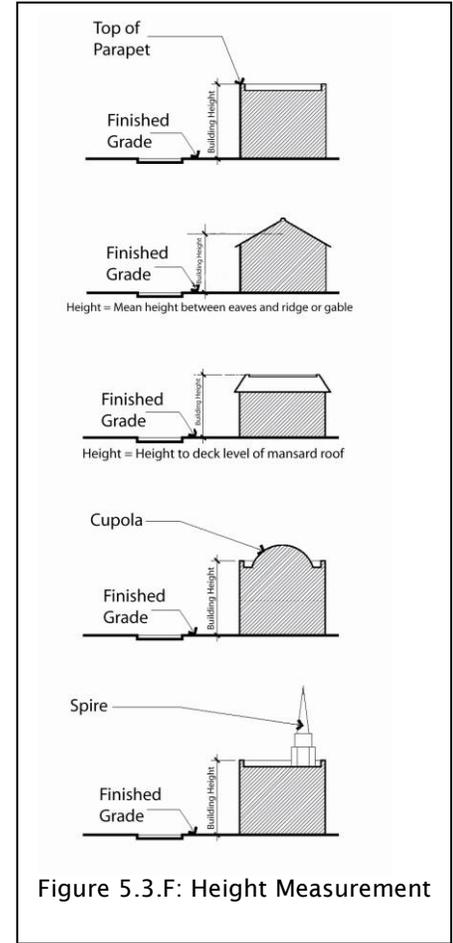


Figure 5.3.F: Height Measurement

G. YARD DEPTH

1. GENERALLY

Front, side, and rear yard depths on a lot shall be determined by measuring the horizontal distance along a straight line extending at a right angle from the lot’s front, side, or rear lot line (as appropriate) to the foundation of the nearest structure on the lot (See Figure 5.3, Lot Dimensions.). Allowable encroachments into required minimum yards shall be ignored when measuring yard depths.

FRONT YARD DEPTH

a. Corner Lot

- i. A corner lot shall have only one front lot line as determined by the City Manager in accordance with the definition of front lot line (“lot line, front”) in Section 10.2, Terms and Uses Defined, and 10.1, General Rules for Interpretation.
- ii. On a corner lot where the intersecting right-of-way boundaries are defined by a radius, the front yard depth shall be measured from the front lot line defined by one right-of-way boundary as extended to form an intersecting angle with an extension of the side lot line defined by the other right-of-way boundary.

b. Through Lot

For purposes of this subsection, a through lot shall be deemed to have a front lot line along each street it abuts. Front yard depths shall be measured, and minimum front yard depth requirements shall be applied, from each such front lot line.

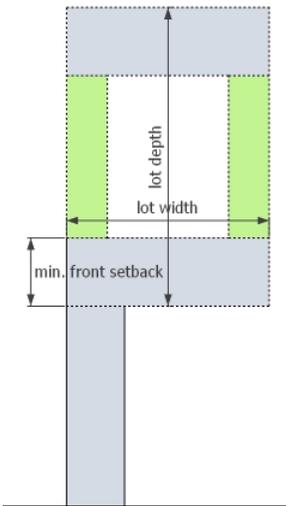


Figure 4.5.G.1.c: Flag Lot Front Yard

Article 5: Intensity and Dimensional Standards

Section 5.4: Exceptions and Variations

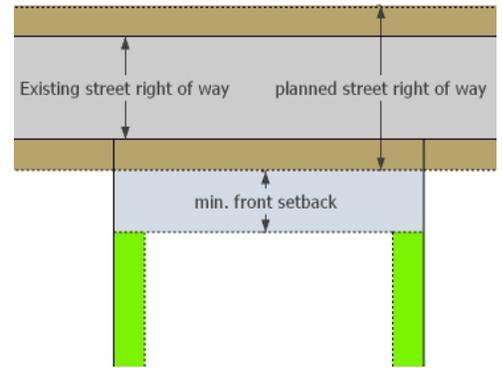
5.4.A Reduction of Minimum Lot Area or Width to Block Face Average

c. Flag Lot

On a flag lot, the front yard depth shall be measured within the “flag” portion of the lot, from the lot line delineating the base of that portion (See Figure 5.3.G.2.c, Flag Lot.).

d. Measured from Future Street Right-of-Way

Where city-adopted plans call for the future widening of the street right-of-way abutting a lot and identify the future right-of-way boundary (e.g., by delineating the boundary or establishing its distance from the street’s centerline), the front yard depth on the lot shall be measured from the future right-of-way boundary (See Figure 5.3.G.2.d, Front Yard Abutting Future Right-of-Way.).



5.3.G.2.d: Front Yard Abutting Future Right-of-Way

3. SIDE YARD DEPTH

On a corner lot where the intersecting right-of-way boundaries are defined by a radius, the side yard depth shall be measured from the side lot line defined by one right-of-way boundary as extended to form an intersecting angle with an extension of the front lot line defined by the other right-of-way boundary (See Figure 5.3, Lot Dimensions.).

5.4. EXCEPTIONS AND VARIATIONS

A. REDUCTION OF MINIMUM LOT AREA OR WIDTH TO BLOCK FACE AVERAGE

If the average area or width of existing lots located on the same block face and in the same zoning district is less than applicable minimum lot area or minimum lot width (as appropriate) set forth in Table 5.2, Intensity and Dimensional Standards Table, the minimum lot area or minimum lot width (as appropriate) required of a lot shall be reduced to that average lot area or average lot width (as appropriate). This provision, however, does not apply to lots fronting on a major arterial street.

B. MAXIMUM HEIGHT

1. EXCEPTIONS

The maximum height limits in Table 5.2, Intensity and Dimensional Standards Table, shall not apply to the following structures or structural elements:

- a. Monuments, water towers, utility transmission towers, flagpoles, derricks, cooling towers, fire towers, and other similar structures not intended for human occupancy;
- b. Spires, belfries, cupolas, domes, chimneys, elevator shaft enclosures, ventilators, radio or television antennas, mechanical equipment and appurtenances, and similar rooftop structures or structural elements no intended for human occupancy, provided they:
 - i. Cover not more than 25 percent of the roof area of the structure to which they are attached;

- ii. Comply with applicable screening requirements for mechanical equipment and appurtenances in Section 6.3.F, Screening ; and
- iii. Extend above the applicable maximum height limit by no more than 25 percent of the height limit (unless otherwise allowed in this Ordinance).
- c. Roof-mounted solar energy collection systems, provided they extend above the applicable maximum height limit by no more than five feet; and
- d. Small wind energy systems, in accordance with the height standards in Section 4.4.F.16, Small Wind Energy System.

2. VARIATIONS

a. Accessory Structures

Except as otherwise provided in this Ordinance, the height of accessory structures located within any required yard shall not exceed 16 feet, provided that this height limit may be increased one foot for every two feet the structure's setback from lot lines exceeds the minimum setbacks applicable to the accessory structure (See Section 4.4.E.3, Location of Accessory Uses and Structures.). Accessory structures that comply with the minimum yard depth standards applicable to principal structures shall be subject to the maximum height limits applicable to principal structures.

b. Piers and Boat Houses

A boat house or pier shall not exceed a height of 25 feet above the mean high tide level.

C. MINIMUM FRONT YARD DEPTH

1. REDUCTION OF MINIMUM FRONT YARD DEPTH TO BLOCK FACE AVERAGE

If the average front yard depth on improved lots located on the same block face and in the same zoning district is less than the applicable minimum front yard depth set forth in Table 5.2, Intensity and Dimensional Standards Table, the minimum front yard depth required of a lot shall be reduced to that average front yard depth. This provision, however, does not apply to lots fronting on a major arterial street.

2. EXCEPTION TO MEASUREMENT FROM FUTURE STREET RIGHT-OF-WAY

The City Manager may exempt a lot from the requirement in Section 5.3.G.2.d that front yard depth be measured from identified future street rights-of-way on determining that the existing street right-of-way is adequate to encompass any anticipated need for widening of the street or accommodation of associated improvements, and that widening the right-of-way in accordance with adopted plans would create nonconforming minimum front yards on a substantial number of other lots fronting the street.

D. ALLOWABLE MINIMUM YARD ENCROACHMENTS

Every part of every required minimum yard shall remain open and unobstructed from the ground to the sky except as otherwise allowed in Table 5.4.D, Allowable Minimum Yard Encroachments, or allowed or limited by provisions in Article 4, Use Standards, Article 6, Development Standards, or elsewhere in this Ordinance. (See Figure 5.4.D, Allowable Minimum Yard Encroachments.)

Article 5: Intensity and Dimensional Standards

Section 5.4: Exceptions and Variations

5.4.D Allowable Minimum Yard Encroachments

TABLE 5.4.D: ALLOWABLE MINIMUM YARD ENCROACHMENTS	
FEATURE	EXTENT AND LIMITATIONS
Open balconies, fire escapes, or stairways	May extend up to five feet into any required minimum yard
Bay windows	May extend up to three feet into any required minimum yard if no more than nine feet wide
Chimneys or fireplaces	May extend up to three feet into any required minimum yard
Moveable awnings	
Roof eaves and overhangs, or marquees	
Sills or entablatures	May extend up to 12 inches onto any required minimum yard
Uncovered porches, stoops, decks, patios, terraces, or walkways	May extend into or be located in any required minimum yard if less than 12 inches higher than ground level; may extend up to three feet into any required minimum yard if more than 12 inches, but less than 30 inches, higher than ground level
Signs, projecting or free-standing	May extend into or be located in any required minimum yard in accordance with Section 6.13, Signage
Carports, attached or detached	May extend into or be located in a required minimum side yard, but not within two feet of a side lot line—provided that the combined length of a detached carport attached to another detached accessory building shall not exceed 40 feet
Flagpoles	May be located in any required minimum yard if less than 20 feet high, set back from side and rear lot lines by at least ten feet, and set back from abutting street rights-of-way by a distance equal to the flagpole height
Lighting fixtures	May be located in any required setback area if less than 20 feet high
Fences or walls	May be located in any required minimum yard, subject to the limitations in Section 6.7, Fences and Walls
Accessory structures other than those listed above	May be located in a required minimum side or rear yard, subject to the limitations in Section 4.4, Accessory Uses and Structures
Vegetation and landscaping features such as retaining walls, fountains, ponds, and similar landscaping features	May be located in any required setback area

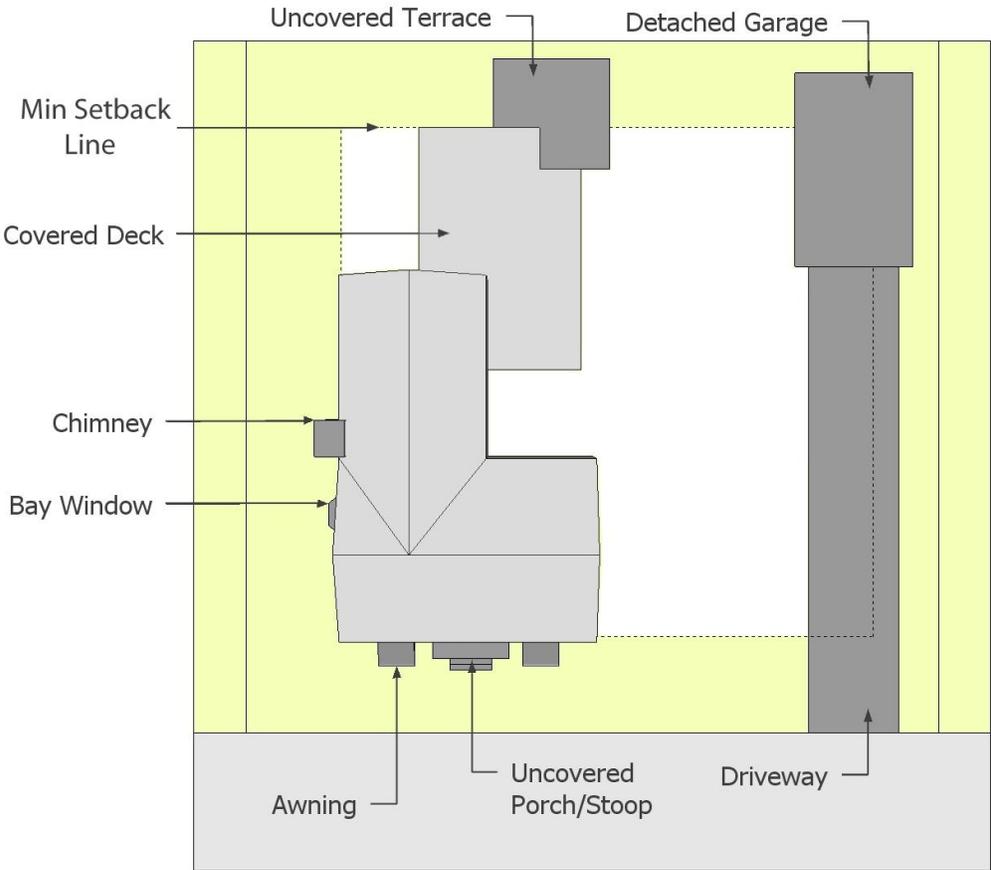


Figure 5.4.D: Allowable Minimum Yard Encroachments

Article 6: Development Standards

TABLE OF CONTENTS

ARTICLE 6: DEVELOPMENT STANDARDS	6-1
6.1. Access and Circulation	6-1
A. Purpose	6-1
B. Applicability	6-1
C. Consistency with Plans	6-1
D. Multimodal Transportation System	6-1
E. Circulation Plan Required.....	6-1
F. Developer Responsibility for Street Improvements.....	6-2
1. Within Development Site.....	6-2
2. Within Abutting Right-of-Way.....	6-2
G. Vehicular Access and Circulation.....	6-2
1. Vehicular Accessway Classifications	6-2
2. Required Vehicular Access and Circulation.....	6-4
3. Vehicular Access Management	6-4
4. Connectivity	6-6
5. General Accessway Layout and Design	6-9
6. Roadway Layout and Design.....	6-9
7. Driveway Layout and Design	6-11
8. Sight Triangles.....	6-12
9. Vehicle Stacking Space.....	6-13
H. Pedestrian Access and Circulation.....	6-15
1. Required Pedestrian Access.....	6-15
2. Pedestrian Connectivity	6-16
3. General Walkway Layout and Design	6-18
6.2. Off-Street Parking and Loading	6-19
A. Purpose and Intent.....	6-19
B. Applicability	6-19
1. New Development.....	6-19
2. Existing Development.....	6-19
3. Parking Plan Required.....	6-20
C. General Standards for Off-Street Parking and Loading Areas.....	6-20
1. Use of Parking and Loading Areas.....	6-20
2. Surfacing.....	6-20
3. Location and Arrangement	6-21
4. Markings	6-22
5. Drainage	6-22
6. Exterior Lighting.....	6-22
7. Landscaping.....	6-22
8. Curbs and Motor Vehicle Stops.....	6-22
9. Maintained in Good Repair	6-23
10. Completion	6-23
D. Off-Street Parking Space Requirements.....	6-23
1. Minimum Number of Off-Street Parking Spaces	6-23
2. Uses with Variable Parking Demand Characteristics and Unlisted Uses	6-27
3. Multiple Uses	6-28
4. Maximum Number of Off-Street Parking Spaces	6-28
E. Calculation of Off-Street Parking Space Requirements.....	6-28
1. Fractions.....	6-28

2.	Seat-Based Standards	6-28
3.	Floor-Area-Based Standards	6-28
4.	Occupancy- or Capacity-Based Standards	6-28
5.	On-Street Parking.....	6-29
6.	Driveways Used to Satisfy Requirements.....	6-29
F.	Accessible Parking Spaces for Physically Disabled Persons	6-29
1.	Residential Uses	6-29
2.	Outpatient Facilities	6-29
3.	Rehabilitation Facilities and Outpatient Physical Therapy Facilities.....	6-29
4.	Other Nonresidential Uses.....	6-29
5.	Location.....	6-30
6.	Accessible Parking Space Dimensions	6-30
7.	Access Aisles.....	6-30
8.	Signage and Markings	6-31
9.	Accessible Passenger Loading Zones.....	6-31
10.	Vertical Clearance	6-31
11.	Maximum Slope	6-31
G.	Dimensional Standards for Parking Spaces and Aisles	6-31
1.	General.....	6-31
2.	Compact Car Spaces	6-32
3.	Vertical Clearance	6-33
4.	Reduction for Planter and Sidewalk Overhangs	6-33
5.	Spaces near Obstructions.....	6-33
H.	Off-Street Parking Alternatives.....	6-33
1.	General; Alternative Parking Plan.....	6-33
2.	Provision over Maximum Allowed.....	6-33
3.	Shared Parking.....	6-33
4.	Off-Site Parking	6-34
5.	Deferred Parking.....	6-35
6.	On-Street Parking.....	6-36
I.	Parking Reduction Incentives.....	6-36
1.	Transit Accessibility	6-36
2.	Special Facilities for Bicycle Commuters	6-36
3.	Other Eligible Alternatives	6-36
J.	Loading Area Standards.....	6-37
1.	Off-Street Loading Berth Requirements.....	6-37
2.	Dimensional Standards for Loading Areas	6-37
3.	Location of Loading Areas.....	6-37

6.3. Landscaping Standards..... 6-38

A.	Purpose and Intent.....	6-38
B.	Applicability	6-38
1.	General.....	6-38
2.	Change in Use.....	6-38
3.	Upgrading of Nonconforming Landscaping	6-39
4.	Exemptions.....	6-39
5.	Review for Compliance.....	6-39
6.	Landscape Plan Required	6-39
C.	General Requirements for Landscaping	6-39
1.	New Planting Standards	6-39
2.	Existing Vegetation	6-40
3.	Stabilization.....	6-40
4.	Easements	6-41
D.	Vehicular Use Area Landscaping	6-41
1.	Applicability	6-41
2.	Interior Landscaping Standards	6-41

3.	Perimeter Landscaping Strips.....	6-42
E.	Perimeter Buffers	6-43
1.	Purpose and Intent	6-43
2.	Applicability	6-43
3.	Buffer Types	6-43
4.	Buffer Type Application	6-44
5.	Alternative Configuration	6-45
6.	Development within Required Buffers	6-45
7.	Sight Triangles.....	6-45
F.	Screening.....	6-46
1.	General Requirements	6-46
2.	Screening Methods	6-46
3.	Configuration of Vegetative Materials	6-46
G.	Foundation Plantings.....	6-47
1.	Purpose and Intent	6-47
2.	Foundation Planting Required.....	6-47
3.	Foundation Planting Standards	6-47
H.	Alternative Landscape Plan.....	6-47
1.	General.....	6-47
2.	Submittal and Review.....	6-48
3.	Allowable Deviations	6-48
I.	Other Landscaping Standards.....	6-48
1.	Time for Installation of Required Landscaping	6-48
2.	Maintenance of Landscaping Materials	6-49
6.4.	Tree Protection.....	6-50
A.	Purpose and Intent.....	6-50
B.	Applicability	6-50
1.	General.....	6-50
2.	Exemptions.....	6-50
C.	Protection of Heritage Trees	6-50
1.	Heritage Trees Identified	6-50
2.	General Requirements	6-51
D.	Removal of a Heritage Tree.....	6-51
E.	Replacement/Mitigation of Heritage Trees	6-52
1.	Replacement Trees Required	6-52
2.	Location of Replacement Trees.....	6-52
3.	Establishment Period.....	6-52
4.	Stump Removal Required	6-52
F.	Tree and Vegetation Protection During Construction	6-52
1.	Owner's Responsibility.....	6-52
2.	Tree Protection Fencing.....	6-53
3.	Trenching Prior to Clearing.....	6-53
6.5.	Environmental Protection.....	6-54
A.	Riparian Buffers.....	6-54
1.	Purpose	6-54
2.	Riparian Buffer Required.....	6-54
3.	Allowable Development within Riparian Buffers.....	6-55
4.	Location of Riparian Buffers in Common Areas.....	6-55
B.	Storm Water Management.....	6-56
C.	Flood Damage Prevention.....	6-56

6.6.	Open Space Set-Aside.....	6-56
A.	Purpose and Intent.....	6-56
B.	Applicability	6-57
1.	General.....	6-57
2.	Exemptions.....	6-57
C.	Open Space Set-Aside Standards	6-57
1.	Amount of Open Space Set Aside Required	6-57
2.	Areas Counted as Open Space Set-Aside	6-57
3.	Areas Not Counted as Open Space Set-Aside	6-58
4.	Design Standards for Open Space Set-Asides	6-58
5.	Ownership of Open Space Set-Asides	6-59
6.	Maintenance of Open Space Set-Asides.....	6-60
D.	In-Lieu Payments.....	6-60
1.	General.....	6-60
2.	Procedure For Approval.....	6-60
3.	Time of Payment.....	6-61
4.	Amount of In-Lieu Fee.....	6-61
5.	Use of Fees.....	6-61
6.7.	Fences and Walls.....	6-61
A.	Purpose	6-61
B.	Applicability	6-61
C.	General Requirements for Fences and Walls.....	6-61
1.	Location.....	6-61
2.	Temporary Fences.....	6-61
3.	Fences and Walls near Fire Hydrants.....	6-61
4.	Fences in Easements.....	6-62
5.	Blocking Natural Drainage Flow	6-62
6.	Fences on Retaining Walls or Berms.....	6-62
7.	Fences and Walls within Buffers	6-62
8.	Integration with Other Required Landscaping	6-62
9.	Customary Materials.....	6-62
D.	Height Requirements for Fences and Walls	6-63
1.	General.....	6-63
2.	Exemptions.....	6-63
E.	Perimeter Fences and Walls Abutting Street Rights-of-Way	6-64
F.	Appearance	6-64
1.	Finished Side to Outside	6-64
2.	Compatibility of Materials along a Single Lot Side	6-64
3.	Landscape Screening	6-64
G.	Prohibited Fences.....	6-66
1.	Barbed Wire, Concertina Wire, and Aboveground Electrified Fences	6-66
2.	Debris, Junk, Rolled Plastic, Sheet Metal, Plywood, or Other Waste Materials	6-66
H.	Fences around Swimming Pools	6-66
I.	Maintenance Required	6-66
6.8.	Exterior Lighting	6-67
A.	Purpose	6-67
B.	Applicability	6-67
1.	General.....	6-67
2.	Lighting Plan Required.....	6-67
3.	Exemptions.....	6-67
C.	General Standards for Exterior Lighting	6-67

1.	Hours of Illumination	6-67
2.	Illumination Direction	6-68
D.	Design Standards for Exterior Lighting.....	6-68
1.	Maximum Lighting Height	6-68
2.	Shielding.....	6-68
3.	Maximum Illumination Levels.....	6-69
E.	Wall Pack Lights.....	6-69
F.	Exemptions for a Security Plan	6-69
G.	Illumination of Outdoor Sports Fields and Performance Areas	6-70
1.	Glare Control Package	6-70
2.	Hours of Operation	6-70
H.	Sign Lighting.....	6-70
6.9.	Utilities.....	6-70
A.	Water Lines	6-70
B.	Fire Hydrants.....	6-71
C.	Sanitary Sewers.....	6-71
D.	Natural Gas Lines.....	6-72
E.	Utilities by Private Utility Companies	6-72
6.10.	Multifamily and Townhouse Design Standards.....	6-73
A.	Purpose	6-73
B.	Applicability	6-73
1.	General.....	6-73
2.	Exemptions.....	6-73
C.	Time of Review	6-73
D.	Multifamily and Townhouse Design Standards.....	6-73
1.	Building Orientation	6-73
2.	Maximum Building Size	6-74
3.	Building Facades	6-74
4.	Multifamily Building Configuration.....	6-75
5.	Architectural Variability	6-75
6.	Materials.....	6-76
7.	Garage Standards	6-76
8.	Parking Location.....	6-77
9.	Roof Equipment Location	6-77
10.	Outdoor Activity Areas	6-77
6.11.	Commercial and Mixed-Use Design Standards	6-77
A.	Purpose	6-77
B.	Applicability	6-78
1.	General.....	6-78
2.	Time of Review	6-78
C.	Design Standards.....	6-78
1.	Building Orientation	6-78
2.	Outparcel Development	6-79
3.	Façade Massing	6-79
4.	Materials.....	6-80
5.	Glazing	6-80
6.	Roofs	6-80
7.	Off-Street Parking Location	6-81
8.	Loading, Service, and Equipment Areas	6-81

6.12. Residential Compatibility Standards	6-81
A. Purpose	6-81
B. Applicability	6-82
1. General	6-82
2. Exemptions	6-82
3. Conflict	6-82
4. Time of Review	6-82
C. Compatibility Standards	6-82
1. Building Design	6-82
2. Building Height.....	6-83
3. Site Design	6-84
4. Off-Street Parking Areas.....	6-84
5. Loading and Refuse Areas.....	6-84
6. Exterior Lighting.....	6-84
7. Signage Standards.....	6-84
8. Open Space Set-Aside Configuration	6-85
9. Operational Standards.....	6-85
6.13. Signage.....	6-85
A. Purpose	6-85
B. Applicability	6-85
C. Signs Allowed Without a Sign Permit.....	6-86
D. Prohibited Signs.....	6-87
E. Signs Allowed in Residential Districts	6-88
F. Signs Allowed in Downtown, Gateway Commercial, and Waterfront Mixed-Use Districts.....	6-88
G. Signs Allowed in other Commercial and Industrial Districts.....	6-89
H. General Sign Standards.....	6-91

ARTICLE 6: DEVELOPMENT STANDARDS

6.1. ACCESS AND CIRCULATION

A. PURPOSE

The purpose of this section is to ensure that developments are served by a coordinated multimodal transportation system that permits the safe and efficient movement of motor vehicles, emergency vehicles, transit, bicyclists, and pedestrians within the development and between the development and external transportation systems, neighboring development, and local destination points such as places of employment, schools, parks, and shopping areas. Such a multimodal transportation system is intended to provide transportation options, increase the effectiveness of local service delivery, reduce emergency response times, promote healthy walking and bicycling, facilitate use of public transportation, contribute to the attractiveness of the development and community, connect neighborhoods and increase opportunities for interaction between neighbors, reduce vehicle miles of travel and travel times and greenhouse gas emissions, improve air quality, minimize congestion and traffic conflicts, and preserve the safety and capacity of community transportation systems.

B. APPLICABILITY

Except as otherwise stated in this section, the standards in this section shall apply to all new development in the city.

C. CONSISTENCY WITH PLANS

The design and construction of access and circulation systems associated with a development shall be consistent with the transportation goals, objectives, and actions in the Pascagoula Comprehensive Plan and other city-adopted plans addressing transportation (including transportation plans, corridor plans, and small area plans).

D. MULTIMODAL TRANSPORTATION SYSTEM

Access and circulation systems associated with a development shall provide for multiple travel modes (vehicular, transit, bicycle, and pedestrian), as appropriate to the development's size, character, and relationship to existing and planned community transportation systems. Vehicular, transit, bicycle, and pedestrian access and circulation systems shall be coordinated and integrated as necessary to offer the development's occupants and visitors improved transportation choices while enhancing safe and efficient mobility throughout the development and the community.

E. CIRCULATION PLAN REQUIRED

1. Applications for Site Plan Approval (Section 2.5.D) and applications for approval of a Major Subdivision Preliminary Plat (Section 2.5.E.3) involving 20 or more lots shall include a circulation plan that addresses street connectivity, emergency and service vehicle access, parking movements, accommodation of loading operations, turning radii, traffic calming measures where future "cut-through" traffic is likely, and similar issues.
2. The City Manager may waive the requirement for a circulation plan on determining that a proposed development is expected to have no impact on circulation or proposes no change in existing circulation patterns. This provision shall not be construed to exempt development that includes additional parking, driveways, or substantial modifications to the existing pedestrian network.

F. DEVELOPER RESPONSIBILITY FOR STREET IMPROVEMENTS

1. WITHIN DEVELOPMENT SITE

- a.** If a street is proposed within a development site, the developer shall provide roadway, sidewalk, and other access and circulation improvements in accordance with the standards in this section, and shall dedicate any required rights-of-way or easements.
- b.** If a development site includes the proposed corridor of a street designated on the Major Thoroughfare Plan as a principal arterial street or minor arterial street, the development shall incorporate provision of the arterial street into the design of the development. The developer shall be responsible for constructing roadway, sidewalk, and other access and circulation improvements that meet at least those standards in this section applicable to collector streets, and shall dedicate right-of-way that meets the right-of-way width standards for a principal arterial street or minor arterial street, as appropriate.

2. WITHIN ABUTTING RIGHT-OF-WAY

If a development site fronts on and obtains vehicular access from an existing street, the developer may be required to dedicate additional right-of-way along the street frontage and to provide roadway, sidewalk, and other access and circulation improvements within the street right-of-way that are reasonably necessary to ensure the safe, convenient, efficient, and orderly accommodation of vehicular and pedestrian traffic demands and impacts generated by the proposed development. Such improvements may include, but are not limited to, turn lanes, deceleration and acceleration lanes, widening or paving of substandard roadways, medians, sidewalks, sidewalk ramps and crossings, and the relocation or improvement of utility lines and facilities needed to accommodate street improvements. The extent of required dedications and improvements related to the abutting street shall be roughly proportional to the traffic demands and impacts generated to and along that street by the proposed development.

G. VEHICULAR ACCESS AND CIRCULATION

1. VEHICULAR ACCESSWAY CLASSIFICATIONS

As a basis for application of many of the vehicular access and circulation standards in this subsection, proposed and existing vehicular accessways shall be classified in accordance with the following classifications, which reflect the accessway's relative functions in providing access to and from principal origin and destination points and accommodating travel mobility. Driveways represent the lowest basic classification and principal arterial streets the highest basic classification.

a. Driveways

Driveways include accessways that function solely to provide direct and immediate vehicular access between a street and the principal origin and destination points within an abutting development, or part of a large development. They generally handle low vehicular travel speeds and traffic volumes, but may handle moderate to high vehicular traffic volumes within large commercial and mixed-use developments (e.g., driveways within shopping center parking areas).

b. Local Streets

Local streets primarily function to provide direct vehicular access to and from abutting development, or part of a large development, as well as to provide travel mobility by connecting driveways and other local streets with collector streets and arterial streets. Local streets generally handle low to medium vehicular travel speeds and traffic volumes, but may handle high traffic volumes within large commercial and mixed-use developments or in urbanized areas (e.g., shopping streets in the Downtown district).

c. Collector Streets

Collector streets primarily function both to provide direct vehicular access to and from abutting development, particularly in commercial and industrial areas, and to provide travel mobility among neighborhoods and activity centers by connecting local streets and other collector streets with arterial streets. Collector streets are designated on the city's Major Thoroughfare Plan.

d. Minor Arterial Streets

Minor arterial streets primarily function to provide travel mobility among the city's major activity centers by connecting local streets, collector streets, and other minor arterial streets with principal arterial streets. They generally handle moderate vehicular travel speeds and traffic volumes, and may provide some direct driveway access to abutting development, particularly in commercial and industrial areas. Minor arterial streets are designated on the city's Major Thoroughfare Plan.

e. Principal Arterial Streets

Principal arterial streets primarily function to channel intercity vehicular traffic to and through the city and to provide travel mobility among the city's major activity centers by connecting minor arterial streets with each other and with collector streets. They generally handle moderate to high travel speeds and traffic volumes over relatively long distances, and provide very limited direct driveway access to abutting development. Principal arterial streets are designated on the city's Major Thoroughfare Plan.

f. Specialized Accessways

i. Alleys

Alleys primarily function to provide secondary vehicular access and/or service and delivery vehicle access between a street and the rear or sides of lots or buildings. Alleys also may provide primary vehicular access for dwellings designed to have no driveway access from the fronting street.

ii. Marginal Access Streets

Marginal access streets are local streets that run parallel with—and generally within the right-of-way of—limited access principal arterial streets, and that function to provide direct vehicular access to and from abutting development. Marginal access streets serve to avoid or minimize access points along the abutting principal arterial street so as to both protect the function, safety, and efficiency of travel on the principal arterial street and protect the safety of vehicular, bicycle, and pedestrian travel to, from, and between developments along the marginal access street.

2. REQUIRED VEHICULAR ACCESS AND CIRCULATION

a. General

A development shall be served by a system of vehicular accessways (including driveways, local streets, collector streets, minor arterial streets, and principal arterial streets, as well as alleys and fire lanes) that permits safe, convenient, efficient, and orderly movement of emergency vehicles, public transit and school buses, garbage trucks, delivery vehicles, service vehicles, and passenger motor vehicles among the following origin and destination points within the development, and between these internal origin and destination points and the external roadway system, as appropriate for the type of vehicle:

- i. Emergency vehicles: Points within 150 feet of all buildings (or the buildable area of lots, for subdivisions), major structures, and major recreational facilities.
- ii. Public transit and school buses: Designated or planned bus stops and shelters.
- iii. Garbage trucks: Bulk refuse containers and points within 150 feet of individual refuse receptacle storage/collection sites.
- iv. Large delivery trucks: Off-street loading spaces.
- v. Small delivery trucks, service vehicles, and passenger motor vehicles: Off-street parking spaces.

b. Emergency Vehicle Access

- i. To accommodate access for firefighting, accessways to all development except single-family detached, two-family dwellings, and manufactured homes shall be capable of supporting loads imposed by expected fire apparatus, maintain a vertical clearance of at least 14 feet, and have a turning radius sufficient for the expected fire apparatus.
- ii. Where accessways provide insufficient access for fire fighting, unobstructed fire lanes that are at least 20 feet wide shall be provided adjacent to a structure's primary entrance, in accordance with the Fire Code.

3. VEHICULAR ACCESS MANAGEMENT

a. Limitation on Direct Access Along Arterial Streets

Direct driveway access to a development's principal origin or destination points (including individual lots in a subdivision) may be provided directly from a principal arterial street or minor arterial street only if:

- i. No alternative direct vehicular access from a lower-classified accessway (e.g., collector street, local street, driveway, or alley) is available or feasible to provide; or
- ii. The origin or destination point generates sufficiently low traffic volumes, and the adjacent principal arterial street or minor arterial street is expected to retain sufficiently low travel speeds and traffic volumes, to allow safe driveway access while preserving the safety and efficiency of travel on the principal arterial street or minor arterial street.

b. Number of Access Points

- i. For single-family detached dwellings, two-family dwellings, and manufactured homes, one driveway access from a street is allowed along a lot frontage with a width of 200 feet or less. A second driveway access is

allowed along a lot frontage with a width between 200 and 1,000 feet, and a third driveway access is allowed along a lot frontage with a width of 1,000 feet or more.

- ii. Except as otherwise required by paragraph v. below, two-family dwellings on corner lots may be permitted to have one driveway access from each fronting street.
- iii. A pair of one-way driveways may be substituted for a single two-way driveway if the one-way driveways are located and aligned as necessary to protect the function, safety, and efficiency of travel on the intersected street and any associated bikeways and sidewalks.
- iv. For townhouse and multifamily residential, public and institutional, commercial, and industrial developments, the number of street access points shall be minimized as necessary to protect the function, safety, and efficiency of travel on the street and any associated bikeways and sidewalks.
- v. Where a through lot or corner lot fronts on roadways of different classifications, direct driveway access to the lot shall be from the lower-classified fronting street, to the maximum extent practicable.

c. Driveway Intersection Spacing

The intersections of driveways with streets shall comply with the following standards.

- i. The minimum spacing between adjacent driveway intersections along streets—or between a driveway intersection along a street and an adjacent street intersection—shall comply with the requirements in Table 6.1.G.3.c, Minimum Driveway Intersection Spacing, based on the classification of the street and the volume of traffic expected, the use served by the driveway, and the average daily traffic volume projected to be generated at the intersection by the use.

TABLE 6.1.G.3.C: MINIMUM DRIVEWAY INTERSECTION SPACING (FEET)^{1,2}					
USE		ALONG PRINCIPAL ARTERIAL STREET	ALONG MINOR ARTERIAL STREET	ALONG COLLECTOR STREET	ALONG LOCAL STREET
Single-family detached dwelling, two-family dwelling, manufactured home		175	100	50	25
Multifamily, commercial, mixed- use, or industrial use	< 500 ADT ³	175	100	50	25
	500-1,500 ADT ₃	225	125	75	50
	> 1,500 ADT ³	325	200	125	75
NOTES:					
1. Measured from the near extended edge of the driveway to the near extended edge of the adjacent driveway or roadway. (See Figure 6.1.G.3.c, Measurement of Driveway Intersection Spacing.)					
2. Spacing between a pair of adjacent one-way driveways (one in, one out) may be reduced to 40 ft if compatible with the internal circulation for the development(s) served and wrong-way movements on the driveways are made impossible or extremely difficult for motorists.					
3. ADT is Average Daily Traffic—the average number of vehicles in both directions that pass a specific point along a roadway in a 24-hour period, as measured throughout the year.					

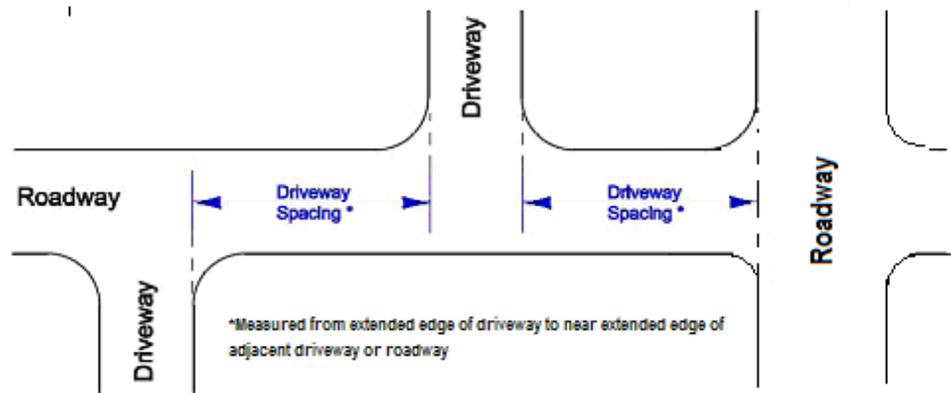


Figure 6.1.G.3.c: Measurement of Driveway Intersection Spacing

- ii. The spacing of adjacent driveway intersections between street intersections along a principal arterial street or minor arterial street shall be uniform to the maximum extent practicable.
- iii. If an applicant can demonstrate that pre-existing conditions prevent compliance with the driveway intersection spacing of this Section 6.1.G.3.c, the City Manager may modify the requirements to allow reasonable access, or grant temporary access approval until alternative access meeting the requirements is approved.

d. Shared Driveways

- i. Driveway access shared between adjoining lots is encouraged and may be required to limit direct access along arterial streets (See Section 6.1.G.3.a.), minimize the number of access points (See Section 6.1.G.3.b.), or comply with driveway intersection spacing requirements (See Section 6.1.G.3.c.).
- ii. Easements allowing cross-access to and from properties served by a shared driveway, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Office of the Chancery Clerk of Jackson County before issuance of a Zoning Compliance Permit for the development proposing the shared driveway access.

4. CONNECTIVITY

a. Purpose

The purpose of the following vehicular connectivity standards is to enhance safe and convenient intra- and inter-neighborhood mobility that helps integrate and connect neighborhoods, allow residents to conveniently visit neighbors and nearby activity centers without compromising the capacity of the city’s arterial streets to accommodate through traffic, improve opportunities for comprehensive and convenient transit service, enhance efficient provision of public services, and improve the speed and effectiveness with which emergency services and police and fire protection can be provided to city residents and properties.

b. Roadway Connections to/from Adjoining Development and Developable Land

- i. The vehicular access and circulation system for a development shall incorporate the continuation and connection of roadways and/or associated rights-of-way extended (or “stubbed out”) to the boundary of

the development site from existing or approved adjoining developments. It also shall provide for the extension of proposed internal roadways and associated rights-of-way to those boundaries of the development site that adjoin land that is potentially developable or redevelopable for similar or compatible type of development. (See Figure 6.1.G.4.b, Roadway Connections to/from Adjoining Development and Developable Land.)

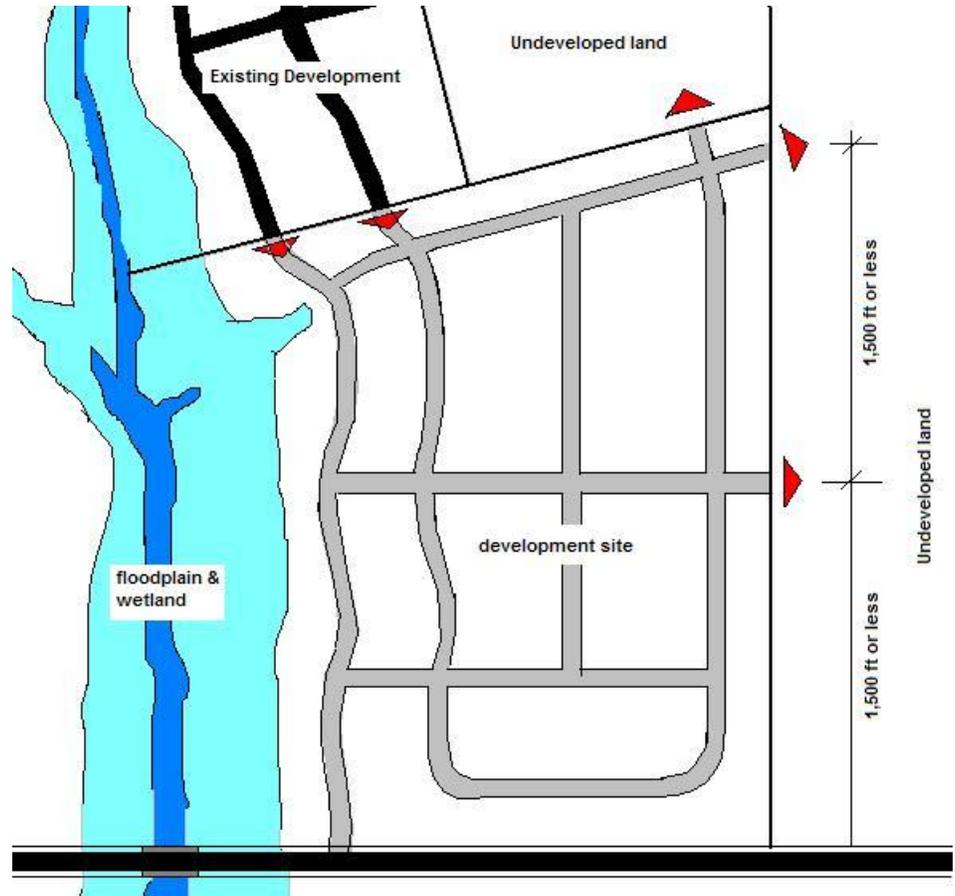


Figure 6.1.G.4.b: Roadway Connections to/from Adjoining Development and Developable Land

- ii. Roadway extensions and connections to adjoining lands shall be spaced at intervals not exceeding 1,500 feet along each principal boundary direction (north, south, east, west).
- iii. The City Manager may require the provision of a temporary turnaround at the end of a roadway extension on determining that the turnaround is needed to facilitate traffic flow or accommodate emergency vehicles pending the roadway's connection to other roadways.
- iv. The City Manager may waive or modify the requirements or standards for extension or connection of a roadway from or to adjoining property on determining that such extension is impractical or undesirable because it would:
 - (A) Require crossing a significant physical barrier or environmentally sensitive area (e.g., railroad, watercourse, floodplain, wetlands); or
 - (B) Provide a direct connection between arterial streets and encourage cut-through traffic at levels inappropriate for the classification of the

roadway and character of the neighborhood.

- v. Where a roadway is extended to, but not yet onto, adjoining land, a sign shall be installed at the terminus of the roadway that informs neighboring property owners that the roadway is intended to be extended in the future (e.g., "STREET IS SUBJECT TO FUTURE EXTENSION"). Notation of that intent shall also be included on the Site Plan or Preliminary Plat, as well as on the Final Plat.

c. Cross Access Between Adjoining Development

To encourage shared parking and minimize access points along roads, new nonresidential and mixed-use development other than industrial development and except within the Downtown (DT) district shall comply with the following standards:

- i. The internal vehicular circulation system shall be designed to allow for vehicular cross-access between the development's vehicular use areas and those on adjoining lots containing a nonresidential or mixed-use development, or to the boundary of adjoining vacant land zoned to allow nonresidential or mixed-use development. (See Figure 6.1.G.4.c, Cross-Access between Parking Areas of Adjoining Developments.)

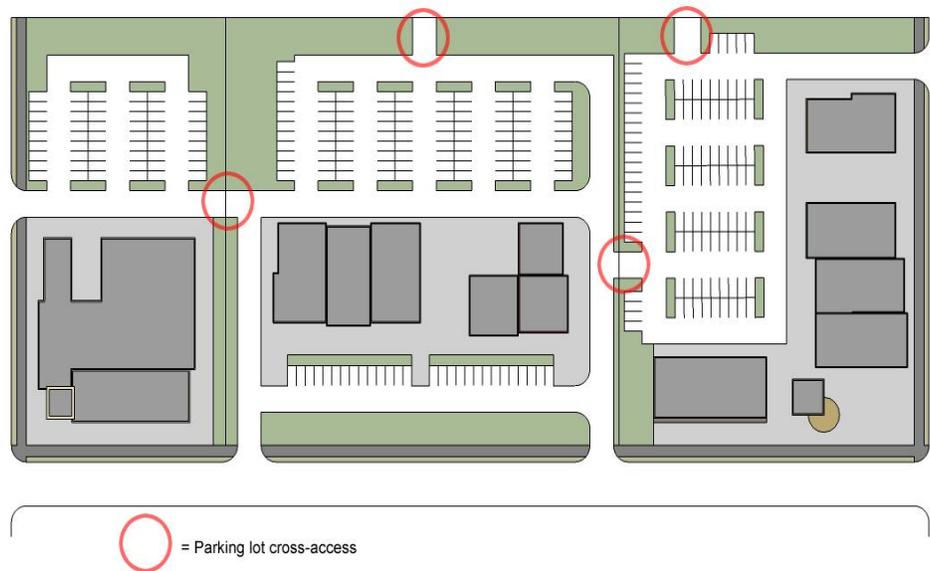


Figure 6.1.G.4.c: Cross-Access between Parking Areas of Adjoining Developments

- ii. Cross-accessways shall provide for two-way vehicular traffic between the vehicular use areas on the adjoining lots through the use of a single driveway or drive aisle that is at least 24 feet wide or through two one-way driveways or aisles that are each at least 12 feet wide.
- iii. The City Manager may waive or modify the requirement for vehicular cross-access on determining that such cross-access is impractical or undesirable due to the presence of topographic conditions, natural features, or vehicular safety factors.
- iv. Easements allowing cross-access to and from properties served by a vehicular cross-access, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Office of the Chancery Clerk of Jackson County before issuance of a Zoning Compliance

Permit for the development.

5. GENERAL ACCESSWAY LAYOUT AND DESIGN

a. Coordination with Transit, Bicycle, and Pedestrian Access and Circulation

- i. The vehicular access and circulation system of a development located along or adjacent to an existing or planned transit route shall accommodate a transit stop and other associated facilities unless the City Manager determines that adequate transit facilities already exist to serve the needs of the development.
- ii. The vehicular access and circulation system of a development shall be coordinated with the bicycle and pedestrian access and circulation systems within and adjacent to the development to minimize conflicts.

b. Traffic Control and Calming Measures

Traffic-calming measures—such as, but not limited to, diverters, street gardens, and curvilinear alignments—shall be integrated into a development’s vehicular circulation system where necessary to mitigate the impact of potential future cut-through traffic.

6. ROADWAY LAYOUT AND DESIGN

a. General

Except as otherwise provided in this subsection, street roadways shall be designed and constructed in accordance with the roadway design standards promulgated by the Mississippi Department of Transportation for urban streets with curbs in the latest edition of its Roadway Design Manual.

b. Minimum Right-of-Way Width

The rights-of-way of roadways shall comply with the minimum width standards in Table 6.1.G.6.a, Minimum Right-of-Way Width.

TABLE 6.1.G.6.A: MINIMUM RIGHT-OF-WAY WIDTH	
STREET CLASSIFICATION	MINIMUM RIGHT-OF-WAY WIDTH (FEET) ¹
Principal arterial street	80
Minor arterial street	60
Collector street	60
Local street	50
Alley	20 ²
NOTES: 1. Any additional right-of-way indicated on the Pascagoula Street Plan shall apply. 2. 15 ft for alleys serving only residential dwellings or lots.	

c. Alley Roadway Design

The roadways of alley shall have a minimum pavement width of 12 feet, and shall otherwise comply with the same cross slope, curvature, sight distance, and maximum and minimum grade standards as applicable to local street roadways

d. Pavement

Street roadways shall not be paved until all underground utilities and other appurtenances are in place and approved by the City Manager.

e. Curbs

All street roadways shall have curbs, which shall be a Type 1 barrier curb in accordance with Mississippi Department of Transportation standards. Curbs are not required for alleys.

f. Intersections

Street intersections shall be designed in accordance with Mississippi Department of Transportation standards and the following additional standards:

- i. Street intersections along a street shall line up with existing or approved street intersections on the opposite side of the street unless the intersections are separated by a median in the street.
- ii. Street jogs with centerline offsets of less than 125 feet shall not be permitted. There shall be no jogs on collector or arterial streets.

g. Cul-de-Sacs

i. Length

Cul-de-sac streets designed to have one end permanently closed shall be no more than 500 feet long, measured from the edge of the intersection street right-of-way to the center of the cul-de-sac turnaround.

ii. Turnaround

A circular turnaround with an outside pavement radius of 40 feet and an outside right-of-way radius of 50 feet shall be provided at the end of the cul-de-sac.

iii. Compliance with Fire code

Cul-de-sac streets shall be constructed in accordance with the Fire Code.

h. Half Streets and Half Alleys

Where a development site abuts a dedicated or platted half street or half alley (i.e., where only half the required right-of-way or easement for the street or alley has been dedicated or platted), the development shall include the provision and dedication of the other half of the street or alley. New half streets and half alleys are prohibited.

i. Street Names

New street names shall be subject to approval by the City Manager in accordance with the following criteria:

- i. A proposed street obviously in alignment with an existing named street shall bear the name of the existing street.
- ii. New street names shall not duplicate, be phonetically similar to, or otherwise create confusion with an existing street name.

j. Street Signs

Each intersection of streets shall be marked with a sign constructed in accordance with the following standards:

- i. The signpost shall be made of galvanized steel, have an outside diameter of two-and three-eighths inches, and be at least ten feet, six inches in height.
- ii. The signpost shall have a post cap that is at least three-and-one-eighth inches high and six inches wide, with a minimum one-inch recess to receive the sign blade.
- iii. The signpost shall have a sign-to-sign bracket that is at least two-and-one-half inches high by six inches wide, complete with a one-inch recess to receive the sign blade.
- iv. The sign blade shall be made of T-6061 aluminum alloy, be six inches high

aluminum blade, and be double faced with engineering grade Scotch-lite or the equivalent. The length of the sign blade shall be determined by the legend.

- v. The primary legend shall be at least four inches high, and all other legends shall be two inches high. The message shall be white on a green background.
- vi. The signpost shall be constructed in a professional manner and shall be plumb in all directions.
- vii. The signpost shall be buried and set in concrete between two and two-and-one-half feet deep, depending upon the soil conditions.
- viii. The signpost shall be located at least ten feet from any curb intersection.

k. Traffic Signs

Traffic signs along roadways shall be provided in accordance with requirements specified in the latest edition of the Federal Highway Administration's Manual of Uniform Traffic Control Devices.

7. DRIVEWAY LAYOUT AND DESIGN

a. Driveway Width

Except for driveways serving single-family dwellings, two-family dwellings, and manufactured homes, all driveways shall comply with the following minimum width requirements:

- i. One-way driveways shall be at least 12 feet wide, as measured between the backs of curbs or the edges of paving (if no curb exists).
- ii. Two-way driveways shall be at least 24 feet wide, as measured between the backs of curbs or the edges of paving (if no curb exists), except that a two-way driveway may be less than 24 feet wide if it is less than 50 feet long or serves a surface off-street parking area with six or fewer parking spaces.

b. Dead-end Driveway Length

Driveways that do not connect back to a street shall be no longer than 150 feet unless they include adequate provision for fire trucks to turn around, as approved by the Fire Chief.

c. Driveway Intersections

In addition to the standards in Section 6.1.G.3.c, Driveway Intersection Spacing, driveway intersections shall comply with the following standards:

i. Alignment

- (A) Driveway intersections along a street shall line up with existing or approved driveway or roadway intersections on the opposite side of the street unless the intersections are separated by a median in the street.
- (B) To the maximum extent practicable, the angle of driveway approaches to an intersection with a street shall be approximately 90 degrees for two-way driveways and between 60 degrees and 90 degrees for one-way driveways.

ii. Proximity to Adjoining Property

Except for shared driveways provided in accordance with Section 6.1.G.3.d, Shared Driveways, driveway intersections providing access to a single-family detached dwelling, two-family dwelling, or manufactured home shall

be spaced from an adjoining property line a distance sufficient to avoid encroachment of the driveway radius onto the adjacent property or interference with safe use of a driveway on the adjoining property.

iii. Medians in Driveway Entrances

Medians may be provided at driveway entrances provided:

- (A) No signage is included within the median other than traffic signs and a monument sign not exceeding a height of three feet;
- (B) Planted material within the median is limited to understory trees, shrubs, and ground cover;
- (C) The minimum driveway width is maintained for each travel and turning lane; and
- (D) A sight triangle is established, and sight obstructions are limited, adjacent to the exit driveway in accordance with Section 6.1.G.8, Sight Triangles.

8. SIGHT TRIANGLES

a. Roadway Intersections

Where two roadways intersect, a sight triangle shall be established at each corner of the intersection in accordance with the intersection sight distance standards in the latest edition of the Mississippi Department of Transportation’s Roadway Design Manual.

b. Driveway Intersections

Where a driveway intersects with a local street, collector street, minor arterial street, or principal arterial street, a sight triangle shall be established at each side of the intersecting driveway. Each sight triangle shall be measured from a point where the extended curb or edge-of-pavement line for the roadway and the extended edge of the driveway meet, to a point along the driveway edge located 15 feet behind the roadway’s curb or edge-of-pavement line, to a point along the roadway curb or edge-of-pavement line located 15 feet from the original point—Figure 6.1.G.8.b, Sight Triangles at Driveway Intersections.

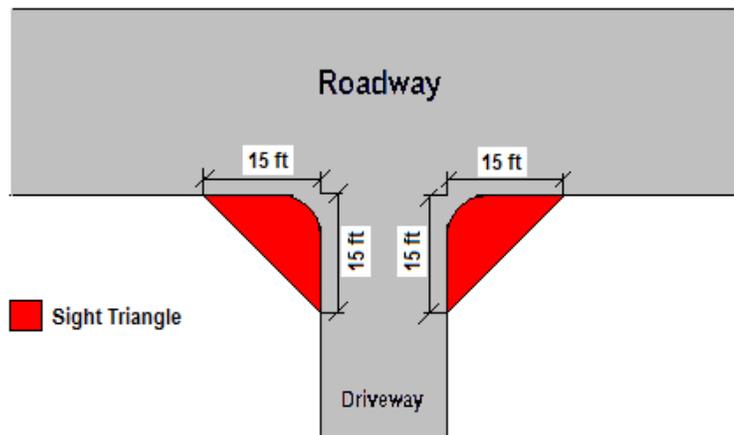


Figure 6.1.G.8.b: Sight Triangle at Driveway Intersections

c. Limits on Obstructions to Cross-Visibility

Within a roadway or driveway intersection sight triangle, no fence, wall, sign, earthworks, hedge, shrub, or other structure or planting shall be located, maintained, or permitted to grow between the heights of three and seven feet

above the grade elevation of the adjacent roadway or driveway. Public safety and utility devices (such as street lights, street signs, and telephone poles) and trees less than 12 inches in diameter are exempt from these standards, provided their number and location is limited—and the limbs and foliage of any such trees are trimmed—so as to ensure provision of the required unobstructed cross-visibility. (See Figure 6.1.G.8.c, Sight Triangle Clear Visibility.)

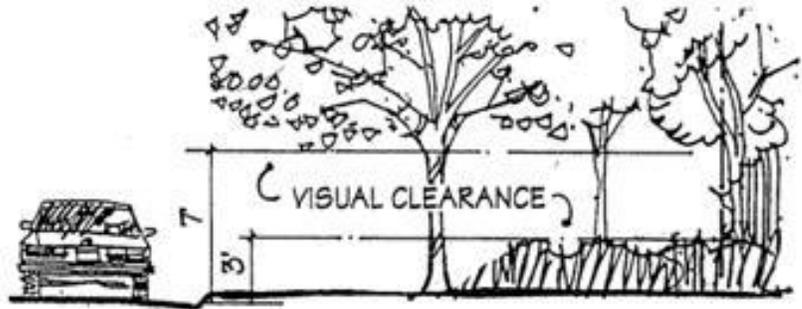


Figure 6.1.G.8.c: Sight Triangle Clear Visibility

9. VEHICLE STACKING SPACE

a. For Drive-through and Related Uses

i. Required Number of Stacking Spaces

In addition to meeting the off-street parking standards in Table 6.2.D.1, Minimum Number of Off-Street Parking Spaces, uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service facility shall provide at least the minimum number of stacking spaces established in Table 6.1.G.9.a, Minimum Stacking Spaces for Drive-Through and Related Uses.

TABLE 6.1.G.9.A: MINIMUM STACKING SPACES FOR DRIVE-THROUGH AND RELATED USES

USE OR ACTIVITY ¹	MINIMUM NUMBER OF STACKING SPACES	MEASURED FROM
Automated teller machine (ATM)	3	Teller machine
Auto repair and servicing	3 per bay	Bay entrance
Bank or financial Institution, with drive-through service	4 per lane	Teller window
Car wash and auto detailing	3 per bay	Bay entrance
Child day care facility	6	Building entrance
Drug store or pharmacy, with drive-through service	4 per lane	Agent window
Dry cleaning or laundry drop-off establishment with drive-through service	4 per lane	Window
Gasoline filling station	3	Each end of the outermost gas pump island
Nursing care facility	3	Building entrance
Restaurant, with drive-through service ²	8	Pick-up window
School, elementary or middle	10	Building entrance

TABLE 6.1.G.9.A: MINIMUM STACKING SPACES FOR DRIVE-THROUGH AND RELATED USES		
USE OR ACTIVITY ¹	MINIMUM NUMBER OF STACKING SPACES	MEASURED FROM
Other	Uses not specifically listed are determined by the City Manager based on standards for comparable uses, or alternatively based on a parking demand study	
NOTES: 1. See Table 4.2.B, Principal Use Table, Principal Use Table, and Table 4.4.B, Accessory Use/Structure Table. 2. Restaurants with drive-through service shall provide at least four stacking spaces between the order box and the pick-up window—see Figure 6.1.G.9.a, Stacking Spaces for a Drive-Through Restaurant.		

ii. Design and Layout

Required stacking spaces are subject to the following design and layout standards:

- (A) Stacking spaces shall be a minimum of eight feet wide and 17 feet long.
- (B) Stacking spaces shall not impede onsite or offsite traffic movements or movements into or out of off-street parking spaces.
- (C) Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary for traffic movement and safety by the City Manager.

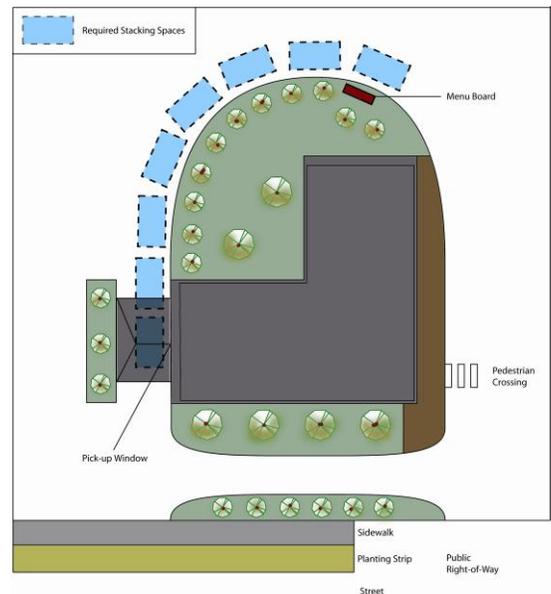


Figure 6.1.G.9.a: Stacking Spaces for a Drive-Through Restaurant

b. For Parking Lot Entrance Driveways

Except in the Downtown (DT) district, nonresidential uses shall provide stacking lanes between the edge of the street right-of-way and entrances into off-street parking areas in accordance with the minimum stacking lane distance established in Table 6.1.G.9.b, Minimum Stacking Lane Distance for Parking Lot Entrance Driveways. (See Figure 6.1.G.9.b: Stacking Lane for a Parking Lot Entrance Driveway.)

TABLE 6.1.G.9.B: MINIMUM STACKING LANE DISTANCE FOR PARKING LOT ENTRANCE DRIVEWAYS	
NUMBER OF OFF-STREET PARKING SPACES ¹	MINIMUM STACKING LANE DISTANCE (FT) ²
1 - 49	25
50 - 249	50
250 - 499	100

TABLE 6.1.G.9.B: MINIMUM STACKING LANE DISTANCE FOR PARKING LOT ENTRANCE DRIVEWAYS

NUMBER OF OFF-STREET PARKING SPACES ¹	MINIMUM STACKING LANE DISTANCE (FT) ²
500 or more	100 + 15 feet for every additional 50 spaces beyond 500

NOTES:
 1. Entrances into parking structures may be credited towards the stacking lane distance requirement provided the parking structure entrance is accessed from a development driveway and not a primary drive aisle.
 2. Stacking lane distance is measured from the intersection of the driveway with the street right-of-way, along the centerline of the stacking lane, to its intersection with the centerline of the first entrance into a parking area or other internal intersecting driveway.

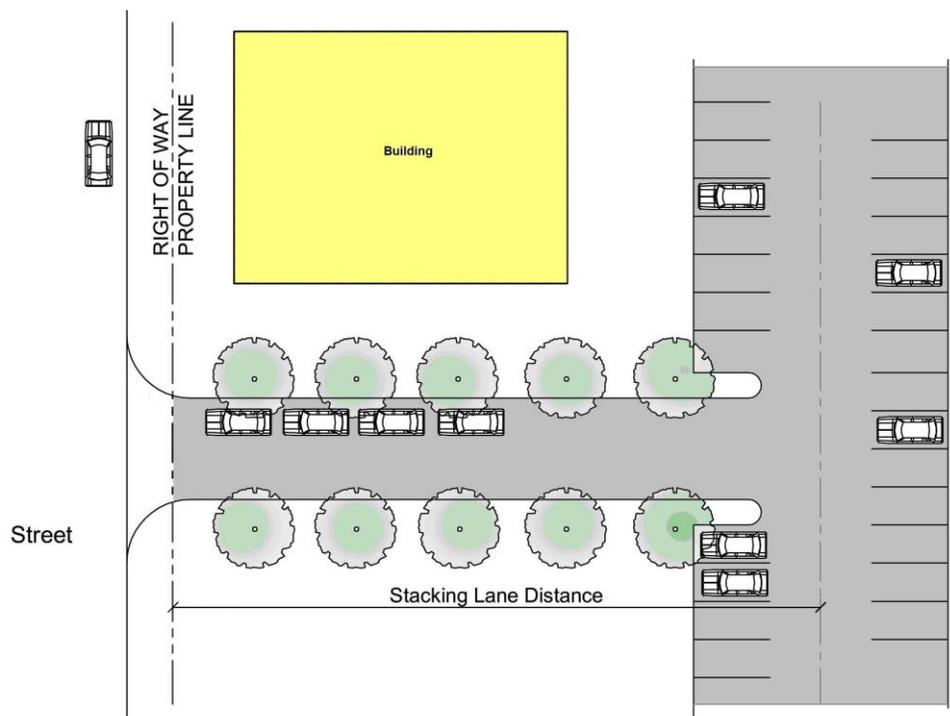


Figure 6.1.G.9.b: Stacking Lane for a Parking Lot Entrance

H. PEDESTRIAN ACCESS AND CIRCULATION

1. REQUIRED PEDESTRIAN ACCESS

a. General Pedestrian Access

All new development except individual lot development of a single-family detached dwelling, two-family dwelling, or manufactured home shall be served by a system of internal walkways (including sidewalks, pedestrian paths, and trails) that permits safe, convenient, efficient, and orderly movement of pedestrians among the following origin and destination points within the development, as well as between the internal walkway system and the existing or planned external pedestrian circulation system and any adjoining public parks, greenways, schools, community centers, and shopping areas:

- i. The primary entrance(s) of buildings (or the buildable area of lots, for subdivisions);
- ii. Off-street parking bays;
- iii. Any designated or planned bus stops and shelters (on-site or on an adjacent road); and
- iv. Recreation facilities and other common use area and amenities.

b. Sidewalks Required

- i. All subdivisions and all other new development except individual lot development of a single-family detached dwelling, two-family dwelling, or manufactured home shall install sidewalks on both sides of all roadways (including loop streets, cul-de-sacs, private streets, and road bridges) within the development and along the entire frontage of the development site with an existing street (unless an existing sidewalk meeting city standards is already in place).
- ii. Where a development site fronts an existing street with insufficient right-of-way width to accommodate installation of a required sidewalk along the frontage, the developer may install a sidewalk on the development site, within a public easement running parallel and adjacent to the public street.
- iii. The City Manager may waive or modify the requirements for a sidewalk on determining that provision of the sidewalk is impractical or undesirable because it would require crossing a significant physical barrier or environmentally sensitive area (e.g., railroad, watercourse, floodplain, wetlands).

2. PEDESTRIAN CONNECTIVITY

a. Pedestrian Cut-Throughs

Pedestrian walkways shall be provided between the ends of cul-de-sacs and the nearest existing or proposed sidewalk, pedestrian path, or trail—see Figure 6.1.H.2.a, Pedestrian Cut-Through at End of Cul-de-Sac. Such walkways shall also be provided through the center of blocks that exceed the maximum block length standards in Section 7.3.B, Blocks, where necessary to provide convenient pedestrian access within the development, as well as to adjacent transit stops or stations, community facilities, and shopping areas. If connecting public streets or pedestrian ways, the walkway shall be located within a right-of-way or public access easement at least eight feet wide.

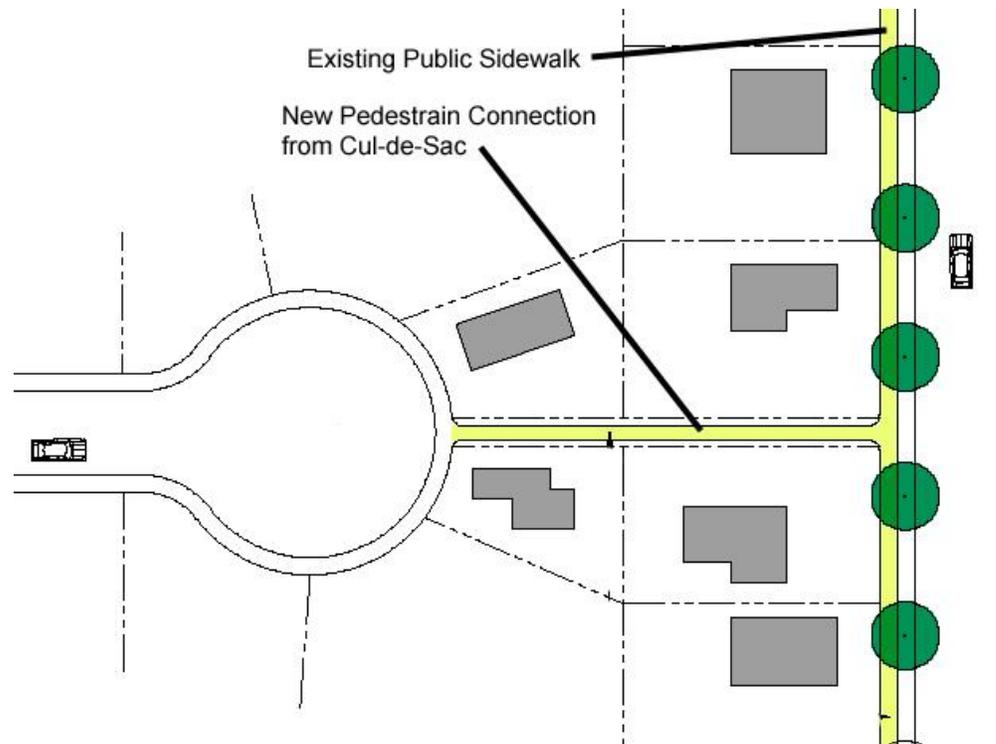


Figure 6.1.H.2.a: Pedestrian Cut-Through at End of Cul-de-Sac

b. Walkway Connections to/from Adjoining Development and Developable Land

- i. The pedestrian access and circulation system for a development shall incorporate the continuation and connection of walkways and/or associated rights-of-way or easements extended (or “stubbed out”) to the boundary of the development site from existing or approved adjoining developments. It also shall provide for the extension of proposed internal walkways and associated rights-of-way or easements to those boundaries of the development site that adjoin potentially developable or redevelopable land.
- ii. The City Manager may waive or modify the requirements or standards for extension of a walkway from or to adjoining property on determining that such extension is impractical or undesirable because it would require crossing a significant physical barrier or environmentally sensitive area (e.g., railroad, watercourse, floodplain, wetlands).

c. Cross Access between Adjoining Development

Except within the Downtown (DT) district, all new townhouse or multifamily residential, nonresidential, and mixed-use development shall comply with the following standards:

- i. The internal pedestrian circulation system shall be designed to allow for pedestrian walkway cross-access between the development’s buildings and parking areas and those on adjoining lots containing a townhouse or multifamily residential, nonresidential, or mixed-use development, or to the boundary of adjoining vacant land zoned to allow townhouse or multifamily residential, nonresidential, or mixed-use development.
- ii. The City Manager may waive or modify the requirement for pedestrian

cross-access on determining that such cross-access is impractical or undesirable due to the presence of topographic conditions, natural features, or safety factors.

- iii. Easements allowing cross-access to and from properties served by a pedestrian cross-access, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the Office of the Chancery Clerk of Jackson County before issuance of a Zoning Compliance Permit for the development.

3. GENERAL WALKWAY LAYOUT AND DESIGN

a. General Walkway Standards

Required pedestrian walkways shall:

- i. Be at least four feet wide in residential and industrial zoning districts and seven feet wide in commercial zoning districts and near schools and other major places of assembly;
- ii. Be located at least four feet away from any adjacent roadway, measured from the back of curb;
- iii. Be constructed of portland cement concrete with a minimum pavement thickness of four inches;
- iv. Be distinguishable from traffic lanes they cross by painted markings, a change in pavement material or color, raised paving height, decorative bollards, and/or flashing caution signals;
- v. Have adequate lighting for security and safety; and
- vi. Meet the most recent edition of accessibility guidelines promulgated under the Americans with Disabilities Act (ADA).

b. Pedestrian Walkways through Large Parking Areas and Parking Garages

- i. All parking lots and parking structures containing more than 20 parking spaces shall provide a clearly identified pedestrian route between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas, or to a pedestrian walkway providing direct access to the primary building entrance(s). (See Figure 6.1.H.3.b, Pedestrian Routes through a Parking Lot.)
- ii. Parking lots containing more than 50 parking spaces shall, at a minimum, include a pedestrian walkway running between at least every three parking bays or at intervals not less than 200 feet apart, whichever is less.
- iii. Walkways providing pedestrian access between parking areas and associated buildings may be extended to provide the connections to abutting street sidewalks or to adjoining development required by Section 6.1.H.1.a, General Pedestrian Access, and Section 6.1.H.2, Pedestrian Connectivity.

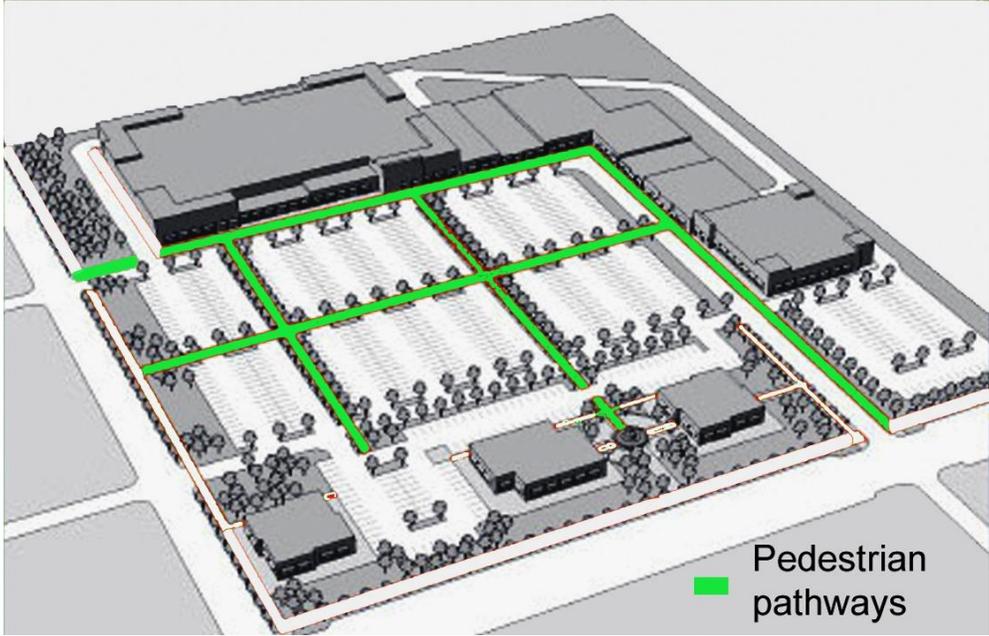


Figure 6.1.H.3.b, Pedestrian Routes through a Parking Lot

6.2. OFF-STREET PARKING AND LOADING

A. PURPOSE AND INTENT

The purpose of this section is to ensure provision of off-street parking and loading facilities in proportion to the generalized parking and loading demand of the different uses allowed by this Ordinance. The standards in this section are intended to provide for adequate off-street parking and loading while allowing the flexibility needed to accommodate alternative solutions. The standards are also intended to achieve city policies of supporting development and redevelopment of the downtown and the commercial corridors, accommodating appropriate infill development, and encouraging pedestrian-oriented development while avoiding excessive paved surface areas, promoting low impact development, and safeguarding historic resources.

B. APPLICABILITY

1. NEW DEVELOPMENT

All new development shall provide off-street parking and loading areas in accordance with the standards of this section.

2. EXISTING DEVELOPMENT

a. Change in Use

Any change in use of an existing development shall be accompanied by provision of any additional off-street parking and loading spaces required for the change in use to comply with this section to the maximum extent practicable.

Article 6: Development Standards

Section 6.2: Off-Street Parking and Loading

6.2.C General Standards for Off-Street Parking and Loading Areas

b. Expansion and Enlargement

If an existing structure or use is expanded or enlarged (in terms of the number of dwelling units, floor area, number of employees, seating capacity, or other size unit used in this section to determine the minimum number of off-street parking spaces or loading berths required for the applicable use), additional off-street parking and loading spaces shall be provided in accordance with the requirements of this section as applied to only the expanded or enlarged part of the structure or use.

c. Upgrading of Nonconforming Parking

Nonconforming parking facilities on the site of a remodeled structure or expanded structure or use area shall comply with the requirements of this section in accordance with the standards of Section 8.6, Nonconforming Site Features.

3. PARKING PLAN REQUIRED

Unless the proposed development is required to provide eight or fewer off-street parking spaces, all applications for Site Plan Approval (Section 2.5.D) shall include a parking plan. The parking plan shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the development they are designed to serve, including how the parking facilities coordinate with the vehicular and pedestrian access and circulation systems for the development.

C. GENERAL STANDARDS FOR OFF-STREET PARKING AND LOADING AREAS

1. USE OF PARKING AND LOADING AREAS

a. Commercial Districts

Off-street parking areas required by this section shall be used solely for the parking of licensed motorized vehicles in operating condition. Required parking spaces and loading berths may not be used for the display of goods for sale, or the sale, lease, storage, dismantling, or service of any vehicles, boats, motor homes, campers, mobile homes, building materials, equipment, or supplies.

b. Residential Districts

Except as otherwise provided in Section 4.4.F.18, Storage or Parking of Large Trucks or Trailers/Recreational Vehicles or Large Boats, required off-street parking areas are to be used solely for the parking of licensed motor vehicles in operating condition.

c. Identified as to Purpose and Location

Off-street parking areas of three or more spaces and all off-street loading areas shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading berths and distinguishing such spaces or berths from aisles.

2. SURFACING

a. General

Except as provided for in Section 6.2.C.2.b, Alternative Materials, all off-street parking and loading areas shall be surfaced with asphalt, concrete, brick, stone,

pavers, aligned concrete strips, or an equivalent material. These surfaces shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition.

b. Alternative Materials

The use of pervious or semi-pervious parking area surfacing materials—including, but not limited to, grass, mulch, shell, “grass-crete,” or recycled materials such as glass, rubber, used asphalt, brick, block, and concrete—may be approved for up to 25 percent of the required off-street parking and loading areas on a site, provided such areas are properly maintained. Where possible, such materials should be used in areas proximate to and in combination with on-site storm water control devices. (See Figure 6.2.C.2.b, Use of Alternative Materials in a Parking Lot.)

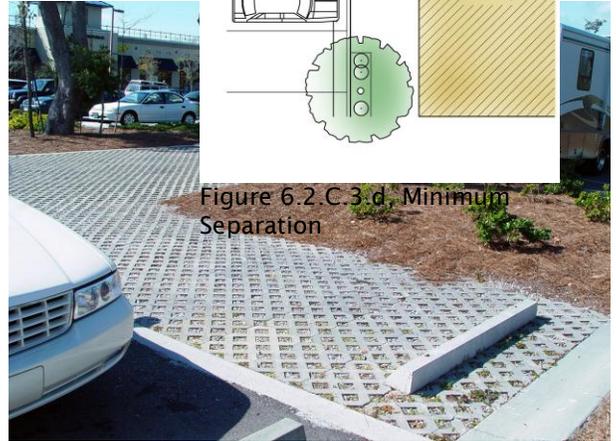


Figure 6.2.C.3.d, Minimum Separation

Figure 6.2.C.2.b: Use of Alternative Materials in a Parking Lot

3. LOCATION AND ARRANGEMENT

a. Safe and Convenient Access

- i. Off-street parking and loading areas shall be arranged for convenient access between an adjacent street and all parking spaces and loading berths to facilitate ease of mobility, ample clearance, and safety of vehicles and pedestrians. Each off-street parking space and loading berth shall have adequate, unobstructed means for the ingress and egress of vehicles.
- ii. Off-street parking areas with three or more spaces shall be arranged so no parking or maneuvering incidental to parking shall occur on a public street or sidewalk, and so an automobile may be parked or unparked without moving another automobile.
- iii. Off-street loading areas shall be arranged so no loading berth extends into the required aisle of a parking lot.

b. Backing onto Streets Prohibited

Except for parking areas serving single-family detached dwellings, all off-street parking and loading areas shall be arranged so that no vehicle is required to back out from such areas directly onto a street.

c. Placement

The location or placement of off-street parking and loading areas on a development site shall be limited in accordance with the standards of Section 6.1, Access and Circulation, Section 6.10, Multifamily and Townhouse Design Standards, 6.11, Commercial and Mixed-Use Design Standards, and 6.12, Residential Compatibility Standards, as appropriate.

Article 6: Development Standards

Section 6.2: Off-Street Parking and Loading

6.2.C General Standards for Off-Street Parking and Loading Areas

d. Minimum Separation

All off-street parking areas shall be separated at least eight feet from buildings to allow room for sidewalks, landscaping, and other plantings between the building and the parking area. This separation may be eliminated to the rear of buildings in areas designed for unloading and loading of materials. (See Figure 6.2.C.3.d, Minimum Separation.)

4. MARKINGS

- a.** Each required off-street parking area and space, and each off-street loading area and berth, shall be identified by surface markings that are arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Such markings—including striping, directional arrows, lettering on signs and in handicapped-designated areas, labeling of the pavement, and field color—shall be maintained so as to be readily visible at all times.
- b.** One-way and two-way accesses into required parking facilities shall be identified by directional arrows. Any two-way access located at any angle other than 90 degrees to a street shall be marked with a traffic separation stripe running the length of the access. This requirement does not apply to aisles.

5. DRAINAGE

All off-street parking and loading areas shall be properly drained so as to eliminate standing water and prevent damage to abutting land and public streets and alleys.

6. EXTERIOR LIGHTING

When lighted, off-street parking and loading areas shall be lighted so as to prevent glare or illumination exceeding maximum allowable levels on adjacent land (See Table 6.8.D.3, Maximum Illumination Levels.), and unless exempted, shall comply with the standards of Section 6.8, Exterior Lighting.

7. LANDSCAPING

Except for off-street parking areas serving single-family detached dwellings, two-family dwellings, manufactured homes, and townhouse and multifamily residential development with a total gross floor area of 5,000 square feet or less, all off-street parking and loading areas shall comply with the standards of Section 6.3.D, Vehicular Use Area Landscaping.

8. CURBS AND MOTOR VEHICLE STOPS

All off-street parking and loading areas shall provide curbs, motor vehicle stops, or similar devices to prevent vehicles from overhanging a public right-of-way, sidewalk, walkway, or adjacent property, or from overhanging a landscaped area by more than two feet. (See Figure 6.2.C.8, Curb or Wheel Stop Preventing Vehicle Hanging over Landscaped Area.)

9. MAINTAINED IN GOOD REPAIR

a. Maintained at All Times

All off-street parking and loading areas shall be maintained in safe condition and good repair at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land.

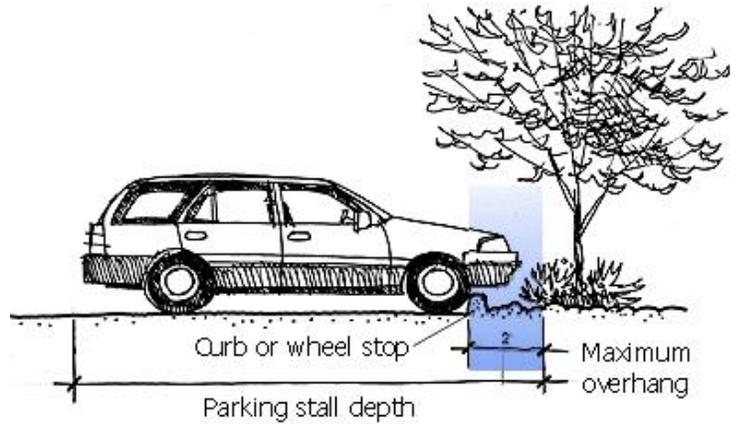


Figure 6.2.C.8: Curb or Wheel Stop Preventing Vehicle Hanging over Landscaped Area

b. Periodically Restored

All off-street parking and loading areas shall be periodically painted or otherwise restored to maintain a clear identification of separate parking spaces or loading berths.

10. COMPLETION

All off-street parking and loading areas shall be completed prior to the issuance of a Certificate of Occupancy (Section 2.5.K) for the development they serve. In the case of phased development, off-street parking and loading areas should only be provided for the phase being developed.

D. OFF-STREET PARKING SPACE REQUIREMENTS

1. MINIMUM NUMBER OF OFF-STREET PARKING SPACES

Except within the Downtown (DT) zoning district, new development shall provide the minimum number of off-street parking spaces in accordance with Table 6.2.D.1, Minimum Number of Off-Street Parking Spaces, based on the principal use(s) involved and the extent of development. Interpretation of the off-street parking space requirements for uses with variable parking demands, unlisted uses, or multiple uses is provided in Section 6.2.D.2, Uses with Variable Parking Demand Characteristics and Unlisted Uses, and Section 6.2.D.3, Multiple Uses.

TABLE 6.2.D.1, MINIMUM NUMBER OF OFF-STREET PARKING SPACES			
USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES	
Household Living Uses	Dwelling, live/work	1 per DU	
	Dwelling, multifamily	DUs with floor area of 1,500 sf or less	1 per DU
		DUs with floor area greater than 1,500 sf	1.5 per DU
	Dwelling, single-family detached	2 per DU	
	Dwelling, townhouse	1.5 per DU	
	Dwelling, two-family	1.5 per DU	
	Dwelling, upper story (above nonresidential use)	1 per DU	
	Manufactured home	2 per home	
Manufactured home park	1.5 per manufactured home space		

Article 6: Development Standards

Section 6.2: Off-Street Parking and Loading

6.2.D Off-Street Parking Space Requirements

TABLE 6.2.D.1, MINIMUM NUMBER OF OFF-STREET PARKING SPACES		
USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES
Group Living Uses	Assisted living facility	1 per 3 beds
	Continuing care retirement community	Sum of minimum for component parts—see Section 6.2.D.3
	Group home	1 per home + 1 per 2 employees
	Rooming or boarding house	1 per guest room
Community Services Uses	Art gallery	1 per 1,000 sf
	Club or lodge	1 per 50 sf of assembly space
	Community center	1 per 300 sf
	Library	1 per 500 sf
	Museum	1 per 500 sf
	Senior center	1 per 300 sf
	Youth center	1 per 300 sf
Day Care Uses	Adult day care facility	1 per 300 sf
	Child day care facility	1 per employee
	Family child care home	n/a
Education Uses	College or university	1 per 2 students + 1 per employee on largest shift
	Elementary school	1 per classroom + 10 visitor spaces
	Middle school	
	High school	1 per classroom + 1 per 10 students
Government Uses	Vocational or trade school	8 per classroom
	Correctional facility	See Section 6.2.D.2
	Courthouse facilities	1 per 300 sf
	Fire or EMS station	1 per employee on largest shift
	Government maintenance, storage, and distribution facility	1 per 600 sf
	Government administrative offices	1 per 300 sf
	Police station	1 per employee on largest shift
Health Care Uses	Post office	1 per 300 sf
	Blood/tissue collection facility	1 per 300 sf
	Drug or alcohol treatment facility	1 per 300 sf
	Hospital	1 per 4 inpatient beds + 1 per employee in largest shift
	Medical or dental clinic	1 per 300 sf
	Medical or dental lab	
	Medical treatment facility	1 per 300 sf
	Nursing care facility	1 per 3 beds
Outpatient facility	1 per 300 sf	
Psychiatric treatment facility	1 per 3 beds	
Other Institutional Uses	Convention center	1 per 5 seats
	Halfway house	1 per 3 beds
	Place of worship	1 per 5 seats in principal assembly area
Park and Open Area Uses	Arboretum or botanical garden	1 per 250 sf + 1 per 4 persons of maximum outdoor facility capacity
	Cemetery or mausoleum	1 per employee on largest shift
	Community garden	2
	Greenway	n/a
	Park	1 per 250 sf + 1 per 4 persons of maximum outdoor facility capacity
	Public square or plaza	n/a
Transportation Uses	Helicopter landing facility	1 per 400 sf of passenger waiting area
	Surface transportation passenger terminal	

TABLE 6.2.D.1, MINIMUM NUMBER OF OFF-STREET PARKING SPACES

USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES
Utility and Communication Uses	Newspaper or magazine publishing	1 per 500 sf of office area + 1 per 2 printing employees
	Radio or television studio	1 per 1,000 sf
	Wireless communication antenna, collocation on existing tower	n/a
	Wireless communication antenna, placement on existing structure	n/a
	Wireless communication tower, freestanding	n/a
	Utility, major	1 per 3 employees
	Utility, minor	n/a
Adult Entertainment Uses	Adult arcade	1 per 300 sf
	Adult bookstore	
	Adult cabaret	1 per 3 persons of maximum fire-rated capacity
	Adult motel	1 per 2 guest rooms
	Adult motion picture theater	1 per 4 seats
	Other adult entertainment use	See Section 6.2.D.2
Animal Care Uses	Animal shelter	1 per 2 employees
	Animal grooming	
	Kennel, indoor	
	Kennel, outdoor	
	Veterinary clinic, with boarding	1 per 500 sf
Veterinary clinic, without boarding		
Boat and Marine Sales and Service Uses	Boat and marine parts sales and installation	1 per 300 sf
	Boat and marine repair and servicing	1 per employee + 1 per 300 sf of waiting area
	Boat and marine sales or rental	1 per employee + 1 per 300 sf of indoor sales display area
	Boat docking facility	n/a
	Boat fueling station	n/a
	Public boat launch or ramp	See Section 6.2.D.2
	Boat dry storage	1 per 3 units
	Boating club	1 per 500 sf
Business Support Services Uses	Marina	2 + 1 per boat slip
	Business service center	1 per 300 sf
	Conference/training center	See Section 6.2.D.2
	Parcel services	1 per 300 sf
	Telephone call center	1 per 2 employees
Eating and Drinking Establishments	Travel agency	1 per 300 sf
	Bar or lounge	1 per 100 sf
	Brewpub	1 per 150 sf
	Nightclub	1 per 100 sf
	Restaurant, with indoor or outdoor seating	1 per 150 sf
	Restaurant, with drive-through service	
Specialty eating/drinking establishment	1 per 4 seats	
Motor Vehicle Sales and Service Uses	Auto painting or body shop	1 per employee + 1 per 300 sf of waiting area
	Auto parts sales and installation	1 per 300 sf
	Auto repair and servicing (without painting or bodywork)	1 per employee + 1 per 300 sf of waiting area
	Auto sales or rental	1 per employee + 1 per 300 sf of indoor sales display area
	Auto wrecker service	1 per employee on largest shift
	Car wash and auto detailing	1 per employee on largest shift

TABLE 6.2.D.1, MINIMUM NUMBER OF OFF-STREET PARKING SPACES			
USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES	
	Commercial parking deck or garage (as principal use)	n/a	
	Commercial parking lot (as principal use)	n/a	
	Gasoline filling station	2 spaces + 1 per gas pump	
	Recreational vehicle sales or rental	1 per employee + 1 per 300 sf of indoor sales display area	
	Taxi service facility	1 per employee on largest shift	
	Tire or muffler sales and mounting/installation	1 per employee + 1 per 300 sf of waiting area	
	Transmission shop		
	Truck or tractor sales or rental	1 per employee + 1 per 300 sf of indoor sales display area	
	Truck stop	1 space per 200 sf + 1 truck space per 10,000 sf of site area	
Office Uses	Business services offices	1 per 400 sf	
	Contractor's offices	1 per 400 sf	
	Financial services offices	1 per 400 sf	
	Professional services offices	1 per 400 sf	
	Sales offices	1 per 400 sf	
Recreation/ Entertainment Uses, Indoor	Auditorium or theater	1 per 4 seats	
	Motion picture theater	1 per 4 seats	
	Other indoor commercial recreation/entertainment use	1 per 300 sf	
Recreation/ Entertainment Uses, Outdoor	Arena, stadium, or amphitheater	1 per 4 seats	
	Athletic field	1 per 250 sf + 1 per 4 persons of maximum outdoor facility capacity	
	Golf course	1 per 250 sf + 1 per hole	
	Golf driving range	1 per 250 sf + 1 per hole	
	Other outdoor commercial recreation/entertainment use	1 per 250 sf + 1 per 4 persons of maximum outdoor facility capacity	
Retail Sales and Service Uses	Personal Services	Art, music, dance, or martial arts studio/school	1 per 400 sf
		Bank or financial institution, with drive-through service	1 per 300 sf
		Bank or financial institution, without drive-through service	
		Crematory	1 + 1 per employee
		Dry cleaning or laundry drop-off establishment	1 per employee
		Funeral home or mortuary	1 per 4 seats in main assembly room
		Laundromat	1 per 300 sf
		Personal and household goods repair establishment	
		Personal services establishment	
	Tattoo or body piercing establishment		
	Retail Sales	Book or media shop	1 per 300 sf
		Convenience store, with gasoline sales	1 per 200 sf + 1 per gas pump
		Convenience store, without gasoline sales	1 per 200 sf
		Drug store or pharmacy, with drive-through service	1 per 250 sf
		Drug store or pharmacy, without drive-through service	
		Farmers' market	1 per 500 sf of sales area
		Flea market	
Grocery store		1 per 300 sf	
Home center	1 per 300 sf		
Liquor store	1 per 250 sf		

TABLE 6.2.D.1, MINIMUM NUMBER OF OFF-STREET PARKING SPACES

USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES	
	Retail sales establishment, large	1 per 300 sf	
	Retail sales establishment, other	1 per 300 sf	
Self-Service Storage Uses	Self storage or mini-warehouse facility	1 per employee + 5 customer spaces	
Visitor Accommodation Uses	Bed and breakfast inn	2 spaces + 1 per guest bedroom	
	Campground or recreational vehicle park	1 per RV space + 1 per employee on largest shift	
	Hotel or motel	1 per guest room	
	Timeshare or short-term rental accommodation	Same as for Multifamily Dwelling	
	Tourist home	1 per guest room	
Extractive Industry Uses	All extractive industry uses	1 per 2 employees on largest shift	
Industrial Services Uses	Building, heating, plumbing, or electrical contractor's storage yard	1 per 2 employees	
	Fuel oil or bottled gas distribution		
	Fuel oil storage		
	General industrial services	1 per 2 employees on largest shift	
	Heavy equipment sales, rental, or storage	1 per employee + 1 per 300 sf of indoor sales area	
	Heavy equipment servicing and repair		
	Laundry, dry cleaning, or carpet cleaning facility	1 per 4 employees on largest shift	
	Machine shop	1 per 4 employees	
	Repair of scientific or professional instruments	1 per 4 employees on largest shift	
	Research and development		
Small engine repair shop	1 per 4 employees		
Tool repair shop			
Manufacturing and Production Uses	Boat manufacturing	1 per 4 employees on largest shift + 1 per company vehicle stored on-site	
	Manufacturing, Heavy		
	Manufacturing, Light	1 per 4 employees on largest shift + 1 per company vehicle stored on-site	
Shipbuilding			
Warehousing and Freight Movement Uses	Cold storage facility	1 per 4 employees on largest shift + 1 per company vehicle stored on-site	
	Outdoor storage (as a principal use)		
	Shipping container storage yard		
	Truck or freight terminal		
	Warehouse, distribution		
Waste-Related Services Uses	Warehouse, storage	1 per 4 employees on largest shift + 1 per company vehicle stored on-site	
	Energy recovery plant		
	Hazardous waste collection site		
	Incinerator		
	Landfill		
	Recycling and salvage center		
	Recycling drop-off center		3 spaces per station + 1 per attendant
	Salvage yard or junkyard		1 per 1,000 sf of storage area
Tire disposal or recycling facility	1 per 4 employees on largest shift + 1 per company vehicle stored on-site		
Waste composting facility			
Wholesale Uses	All wholesale uses	1 per 4 employees on largest shift + 1 per company vehicle stored on-site	

2. USES WITH VARIABLE PARKING DEMAND CHARACTERISTICS AND UNLISTED USES

For some listed uses, Table 6.2.D.1, Minimum Number of Off-Street Parking Spaces, refers to this subsection because the use has widely varying parking and loading demand characteristics, making it difficult to establish a single appropriate off-street parking or loading standard. On receiving an application proposing such a use or

Article 6: Development Standards

Section 6.2: Off-Street Parking and Loading

6.2.E Calculation of Off-Street Parking Space Requirements

proposing a use not expressly listed in Table 6.2.D.1, the City Manager is authorized to:

- a. Apply the minimum off-street parking space requirement specified in Table 6.2.D.1 for the listed use that is deemed most similar to the proposed use; or
- b. Establish the minimum off-street parking space requirement by reference to standard parking resources published by the National Parking Association or the American Planning Association; or
- c. Establish the minimum off-street parking space requirement based on a parking demand study prepared by the applicant that estimates parking demand based on the recommendations of the Institute of Traffic Engineers (ITE) or other acceptable source of parking demand data, and that includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

3. MULTIPLE USES

Unless otherwise approved, development containing more than one principal use shall provide parking spaces in an amount equal to the total of the requirements applied to all individual principal uses. This provision shall not limit the opportunity to reduce the minimum number of required off-street parking spaces through approval of an alternative parking plan that justifies the feasibility of shared parking (See Section 6.2.H.3, Shared Parking.)

4. MAXIMUM NUMBER OF OFF-STREET PARKING SPACES

For any use listed under the commercial use classification in Table 6.2.D.1, Minimum Number of Off-Street Parking Spaces, the number of off-street parking spaces shall not exceed 125 percent of the minimum number of parking spaces required, except as may be allowed through approval of an alternative parking plan in accordance with Section 6.2.H.2, Provision over Maximum Allowed.

E. CALCULATION OF OFF-STREET PARKING SPACE REQUIREMENTS

1. FRACTIONS

When computation of the number of required parking spaces results in a fraction, the result shall be rounded upward to the next highest whole number.

2. SEAT-BASED STANDARDS

Where the minimum off-street parking space requirement is based on the number of seats, all computations shall be based on the design capacity of the areas used for seating.

3. FLOOR-AREA-BASED STANDARDS

Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on square feet of floor area, all computations shall be based on gross floor area.

4. OCCUPANCY- OR CAPACITY-BASED STANDARDS

Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on the number of employees, students, or residents, all computations shall be based on the largest number of persons working on any single

shift (for employees), maximum enrollment (for students), or the maximum fire-rated capacity (for residents), whichever is applicable.

5. ON-STREET PARKING

Except as authorized as part of an alternative parking plan in Section 6.2.H.6, On-Street Parking, on-street parking on streets or driveways shall not be used to satisfy the off-street parking standards of this section.

6. DRIVEWAYS USED TO SATISFY REQUIREMENTS

For single-family detached dwellings, two-family dwellings, townhouse dwellings, and manufactured homes, driveways may be used to satisfy minimum off-street parking space requirements, provided sufficient space is available to satisfy the standards of this section and this Ordinance.

F. ACCESSIBLE PARKING SPACES FOR PHYSICALLY DISABLED PERSONS

In each off-street parking area, a portion of the total number of off-street parking spaces shall be spaces specifically designated, located, and reserved for use by persons with physical disabilities (“accessible parking spaces”), in accordance with the standards of this subsection.

1. RESIDENTIAL USES

Residential uses shall provide at least one accessible off-street parking space for each dwelling unit designated for occupancy by the physically disabled.

2. OUTPATIENT FACILITIES

For outpatient facilities (facilities or units located in hospitals and providing regular and continuing medical treatment without an overnight stay), at least ten percent of the total number of off-street parking spaces serving the facility shall be accessible parking spaces.

3. REHABILITATION FACILITIES AND OUTPATIENT PHYSICAL THERAPY FACILITIES

For rehabilitation facilities specializing in treating conditions that affect mobility and for outpatient physical therapy facilities, at least 20 percent of the total number of off-street parking spaces serving the facility shall be accessible parking spaces.

4. OTHER NONRESIDENTIAL USES

Off-street parking areas for nonresidential uses other than outpatient facilities, rehabilitation facilities, and outpatient physical therapy facilities shall include the minimum number of accessible parking spaces established in Table 6.2.F Minimum Number of Accessible Off-Street Parking Spaces. Accessible off-street parking spaces count toward meeting the minimum off-street parking space requirements.

TABLE 6.2.F: MINIMUM NUMBER OF ACCESSIBLE OFF-STREET PARKING SPACES	
TOTAL NUMBER OF PARKING SPACES	MINIMUM TOTAL NUMBER OF ACCESSIBLE PARKING SPACES
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4

Article 6: Development Standards

Section 6.2: Off-Street Parking and Loading

6.2.F Accessible Parking Spaces for Physically Disabled Persons

TABLE 6.2.F: MINIMUM NUMBER OF ACCESSIBLE OFF-STREET PARKING SPACES	
TOTAL NUMBER OF PARKING SPACES	MINIMUM TOTAL NUMBER OF ACCESSIBLE PARKING SPACES
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1,000	2 percent of the total number of spaces
More than 1,000	20 + 1 per 100 parking spaces (or fraction thereof) over 1,000

5. LOCATION

- a. Required accessible off-street parking spaces serving a particular building shall be located to provide the shortest accessible route of travel to an entrance of the building that is accessible to the physically disabled. Where the building has multiple accessible entrances, the location of required accessible off-street parking spaces shall be dispersed in close proximity to each of the accessible entrances.
- b. Required accessible off-street parking spaces within a parking structure that does not serve a particular building shall be located to provide occupants of vehicles using the spaces the shortest accessible route of travel to a pedestrian entrance of the parking structure that is accessible to the physically disabled.

6. ACCESSIBLE PARKING SPACE DIMENSIONS

All accessible parking spaces shall be at least nine feet wide and shall have the same depth as the adjacent off-street parking spaces.

7. ACCESS AISLES

- a. All accessible parking spaces shall abut an access aisle at least nine feet wide and extending the full length of the parking spaces they serve. (See Figure 6.2.F.7, Accessible Parking Space and Aisle Dimensions.)
- b. Two accessible parking spaces may share a common access aisle.
- c. Access aisles may be placed on either side of the parking space except for angled van accessible parking spaces, which shall have the access aisle located on the passenger side of the parking space.

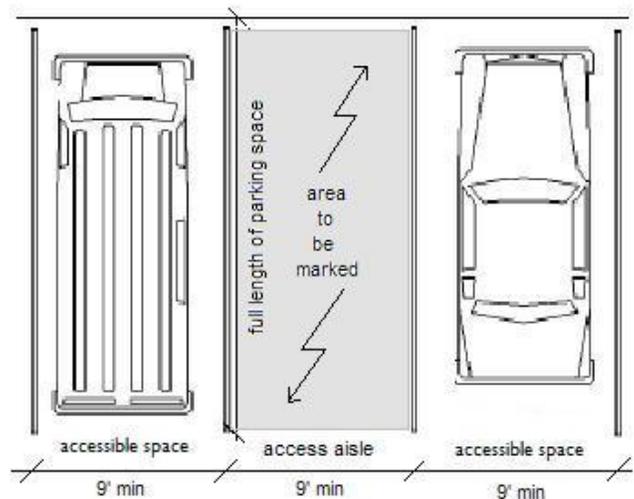


Figure 6.2.F.7: Accessible Parking Space and Access Aisle Dimensions

- d. Access aisles shall be at the same level as the accessible parking spaces they serve.

8. SIGNAGE AND MARKINGS

- a. Each accessible parking space shall be designated as reserved for persons with disabilities by pavement markings and a sign showing the symbol of accessibility. Access aisles shall be marked so as to discourage parking in them.
- b. Signs identifying accessible parking spaces must be posted directly in front of the accessible parking space at a height of at least five feet. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

9. ACCESSIBLE PASSENGER LOADING ZONES

- a. Parking facilities with mechanical access parking garages shall provide at least one passenger loading zone accessible to persons with physical disabilities (“accessible passenger loading zone”). Licensed medical care and long-term care facilities where the period of stay exceeds 24 hours shall provide a passenger loading zone close to at least one accessible entrance to the facility.
- b. Accessible passenger loading zones shall include a vehicular pull-up space at least nine feet wide and 23 feet long and a parallel access aisle that is at least five feet wide, extending the length of the pull-up space, and adjoins an accessible route of travel to an accessible building entrance or an accessible parking facility entrance, as appropriate.

10. VERTICAL CLEARANCE

A vertical clearance of at least eight feet shall be provided at all accessible parking or vehicular pull-up spaces and adjoining access aisles, and along at least one vehicle access route between such spaces and vehicular access points to and from the development.

11. MAXIMUM SLOPE

The slope of accessible parking or vehicular pull-up spaces and adjoining access aisles shall not exceed two percent in any direction.

G. DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

1. GENERAL

Standard vehicle parking spaces and parking lot aisles shall comply with the minimum dimensional standards established in Table 6.2.G.1, Dimensional Standards for Parking Spaces and Aisles.

TABLE 6.2.G.1: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES ¹						
PARKING ANGLE (DEGREES)	STALL WIDTH (FT)	STALL DEPTH PERPENDICULAR TO CURB (FT)	AISLE WIDTH (FT) ²	STALL LENGTH ALONG CURB (FT)	DOUBLE ROW + AISLE, CURB TO CURB (FT)	DOUBLE ROW + AISLE, CENTER TO CENTER (FT)
A	B	C	D	E	F	G
0	9	9	12	23	30	30

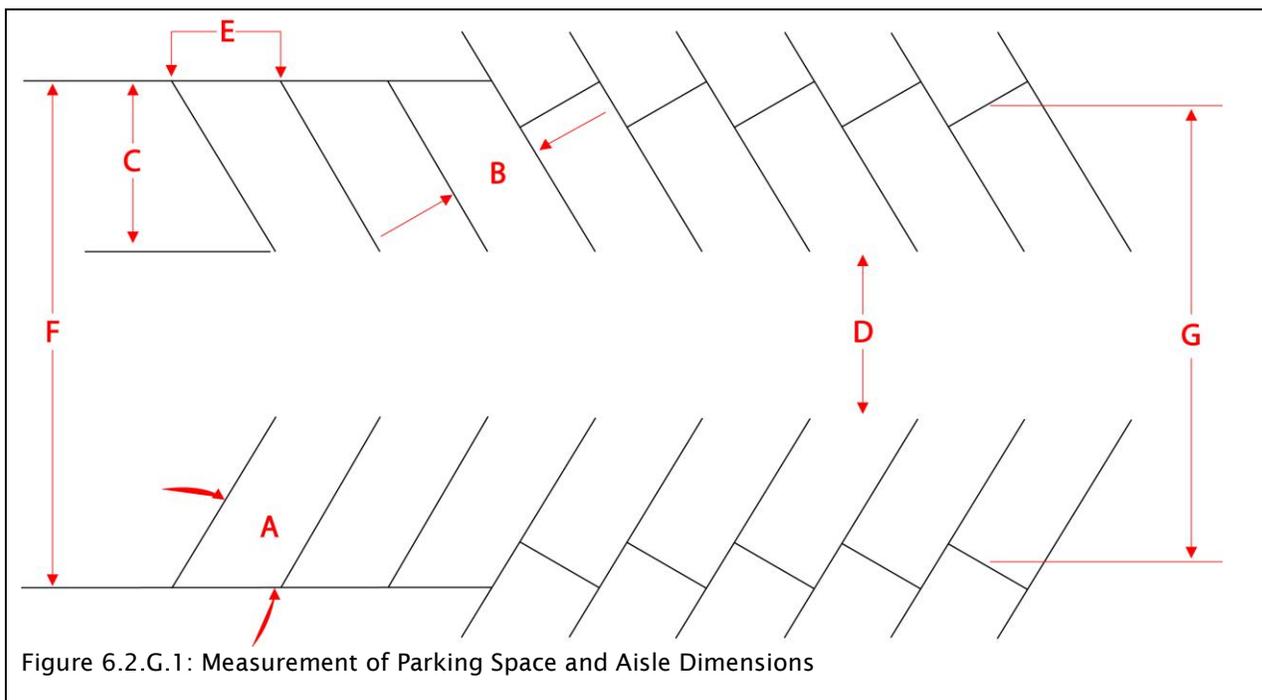
Article 6: Development Standards

Section 6.2: Off-Street Parking and Loading

6.2.G Dimensional Standards for Parking Spaces and Aisles

TABLE 6.2.G.1: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES ¹						
PARKING ANGLE (DEGREES)	STALL WIDTH (FT)	STALL DEPTH PERPENDICULAR TO CURB (FT)	AISLE WIDTH (FT) ²	STALL LENGTH ALONG CURB (FT)	DOUBLE ROW + AISLE, CURB TO CURB (FT)	DOUBLE ROW + AISLE, CENTER TO CENTER (FT)
A	B	C	D	E	F	G
30	9	16.8	12	18	45.6	37.8
45	9	19.1	12	12.7	50.2	43.8
60	9	20.1	14.5	10.4	54.7	50.2
90	9	18	24	9	60	60

NOTES:
 1. Refer to Figure 6.2.G.1, below, for illustrations showing how dimensions for parking spaces and aisles in various configurations (A-G) are measured.
 2. For one-way traffic. Aisles for two-way traffic shall be at least 24 feet wide (for all parking angles).



2. COMPACT CAR SPACES

a. When Allowed

The City Manager is authorized to approve the use of compact car parking spaces for up to 30 percent of required employee parking on determining that the need for compact car parking spaces is supported by a parking study prepared by the applicant.

b. Compact Space Standards

- i. Each compact car parking space shall be at least eight feet wide and 16 feet deep.
- ii. Compact car parking spaces shall be located no closer to the primary

building entrance than any standard parking spaces.

- iii. Compact car spaces shall be designated by signage and/or pavement marking.

3. VERTICAL CLEARANCE

All off-street parking spaces must have a minimum overhead clearance of seven feet.

4. REDUCTION FOR PLANTER AND SIDEWALK OVERHANGS

When a parking space abuts a landscape island or planter, the front two feet of the required parking space length may overhang the planter, provided that wheel stops or curbing are provided.

5. SPACES NEAR OBSTRUCTIONS

When the side of a parking space adjoins a wall, column, or other obstruction that is taller than six inches, the width of the parking space shall be increased by two feet on the obstructed side, provided that the increase may be reduced by three inches for each 12 inches of unobstructed distance from the edge of a required aisle, up to a maximum of four feet and measured parallel to the depth of the parking space. This provision does not apply to support columns in a parking garage.

H. OFF-STREET PARKING ALTERNATIVES

1. GENERAL; ALTERNATIVE PARKING PLAN

The City Manager is authorized to approve an alternative parking plan that proposes alternatives to providing the minimum number of required off-street parking spaces required by Table 6.2.D.1, Minimum Number of Off-Street Parking Spaces, in accordance with the standards listed below. The alternative parking plan shall be submitted with an application for Site Plan Approval (Section 2.5.D) or Zoning Compliance Permit (Section 2.5.I), as appropriate.

2. PROVISION OVER MAXIMUM ALLOWED

Proposals to exceed the maximum number of off-street parking spaces allowed by Section 6.2.D.4, Maximum Number of Off-Street Parking Spaces, shall comply with the following standards:

a. Parking Demand Study

An alternative parking plan proposing to exceed the maximum number of off-street parking spaces allowed shall include a parking demand study demonstrating how the maximum number of parking spaces specified by Section 6.2.D.4, Maximum Number of Off-Street Parking Spaces, is insufficient for the proposed development.

b. Minimum Amount Required

The maximum number of off-street spaces allowed shall be limited to the minimum number of additional spaces recommended as needed by the required parking demand study.

3. SHARED PARKING

Proposals for shared parking—that is, use of parking spaces to meet the minimum number of off-street parking spaces required for more than one use—shall comply with the following standards:

a. Location

- i. Shared parking spaces shall be located within 500 linear feet of the primary entrances of all uses served, unless remote shuttle bus service is provided.
- ii. Shared parking spaces shall not be separated from the use they serve by an arterial or collector street unless pedestrian access across the arterial or collector street is provided by a grade-separated pedestrian walkway or appropriate traffic controls, or remote parking shuttle bus service is provided.

b. Pedestrian Access

Adequate and safe pedestrian access must be provided between the shared parking areas and the primary entrances to the uses served by the parking.

c. Maximum Shared Spaces

The maximum reduction in the number of parking spaces required for all uses sharing the parking area shall be 50 percent.

d. Directional Signage

Directional signage that complies with the standards of this Ordinance shall be provided to direct the public to the shared parking spaces.

e. Shared Parking Plan

i. Justification

The alternative parking plan shall include a shared parking plan justifying the feasibility of shared parking. The shared parking plan shall address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

ii. Recorded Agreement

An approved shared parking plan shall be enforced through written agreement among all owners of record, which shall be submitted to the City Manager for review and approval. An attested copy of an approved agreement shall be recorded with the office of the Chancery Clerk of Jackson County before issuance of a Zoning Compliance Permit for any use to be served by the shared parking area. A shared parking agreement may be terminated only if all required off-street parking spaces are provided in accordance with this section.

4. OFF-SITE PARKING

Proposals for off-site parking—that is, location of off-street parking spaces required for a use on a lot separate from the lot containing the use—shall comply with the following standards.

a. Ineligible Uses

Off-site parking may not be used to satisfy the minimum number of off-street parking spaces required for residential uses (except for guest parking), restaurants, convenience stores, or other convenience-oriented uses, and may be used to satisfy no more than 50 percent of the minimum number of off-street parking spaces required for any other use. In addition, required parking spaces reserved for persons with disabilities may not be located off-site.

b. Location

- i. Off-site parking spaces shall be located within 500 linear feet from the primary entrance of the use served (measured along the shortest legal pedestrian route), unless a remote parking shuttle bus service is provided.
- ii. Off-site parking spaces shall not be separated from the use they serve by a principal arterial street or minor arterial street unless pedestrian access across the street is provided by a grade-separated pedestrian walkway or appropriate traffic controls (e.g., signalized crosswalk), or remote parking shuttle bus service is provided.

c. Zoning Classification

The zoning district classification of the off-site parking area shall be the same or a more intensive zoning classification than that required for the use served.

d. Agreement for Off-Site Parking

If land containing the off-site parking area is not under the same ownership as land containing the principal use served, the off-site parking arrangement shall be established in a written agreement between the record landowners that guarantees use of the off-site parking area for at least 20 years. An attested copy of the agreement shall be submitted to the City Manager for review and approval and the approved agreement shall be recorded with the office of the Chancery Clerk of Jackson County before issuance of a Zoning Compliance Permit for any use to be served by the off-site parking area. An off-site parking agreement may be terminated only if all required off-street parking spaces are provided in accordance with this section. No use served by the off-site parking may be continued if the off-site parking is removed unless substitute off-street parking spaces are provided in accordance with this section.

5. DEFERRED PARKING

Proposals to defer construction of up to 30 percent of the number of off-street parking spaces required by Table 6.2.D.1, Minimum Number of Off-Street Parking Spaces, shall comply with the following standards:

a. Fewer Spaces Needed

The alternative parking plan shall include a study demonstrating that because of the location, nature, or mix of uses, there is a reasonable probability the number of parking spaces actually needed to serve the development is less than the minimum required by Table 6.2.D.1, Minimum Number of Off-Street Parking Spaces.

b. Reserve Parking Plan

The alternative parking plan shall include a reserve parking plan identifying: (a) the amount of off-street parking being deferred, and (b) the location of the area to be reserved for future parking, if future parking is needed.

c. Parking Demand Study

The alternative parking plan shall provide assurance that within 18 months after the initial Certificate of Occupancy is issued for the proposed development, an off-street parking demand study evaluating the adequacy of the existing parking spaces in meeting the off-street parking demand generated by the development will be submitted to the City Manager. If the study indicates that the existing parking is adequate, then construction of the remaining number of parking spaces shall not be required. If the study indicates additional parking is needed,

it shall be provided consistent with the reserve parking plan and the standards of this section.

d. Limitations on Reserve Areas

Areas reserved for future parking shall be brought to the finished grade and shall not be used for buildings, storage, loading, or other purposes.

e. Landscaping Required

Areas reserved for future off-street parking shall be landscaped with an appropriate ground cover, and if ultimately developed for off-street parking, shall be landscaped in accordance with Section 6.3.D, Vehicular Use Area Landscaping.

6. ON-STREET PARKING

Proposals for use of on-street parking spaces to meet a portion of the minimum number of off-street parking spaces required for a use shall comply with the following:

- a.** The use is located within a Neighborhood Commercial (NC), Community Commercial (CC), Gateway Commercial (GC), or Waterfront Mixed-Use (WMU) district;
- b.** The on-street parking spaces are located along the development site's street frontage or within 150 linear feet of walking distance from the primary entrance of the proposed use;
- c.** The on-street parking spaces are not counted towards meeting the off-street parking requirement for any other development;
- d.** No more than 25 percent of the off-street parking requirement is met through the use of on-street parking; and
- e.** There is no negative impact to existing or planned traffic circulation patterns.

I. PARKING REDUCTION INCENTIVES

1. TRANSIT ACCESSIBILITY

The City Manager may authorize up to a 15 percent reduction in the number of off-street parking spaces required for uses located within 1,000 feet of a bus or rapid transit stop that is served at intervals of 30 minutes or less between the hours of 7:00 a.m. and 9:00 a.m. and the hours of 4:00 p.m. and 6:00 p.m.

2. SPECIAL FACILITIES FOR BICYCLE COMMUTERS

The City Manager may authorize up to a five percent reduction in the minimum number of off-street parking spaces required for development that provides both of the following:

- a.** Enclosed (indoor or locker) and secure bicycle parking spaces equal to at least five percent of the number of vehicle parking spaces provided; and
- b.** Shower and dressing areas for employees.

3. OTHER ELIGIBLE ALTERNATIVES

The City Manager may approve any other parking-reduction incentive that reduces minimum off-street parking space requirements in exchange for strategies that will effectively reduce parking demand on the site of the subject development, provided

the alternative does not result in more than a ten percent modification of the minimum number of off-street parking spaces required. Such alternatives may only be approved if the applicant demonstrates to the satisfaction of the City Manager that the proposed plan will do at least as good a job protecting surrounding neighborhoods, maintaining traffic-circulation patterns, and promoting quality urban design as would strict compliance with the otherwise applicable off-street parking standards.

J. LOADING AREA STANDARDS

1. OFF-STREET LOADING BERTH REQUIREMENTS

Except within the Downtown (DT) zoning district, off-street loading berths shall be provided for new development involving the uses and activities listed in Table 6.2.J.1 Required Off-Street Loading Berths, based on the gross floor area of the new development.

TABLE 6.2.J.1: REQUIRED OFF-STREET LOADING BERTHS		
USE OR ACTIVITY ¹	GROSS FLOOR AREA (GFA)	MINIMUM NUMBER OF LOADING BERTHS
Office uses other than financial services and professional services offices	10,000 sf or more	1
Space used by, designed for, or adaptable to a retail sales and services use	3,000 - 14,999 sf	1
	15,000 - 49,999 sf	2
	50,000 - 99,999 sf	3
	100,000 sf or more	4 + 1 per 100,000 sf GFA above 100,000 sf GFA
Wholesale uses	Up to 15,000 sf	1
	15,000 - 49,999 sf	2
	50,000 sf or more	3 + 1 per 50,000 sf GFA above 50,000 sf GFA
All other Commercial and Industrial uses	Up to 40,000 sf	1
	40,000 - 99,999 sf	2
	100,000 - 159,999 sf	3
	160,000 - 239,999 sf	4
	240,000 - 319,999 sf	5
	320,000 - 399,999 sf	6
	400,000 sf or more	7 + 1 per 100,000 sf GFA above 400,000 sf GFA
NOTES: 1. See Table 4.2.B.2, Principal Use Table.		

2. DIMENSIONAL STANDARDS FOR LOADING AREAS

Each loading berth required by this subsection shall be at least 12 feet wide and 25 feet deep, with at least 14 feet of overhead clearance.

3. LOCATION OF LOADING AREAS

Where possible, loading areas shall be located to the rear of the use they serve. In addition, the loading area shall be located adjacent to the building's loading doors, in an area that promotes its practical use.

6.3. LANDSCAPING STANDARDS

A. PURPOSE AND INTENT

It is the purpose of this section to promote and protect the public health, safety, and general welfare by providing for the planting, maintenance, and preservation of trees, shrubs, and other plants within the city. The intent of this section is to promote this purpose by:

1. Ensuring and encouraging the planting, maintenance, restoration and survival of trees, shrubs, and groundcover;
2. Ensuring the protection of community residents and visitors from personal injury and property damage, and the protection of the city from property damage, caused or threatened by the improper planting, maintenance, or removal of trees, shrubs, or other plants;
3. Mitigating against erosion and sedimentation;
4. Reducing storm water runoff and associated costs;
5. Preserving and protecting the water table and surface waters;
6. Reducing audible noise from automobiles and land uses;
7. Restoring soils and land denuded as a result of construction or grading;
8. Increasing the tree canopy to provide shade and moderate the effect of urban heat islands;
9. Limiting glare created by exterior lighting;
10. Reducing visual pollution from the urban environment and increasing privacy between incompatible uses;
11. Protecting and enhancing property values and aesthetic qualities;
12. Helping to differentiate streets and other areas of the public realm from private lands;
13. Providing additional improvements to air quality through the carbon dioxide uptake process provided by trees and landscaping; and
14. Providing visual screening, where appropriate.

B. APPLICABILITY

1. GENERAL

Except where exempted in accordance with Section 6.3.B.4, Exemptions, the requirements in this section shall apply to all townhouse dwelling, multifamily dwelling, nonresidential, and mixed-use development in the city.

2. CHANGE IN USE

Changes in use of an existing development where an existing use is replaced with a new more intense use (e.g., from a residential use to an institutional use, or from a commercial use to an industrial use), shall be subject to these landscaping standards to the maximum extent practicable.

3. UPGRADING OF NONCONFORMING LANDSCAPING

Nonconforming landscaping on the site of a remodeled structure or expanded structure or use area shall comply with the requirements of this section in accordance with the standards of Section 8.6, Nonconforming Site Features.

4. EXEMPTIONS

Except as otherwise specifically provided in this section, development located within the Downtown (DT) district is exempt from these landscaping standards.

5. REVIEW FOR COMPLIANCE

Review for compliance with the standards of this section shall occur during review of an application for a Special Use Permit (Section 2.5.C, Site Plan Approval (Section 2.5.D), or Zoning Compliance Permit (Section 2.5.I), whichever occurs first.

6. LANDSCAPE PLAN REQUIRED

Uses subject to the standards in this section shall include a landscape plan as a part of any application for a Special Use Permit (Section 2.5.C.), Site Plan Approval (Section 2.5.D), or Zoning Compliance Permit (Section 2.5.I), as appropriate. Landscape plans shall be prepared in accordance with the requirements in the Administrative Manual.

C. GENERAL REQUIREMENTS FOR LANDSCAPING

1. NEW PLANTING STANDARDS

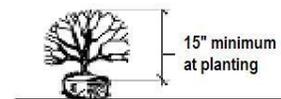
New plantings provided in accordance with this section shall comply with the following standards (See Figure 0, Minimum



1. Deciduous Canopy or Shade Tree



2. Understory, Small Maturing, or Ornamental Tree



3. Shrubs

Figure 0, Minimum Error! Not a valid bookmark self-reference.

New
 .):

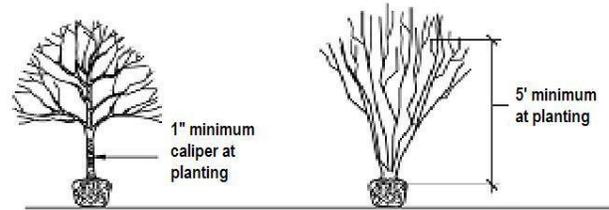
a. At the time of planting, deciduous and evergreen canopy or shade trees shall have a caliper of at least two-and-one-half inches and shall be at least six feet in height above ground level.

Planting Standards



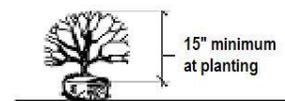
1. Deciduous Canopy or Shade Tree

b. At the time of planting, understory, small maturing, or ornamental trees shall have a caliper of one inch and shall be at least five feet in height above ground level.



2. Understory, Small Maturing, or Ornamental Tree

c. At the time of planting, shrubs used for screening shall be upright in nature and at least 15 inches in height above ground level.



3. Shrubs

Figure 0, Minimum Error! Not a valid bookmark self-reference.

d. Where application of the requirements in this subsection result in a fraction in the number of shrubs to be provided, the minimum number of shrubs or trees to be provided shall be rounded upwards to the next highest whole number.

e. All landscape plant materials shall be of standard quality or better, true to name and type of species or variety.

f. The use of native, drought-tolerant vegetation known to thrive in the Mississippi Gulf region is strongly encouraged.

g. Required landscaping areas shall be protected from vehicular damage by the installation of curbing, wheel stops, extra width in the landscaping strip, or other method approved by the City Manager.

2. EXISTING VEGETATION

Existing healthy, well-formed canopy trees, and understory trees shall be credited on a caliper-per-caliper basis toward the requirements of this section, provided the vegetation meets the minimum size standards of this Ordinance, and is protected before and during development of the site in accordance with Section 6.4.F, Tree and Vegetation Protection During Construction , and maintained thereafter in a healthy growing condition.

3. STABILIZATION

All required landscape planting areas shall be stabilized and maintained with turf, ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.

4. EASEMENTS

Nothing except groundcover shall be planted or installed within any underground or overhead utility, drainage or gas easement, or within three feet of a fire protection system, without the consent of the utility provider, easement holder, or the city, as appropriate.

D. VEHICULAR USE AREA LANDSCAPING

1. APPLICABILITY

a. General

Except as otherwise provided by the provisions of this subsection, all vehicular use areas in all zoning districts—including the Downtown (DT) district—shall include landscaping both within the interior of the vehicular use area and around its perimeter, as a means of mitigating the parking area’s microclimate and visual impacts.

b. Exemptions

The standards in this subsection shall not apply to single-family detached dwellings and two-family dwellings.

2. INTERIOR LANDSCAPING STANDARDS

Vehicular use areas with more than five parking spaces shall provide and maintain landscaped planting areas within the interior of the vehicular use area in accordance with the standards in this subsection. These standards shall not apply to parking structures or vehicle display areas.

a. Configuration

Vehicular use areas shall include interior planting areas designed in accordance with the following standards (See Figure 6.3.D.2.a, Vehicular Use Area Configuration.):

- i. Islands shall be located at the end of parking bays and have a minimum size of 162 square feet for single loaded parking bays, and a minimum size of 324 square feet for double loaded bays.
- ii. Landscaped planting areas shall be distributed throughout the parking area for the purpose of heat abatement.
- iii. Each interior planting island shall contain at least one canopy tree. Understory trees may be substituted in areas underneath overhead utilities or exterior lighting fixtures.

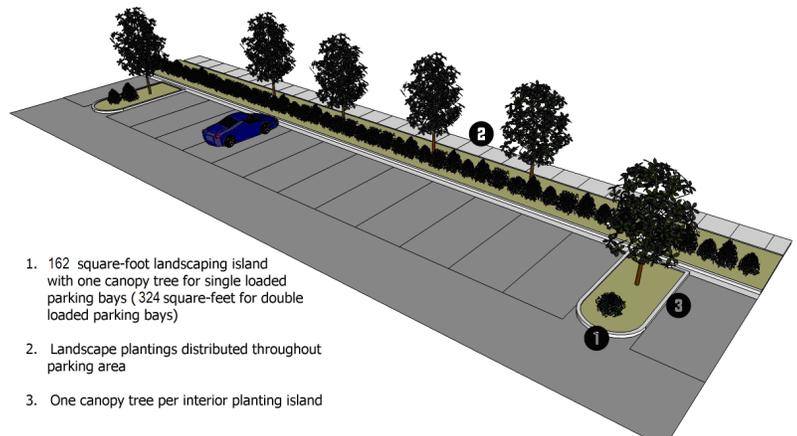


Figure 6.3.D.2.a Vehicular Use Area Configuration

b. Areas with 200 or More Spaces

Vehicular use areas with 200 or more parking spaces shall be organized into a series of smaller modules of 10,000 square feet or less per module, and be visually separated by continuous landscaped areas. (See Figure 6.3.D.2.b, Vehicular Use Areas with 200+ Spaces.)

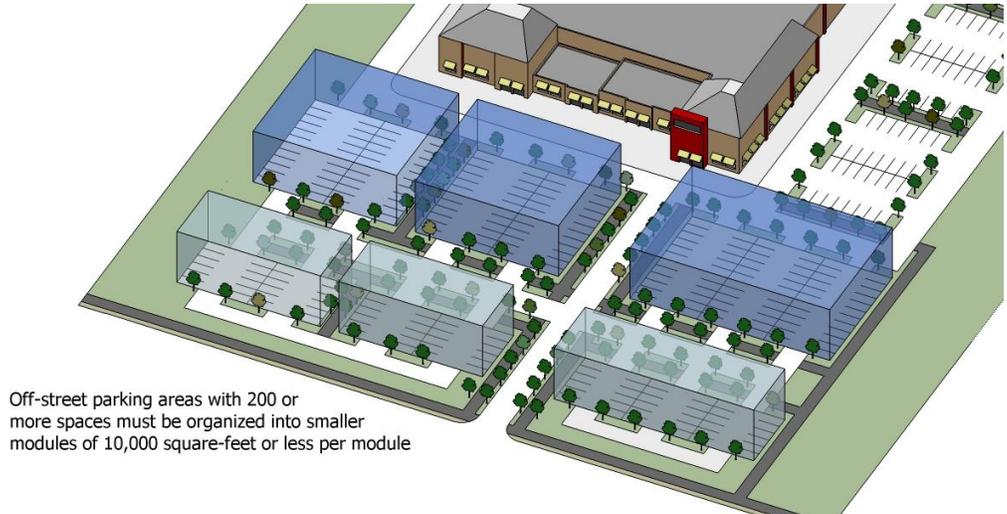


Figure 6.3.D.2.b: Vehicular Use Areas with 200+ Spaces

3. PERIMETER LANDSCAPING STRIPS

Where a vehicular use area serving a development subject to this subsection’s standards abuts a street right-of-way, vacant land, or any other development (except another vehicular use area), a perimeter landscaping strip shall be provided and maintained within the strip of land between the vehicular use area and the abutting right-of-way or property line in accordance with the following standards, except where such strip is crossed by an authorized vehicular or pedestrian accessway.

a. Configuration

- i. Perimeter landscaping strips shall be located on the same land as the vehicular use area and placed to assure visibility and safety of pedestrians on the street and within the vehicular use area.
- ii. Perimeter landscaping strips shall be comprised of:
 - (A) Evergreen shrubs planted to form a continuous, opaque visual screen along the perimeter of the vehicular use area, excluding required sight triangles at driveways or intersections; and
 - (B) Canopy trees spaced between 40 and 50 feet on center, provided that understory trees spaced between 20 and 30 feet on center may be substituted for canopy trees in areas beneath overhead utilities or exterior lighting fixtures.
- iii. The perimeter landscaping strip shall be at least six feet wide. In the Downtown (DT), Gateway Commercial (GC), and Waterfront Mixed-Use (WMU) districts, the width of a perimeter landscaping strip may be reduced to two feet if the strip includes a continuous solid masonry wall or ornamental metal fence that is at least three feet high and complies with the standards in Section 6.7, Fences and Walls.
- iv. Shrubs associated with the perimeter landscaping shall be maintained at a minimum height of at least three feet above the surface elevation of the

adjacent vehicular use area within four years of planting. To allow security surveillance of parking areas, the maximum height of shrubs in the perimeter landscaping strip shall be five feet.

- v. The perimeter landscaping strip shall be protected from vehicular damage by the installation of curbing, wheel stops, extra width in the landscaping strip, or other method approved by the City Manager.
- vi. The perimeter landscaping strip shall allow compliance with all city, state, and federal highway sight distance standards.

b. Credit towards Perimeter Buffers

Perimeter landscaping strips associated with a vehicular use area may be credited towards perimeter buffer standards. (See Section 6.3.E, Perimeter Buffers.)

E. PERIMETER BUFFERS

1. PURPOSE AND INTENT

Perimeter buffers are intended to mitigate potential negative effects of contiguous uses in different zoning districts to provide basic screening between development and abutting streets.

2. APPLICABILITY

Development shall provide a perimeter buffer to separate it from a less intense existing use on abutting land, or from vacant abutting land located in a less intense zoning district, or from a street, in accordance with Table 6.3.E.3, Buffer Types, and Table 6.3.E.4, Buffer Type Application.

3. BUFFER TYPES

Table 6.3.E.3, Buffer Types, describes three different types of perimeter buffers in terms of their function, opacity, width, and planting requirements.

TABLE 6.3.E.3: BUFFER TYPES ¹		
BUFFER TYPE AND FUNCTION	REQUIRED PLANTINGS (PER 100 LINEAR FEET) ²	MINIMUM BUFFER WIDTH (FEET) ³
TYPE A – BASIC BUFFER		
This perimeter buffer functions as basic edge demarcating individual properties with a slight visual obstruction from the ground to a height of ten feet.		
	3 canopy trees spaced at least 30 feet apart	8 ⁴
TYPE B – INTERMITTENT BUFFER		
This perimeter buffer functions as an intermittent visual obstruction from the ground to a height of at least 20		

TABLE 6.3.E.3: BUFFER TYPES ¹		
BUFFER TYPE AND FUNCTION	REQUIRED PLANTINGS (PER 100 LINEAR FEET) ²	MINIMUM BUFFER WIDTH (FEET) ³
feet, and creates the impression of spatial separation without eliminating visual contact between uses.		
	4 canopy trees spaced at least 25 feet apart + 3 understory trees + 15 shrubs	10
TYPE C – OPAQUE BUFFER		
This perimeter buffer functions as an opaque screen from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong impression of total separation.		
	2 canopy trees spaced at least 50 feet apart + A solid fence or wall at least 6 feet high or a solid evergreen hedge at least 6 feet high and 3 feet wide	20 ³
<p>NOTES:</p> <p>1. Fences or walls within a perimeter buffer shall comply with the standards of Section 6.7, Fences and Walls.</p> <p>2. Where an adjacent use is designed for solar access, understory trees can be substituted for canopy trees.</p> <p>3. Perimeter buffer width (but not planting requirements) may be reduced in accordance with Section 2.5.M, Administrative Adjustment.</p> <p>4. No minimum width is required for perimeter buffers along a street if trees are located within ten feet of the street's curb or pavement edge.</p>		

4. BUFFER TYPE APPLICATION

Table 6.3.E.4, Buffer Type Application, specifies the type of perimeter buffer that new development shall provide between it and adjacent property, based on the proposed use type on the development site and the existing use type on the abutting property, the zoning district in which abutting vacant property is located, or whether there is an abutting street. The type of buffer to be provided is indicated by a letter corresponding to one of the three buffer types depicted in Table 6.3.E.3, Buffer Types.

TABLE 6.3.E.4, BUFFER TYPE APPLICATION					
A = TYPE A BUFFER B = TYPE B BUFFER C = TYPE C BUFFER n/a = NOT APPLICABLE (NO BUFFER REQUIRED)					
EXISTING USE TYPE ON ABUTTING LAND	ZONING OF ABUTTING VACANT LAND	PROPOSED USE TYPE ¹			
		SINGLE-FAMILY DETACHED OR TWO-FAMILY DWELLING OR MANUFACTURED HOME	TOWNHOUSE OR MULTIFAMILY DWELLING OR MANUFACTURED HOME PARK	INSTITUTIONAL, COMMERCIAL, OR MIXED-USE	INDUSTRIAL
Single-Family Detached or Two-Family Dwelling	SFR 10, SFR 8, SFR 6	n/a	B	C	C

or Manufactured Home					
Townhouse or Multifamily Dwelling	MR3	n/a	n/a	C	C
Institutional, Commercial, or Mixed-Use	NC, CC, RC, DT, GC, WMU	n/a	n/a	n/a	B
Industrial	LI, HI	n/a	n/a	B	n/a
Street Right-of-Way		A	A	A	A
NOTES: 1. Developments with multiple buildings shall provide perimeter buffers around the perimeter of the development site instead around individual buildings.					

5. ALTERNATIVE CONFIGURATION

Applicants may propose an alternative perimeter buffer location, width, or planting configuration through submittal of an alternative landscape plan (Section 6.2.H).

6. DEVELOPMENT WITHIN REQUIRED BUFFERS

- a.** The required buffer shall not contain any development, impervious surfaces, or site features (except fences or walls) that do not function to meet the standards of this section or that require removal of existing vegetation, unless otherwise permitted in this Ordinance.
- b.** Sidewalks, trails, and other elements associated with passive recreation may be placed in perimeter buffers if all required landscaping is provided and damage to existing vegetation is minimized to the maximum extent practicable.
- c.** Overhead and underground utilities required or allowed by the city are permitted in perimeter buffers, but shall minimize the impact to vegetation to the maximum extent practicable. Where required landscaping material is damaged or removed due to utility activity within a required buffer, the landowner shall be responsible for replanting all damaged or removed vegetation necessary to ensure the buffer meets the standards in this Ordinance.

7. SIGHT TRIANGLES

Any fencing, berms, walls, or other landscaping located near a roadway or driveway intersection shall comply with the cross-visibility standards in Section 6.1.G.8, Sight Triangles.

F. SCREENING

1. GENERAL REQUIREMENTS

The following areas shall be screened in accordance with this section:

- a. Large waste receptacles (e.g., dumpsters and cardboard recycling containers) and refuse collection areas;
- b. Loading and service areas; and
- c. Outdoor storage areas (including, but not limited to, the storage of inoperable vehicles, appliances, tires, manufactured homes, building materials, equipment, and raw materials, and above-ground storage tanks) visible from a public right-of-way or a single-family residential (SFR-) zoning district.

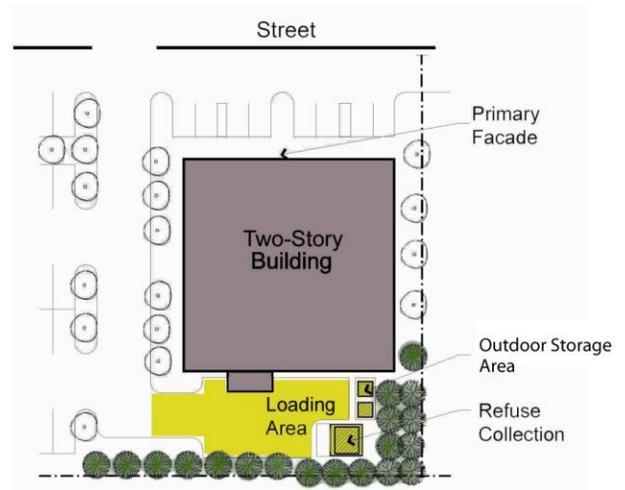


Figure 6.3.F: Screening

(See Figure 6.3.F, Screening .)

2. SCREENING METHODS

- a. The following methods of screening are permitted, and more than one method may be used on a development site.
 - i. Vegetative materials that provide a fully opaque screen to the minimum height necessary to fully screen the facility from off-site views; or
 - ii. An opaque fence or wall consistent with the standards in Section 6.7, Fences and Walls.
- b. Alternative screening materials or configurations may be proposed as part of an alternative landscaping plan (Section 6.2.H), if the alternative materials or configuration provide an equivalent or superior screening function.

3. CONFIGURATION OF VEGETATIVE MATERIALS

When vegetation is used for screening a site feature in accordance with this subsection, the vegetative materials shall:

- a. Be planted around the perimeter of the site feature in a manner that screens it from all off-site views;
- b. Be configured in two staggered rows or other arrangement that provides maximum screening;
- c. Be upright, large evergreen shrubs and capable of reaching at least six feet in height within three years of planting; and
- d. Be spaced no farther than three feet on-center.

G. FOUNDATION PLANTINGS

1. PURPOSE AND INTENT

Foundation plantings are intended to soften the visual impact of building foundations and provide for the even dispersal of shrubs along building facades facing streets. They consist of evergreen and deciduous shrubs planted around a building's foundation to help soften its appearance.

2. FOUNDATION PLANTING REQUIRED

Except for single-family detached and two-family dwellings, evergreen or deciduous shrubs shall be planted along any building foundations facing a street. This requirement shall not apply to a building foundation constructed along or within one foot of the street right-of-way boundary.

3. FOUNDATION PLANTING STANDARDS

- a. Required shrubs shall be planted within three feet of the building foundation. If a street sidewalk is located between the building foundation and the street, required shrubs may be planted up to 15 feet from the foundation.
- b. Required shrubs shall maintain a maximum on-center spacing of six feet, and be evenly-distributed along foundation walls.
- c. Required shrubs may be planted in the ground, within planters, or in decorative pots.

(See Figure 6.3.G, Foundation Plantings.)

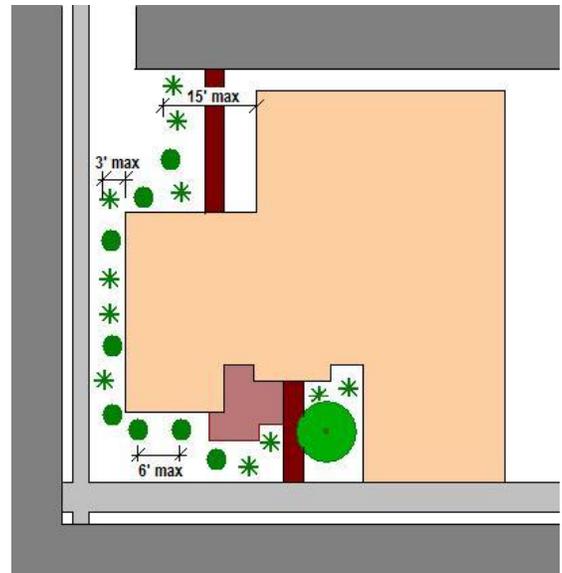


Figure 6.3.G, Foundation Plantings

H. ALTERNATIVE LANDSCAPE PLAN

1. GENERAL

An alternative landscaping plan may be approved where a deviation from the landscaping standards in this section, or from the tree protection standards in Section 6.4, Tree Protection, is justified because of site or development conditions that make strict compliance with such standards impossible or impractical. An alternative landscaping plan shall indicate how the proposed deviations are justified by site or development conditions and illustrate how compliance with the standards of this section can be achieved to the maximum extent practicable. Conditions justifying approval of an alternative landscaping plan may include:

- a. Natural conditions, such as watercourses, natural rock formations, or topography;
- b. The likelihood that landscaping material would be ineffective at maturity due to topography, placement, or other existing site conditions;
- c. Lot size or configuration;
- d. Infill development or redevelopment on small lots;

Article 6: Development Standards

Section 6.3: Landscaping Standards

6.3.1 Other Landscaping Standards

- e. The presence of utility or other easements;
- f. The potential for interference with public safety; and
- g. Other situations where strict adherence to the landscaping or tree protection standards in this Ordinance are determined to be impractical by the City Manager.

2. SUBMITTAL AND REVIEW

An applicant may submit an alternative landscaping plan as part of an application for a Special Use Permit (Section 2.5.C.), Site Plan Approval (Section 2.5.D), or Zoning Compliance Permit (Section 2.5.I), as appropriate. The City Manager shall approve an alternative landscape plan if it meets the purpose and intent of the landscaping standards in Section 6.3, Landscaping Standards, or Section 6.4, Tree Protection, as appropriate.

3. ALLOWABLE DEVIATIONS

Allowable deviations from the standards of this section include, but are not limited to the following:

a. Reduced Planting Rates due to Public Facilities

An adjustment to planting locations or reduction of up to 20 percent in the total number of required caliper inches may be allowed when underground connections to public facilities or public utilities, or public easements or rights-of-way, are located upon or in close proximity to the parcel.

b. Reduction in Standards due to Nature of Parcel

A reduction in the count, spacing, or species diversity standards by up to 20 percent may be allowed when desirable in terms of enhanced protection of existing natural resources, greater consistency with the goals of the comprehensive plan, or a site design that exceeds the quality of what would otherwise result under a strict application of the standards in this Ordinance.

c. Reduction in Standards due to Site Size

A reduction in the count, configuration, or location of required landscaping materials may be allowed in cases where a lot is nonconforming in terms of dimensional requirements or yard depths, or in cases of redevelopment on existing small lots not capable of supporting the minimum amount of landscaping material required.

d. Upgrading of Nonconforming Landscaping

An adjustment to planting locations or spacing may be allowed in conjunction with the required upgrading of nonconforming landscaping as part of the remodeling or expansion of existing development, in accordance with Section 8.6, Nonconforming Site Features.

I. OTHER LANDSCAPING STANDARDS

1. TIME FOR INSTALLATION OF REQUIRED LANDSCAPING

a. Time Limit

All required landscaping (including groundcover) shall be installed in accordance with the required planting standards set forth in this section prior to issuance of

a Certificate of Occupancy unless the City Manager grants an extension to this time limit in accordance with Section 6.3.1.1.b, Extensions.

b. Extensions

The City Manager may, for good cause shown, grant extensions to the above time limit, allowing a developer/owner to delay the installation of required landscaping. Circumstances that may warrant an extension include, but are not limited to, the following:

- i. Unusual environmental conditions, such as drought, hurricanes, or over-saturated soil (deep mud);
- ii. The inappropriateness of the current season for planting the approved plant species; or
- iii. Completion of utility work occurring in a proposed landscaped area that is incomplete or delayed.

2. MAINTENANCE OF LANDSCAPING MATERIALS

- a. The owner shall be responsible for the maintenance of all landscape areas not in the public right-of-way. Such areas shall be maintained in accordance with the approved landscape plan or alternative landscape plan and shall present a healthy and orderly appearance free from refuse and debris. All plant life shown on an approved landscape plan or alternative landscape plan shall be replaced if it dies, is seriously damaged, or removed.
- b. All required trees shall be maintained in their characteristic natural shape and shall not be severely pruned, sheared, topped, or shaped as shrubs. Trees (including but not limited to crape myrtles) that have been severely pruned, sheared, topped, or shaped as shrubs no longer serve the intended buffering or screening function and shall be considered as damaged vegetation in need of replacement.
- c. The owner shall take actions to protect trees and landscaping from unnecessary damage during all facility and site maintenance operations. Plants shall be maintained in a way that does not obstruct sight visibility within sight triangles at roadway and driveway intersections, obstruct traffic signs or devices, or interfere with the use of bikeways, sidewalks, or pedestrian trails.
- d. The natural death of existing vegetation within any required landscape area does not necessarily constitute a violation and does not require re-vegetation to replace the plant material unless the required landscape area no longer complies with the required standards of this section.
- e. If any vegetation or physical element functioning to meet the standards of this section is severely damaged due to an unusual weather occurrence, natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, the owner or developer may be required to replant or replace the vegetation or element if the landscaping standards are not being met. The owner or developer shall have one growing season to replant or replace. In determining the extent of replanting or replacement required, the City Manager shall consider the type and location of the required landscape area as well as the propensity for natural re-vegetation.
- f. All initial replacement landscaping shall be subject to a two-year performance guarantee that ensures proper replacement and maintenance, in accordance with Section 7.8, Performance and Maintenance Guarantees.

6.4. TREE PROTECTION

A. PURPOSE AND INTENT

The purpose and intent of this section is to recognize the importance and contribution of mature trees in Pascagoula to the city's visual and aesthetic qualities, the enjoyment of outdoor activities, the conservation of energy, maintenance of property values, and the quality of life for its citizens. Specifically, the standards in this section are intended to:

1. Preserve the visual and aesthetic qualities of the city;
2. Encourage site design techniques that preserve the natural environment and enhance the developed environment;
3. Provide for a separation of uses and establish a sense of privacy;
4. Minimize the impact of incompatible land uses;
5. Reduce glare, dust, heat, and noise;
6. Preserve and enhance air and water quality;
7. Increase slope stability, and control erosion and sediment run-off into waterways;
8. Conserve energy by reducing heating and cooling costs; and
9. Maintain and enhance the quality of life in the city.

B. APPLICABILITY

1. GENERAL

Unless exempted in accordance with Section 6.4.B.2, Exemptions, the standards in this section shall apply to all lands and development in the city.

2. EXEMPTIONS

The following tree removal activities are exempt from the standards of this section:

- a. The removal of dead or naturally-fallen trees;
- b. The removal of diseased trees posing a threat to adjacent trees;
- c. The removal of Chinese tallow trees; and
- d. The selective and limited removal of trees or vegetation necessary to obtain clear visibility within sight triangles.

C. PROTECTION OF HERITAGE TREES

1. HERITAGE TREES IDENTIFIED

Unless exempted from the standards of this section in accordance with Section 6.4.B.2, Exemptions, a tree of the particular species or category listed in Table 6.4.C.1, Heritage Trees Identified, shall constitute a heritage tree subject to the protection standards of this subsection if the DBH (diameter at breast height) of the tree exceeds the minimum DBH show in the table for the particular tree species or category.

TABLE 6.4.C.1: HERITAGE TREES IDENTIFIED

TYPE OF TREE [COMMON NAME (SPECIES)]	MINIMUM DBH [INCHES] ¹
Bald cypress (<i>Taxodium distichum</i>)	12
Live oak (<i>Quercus virginiana</i>)	12
Red maple (<i>Acer rubrum</i>)	18
Southern magnolia (<i>Magnolia grandiflora</i>)	18
Any other hardwood canopy tree (e.g., tulip poplar, sycamore)	18
Any hardwood understory tree (e.g., dogwood, holly)	8
NOTES: 1. DBH (Diameter at Breast Height) is measured at a height of 4.5 feet above grade at the base of the tree.	

2. GENERAL REQUIREMENTS

a. Cutting, Removal, Harm Prohibited

No heritage tree shall be cut, removed, pushed over, killed, or otherwise harmed or removed except in accordance with Section 6.4.D, Removal of a Heritage Tree. This section does not restrict maintenance trimming of trees, provided the general health of the heritage tree is maintained.

b. Adjacent Paving or Soil Compaction Prohibited

The area within the drip line of any heritage tree shall not be subject to paving or soil compaction greater than ten percent of the total area within the drip line, or within 12 feet of the tree trunk. (See Figure 6.4.C.2.b, Limits on Paving or Soil Compaction.)

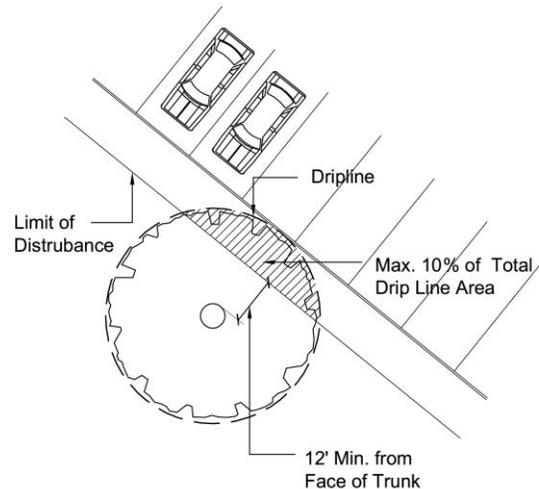


Figure 6.4.C.2.b: Limits on Paving of Soil Compaction

D. REMOVAL OF A HERITAGE TREE

1. A heritage tree in healthy condition may be removed only if the landowner demonstrates to the City Manager that:
 - a. The landowner is otherwise in compliance with this section;
 - b. The heritage tree prevents development of a lot platted before the effective date of this Ordinance (See Section 1.8.A, Effective Date.) in a way that limits building area to substantially less than otherwise allowed, or hinders compliance with the standards in Article 3: Zoning Districts, Article 5: Intensity and Dimensional Standards, Article 6: Development Standards, or Article 7: Subdivision Standards; and
 - c. Mitigation for the tree removal is provided in accordance with Section 6.4.E, Replacement/Mitigation of Heritage Trees.
2. A heritage tree may be removed, without mitigation otherwise required by Section 6.4.E, Replacement/Mitigation of Heritage Trees, if the tree is certified by an arborist or other qualified professional as dying, severely diseased, or high-risk (i.e., having

Article 6: Development Standards

Section 6.4: Tree Protection

6.4.E Replacement/Mitigation of Heritage Trees

structural defects that create a high likelihood that the tree or part of the tree will fail and cause personal injury or significant damage to permanent structures, vehicles in a parking area, or significant vegetation).

E. REPLACEMENT/MITIGATION OF HERITAGE TREES

The person(s) causing the destruction or removal of a healthy heritage tree, unless exempted, shall be responsible for the following mitigation:

1. REPLACEMENT TREES REQUIRED

Each healthy heritage tree removed or destroyed shall be replaced with replacement trees, measuring at least six inches in caliper by American Nurseryman Standards, in a caliper amount equivalent to the size of the tree(s) removed. The replacement trees shall be replanted within 12 months after the removal or destruction of the specimen tree. If 75 percent or more of a site is covered by canopy associated with heritage trees, a portion of those trees may be removed without mitigation through approval of an alternative landscape plan (Section 6.3.H).

2. LOCATION OF REPLACEMENT TREES

Replacement trees shall be either planted on the parcel of land from which the heritage tree was removed, if sufficient space is available, or placed on nearby lands in accordance with Section 6.3.H, Alternative Landscape Plan.

3. ESTABLISHMENT PERIOD

The developer and/or landowner shall maintain replacement trees in a healthy condition through an establishment period of at least two years and shall ensure the health and survival of replacement trees for that period by providing a maintenance guarantee in accordance with Section 7.8.B Maintenance Guarantees. If the replacement trees do not survive the establishment period, the developer and/or landowner shall be responsible for planting new replacement trees.

4. STUMP REMOVAL REQUIRED

If a heritage tree is removed, its stump shall also be removed or ground to below the adjacent grade.

F. TREE AND VEGETATION PROTECTION DURING CONSTRUCTION

1. OWNER'S RESPONSIBILITY

During development, the owner or developer shall be responsible for the erection of any and all barriers necessary to protect any existing or installed vegetation from damage both during and after construction.

2. TREE PROTECTION FENCING

a. Fencing Required

- i. Heritage trees and other existing vegetation being used for credit towards required landscaping shall be fenced with a sturdy and visible fence that is erected no closer than one linear foot outside of the tree’s drip line. The City Manager shall consider the existing site conditions in determining the exact location of tree protection fencing. Areas located inside of tree protection fencing are considered as tree save areas. (See Figure 6.4.F.2, Tree Protection Fencing.)
- ii. No construction, grading, equipment or material storage, or any other activity shall be allowed within the fenced area.
- iii. Such fencing shall be erected before any grading or other development activity begins and shall be maintained throughout the period of development activity, until after final site inspection.

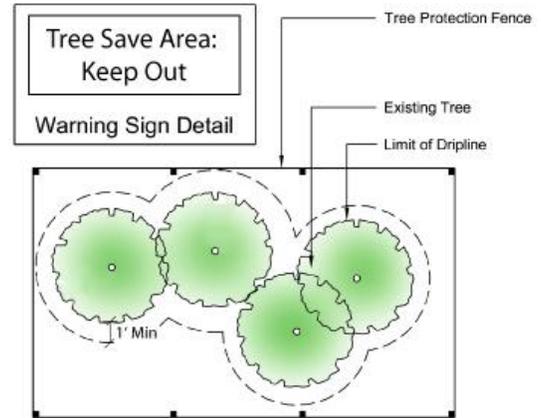


Figure 6.4.F.2: Tree Protection Fencing

b. Type of Fencing

All fencing required by this subsection shall be at least four feet high and of durable construction (i.e., chain link or wooden post with 2x4 wire mesh). Posts shall be located no more than ten feet on-center. Chain link or wire fencing utilized as tree protection fencing shall not be required to be vinyl coated. Passive forms of tree protection may be utilized to delineate tree protection zones that are remote from areas of land disturbance. These must be surrounded by fencing, continuous rope, or durable taping (at least four inches wide).

c. Signage

Signs shall be installed on the tree protection fence visible on all sides of the fenced-in area at a rate of at least one for every 150 linear feet. The size of each sign must be a minimum of two feet by two feet and shall contain the following language: “TREE SAVE AREA: KEEP OUT.”

3. TRENCHING PRIOR TO CLEARING

The removal of trees adjacent to tree save areas can cause inadvertent damage to the protected trees. Prior to clearing activities, trenches with a minimum width of one-and-one-half (1½) inches and a minimum depth of 12 inches shall be cut along the limits of land disturbance, so as to cut, rather than tear tree roots.

6.5. ENVIRONMENTAL PROTECTION

A. RIPARIAN BUFFERS

1. PURPOSE

These riparian buffer standards are intended to protect the quality and quantity of the surface waters on which Pascagoula citizens rely for drinking, storm mitigation, fishing, and the recreational and scenic functions that contribute so much to the city's economic health. Specifically, they are intended to limit development and land disturbance adjacent to surface water bodies and wetlands and encourage retention of native vegetation as necessary to protect public and private water supplies, trap sediment and other pollutants in surface runoff, promote bank stabilization, protect wetlands, protect wildlife habitat, protect fisheries, and preserve scenic beauty.

2. RIPARIAN BUFFER REQUIRED

a. General

All new development shall maintain a 25-foot-wide vegetated riparian buffer adjacent to perennial surface water bodies shown on USGS quadrangle topographic maps and wetlands that have been delineated or are shown on National Wetland Inventory maps. The width of the buffer shall be measured perpendicular from the bank of a lake, pond, river, or bayou, or the mean high water line of tidal waters, or the edge of wetlands—see Figure 6.5.A.2, Required Riparian Buffer.

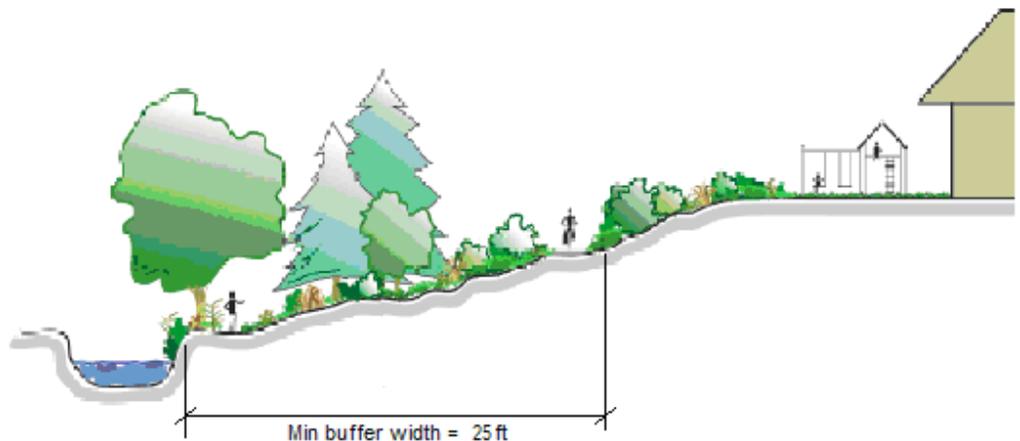


Figure 6.5.A.2: Required Riparian Buffer

b. Exceptions

The requirement for provision or maintenance of a riparian buffer shall not apply to the following:

- i. Land abutting the Mississippi Sound;
- ii. Land within a Waterfront Mixed-Use (WMU) zoning district; and
- iii. Development of single-family detached dwellings, two-family dwellings, or manufactured homes on lots within subdivisions for which, as of the effective date of this Ordinance (See Section 1.8.A, Effective Date.), a Final Plat has been recorded or a Preliminary Plat has been approved and is still valid.

3. ALLOWABLE DEVELOPMENT WITHIN RIPARIAN BUFFERS

Development allowed within a riparian buffer is limited to:

- a.** Flood control structures;
- b.** Perpendicular crossings by roadways and driveways (including associated sidewalks, storm water management facilities, and utility lines);
- c.** Perpendicular crossings by railroad tracks and associated maintenance corridors;
- d.** Perpendicular crossings by utility lines and associated maintenance corridors;
- e.** Bikeways and walkways, and other passive recreational facilities and uses that involve minimal removal of vegetation;
- f.** Storm water management facilities and sediment and erosion control devices, where determined to be necessary by the City Manager;
- g.** Temporary watercourse, watercourse bank, wetland, and vegetation restoration projects intended to restore the watercourse, wetland, or riparian buffer to an ecologically healthy state;
- h.** Water dependent structures and other structures that, by their nature, cannot be located anywhere except within a riparian buffer, such as docks, boat launches, public water supply intake structures, and public wastewater treatment plant sewer lines and outfalls;
- i.** Wildlife and fisheries management activities consistent with state law and programs established by the Mississippi Department of Wildlife, Fisheries and Parks; and
- j.** Vegetation management, including:
 - i.** Planting of native vegetation to enhance the purposes served by the riparian buffer;
 - ii.** Pruning of forest vegetation that does not compromise the vegetation's continued health and function;
 - iii.** Removal of individual trees that pose a danger to human life or nearby buildings, or as necessary to preserve other vegetation from extensive pest infestation;
 - iv.** Removal of poison ivy or other understory nuisance or invasive vegetation; and
 - v.** Removal or disturbance of vegetation as part of emergency fire control measures.

4. LOCATION OF RIPARIAN BUFFERS IN COMMON AREAS

For developments providing common areas (including open-space set-asides), riparian buffers shall be located within such common areas and outside individual building lots. Riparian buffers may be located within individual building lots, however, if:

- a.** The riparian buffer affects only a limited portion of the development (e.g., less than ten lots within a subdivision);
- b.** There is no existing or proposed homeowners or property owners association; and
- c.** The riparian buffer is subject to a permanent conservation easement or other legal instrument that provides for preservation of the buffer in compliance with

the requirements of this subsection. A copy of the legal instrument shall be submitted to the City Manager before the recording of a Final Plat creating the lot or issuance of a Zoning Compliance Permit for development of an existing lot.

B. STORM WATER MANAGEMENT

Storm water management for all development shall be in accordance with the city's storm water management regulations and the following standards for storm sewers:

- 1.** Culvert pipe for storm sewers shall:
 - a.** Be made of standard reinforced concrete if located in an easement or within a street right-of-way but outside of the roadway;
 - b.** Be made of extra reinforced concrete if located under a roadway and cover is less than two feet;
 - c.** Meet standards of American Association of State Highway and Transportation Officials (AASHTO) for appropriate load conditions; and
 - d.** Have rubber gasket or mastic bituminous compound joints.
- 2.** Inlets for storm sewers shall:
 - a.** Be sized for runoff flow and be located at each street intersection unless good engineering design dictates other locations;
 - b.** Be designed in accordance with standards of American Association of State Highway and Transportation Officials (AASHTO) for appropriate load conditions;
 - c.** Have curb units to match concrete curbs;
 - d.** Have an adequate access manhole or cover provided for each inlet; and
 - e.** Be provided with adequate child safety devices.
- 3.** A head wall and splash apron shall be provided at all storm sewer discharge points.

C. FLOOD DAMAGE PREVENTION

Flood damage prevention requirements for all development shall be in accordance the city's Floodplain Management Ordinance.

6.6. OPEN SPACE SET-ASIDE

A. PURPOSE AND INTENT

The purpose of this section is to ensure that a portion of land in a development is set aside as open space to protect natural features, greenways, trails, and other areas for the passive and active recreational use and enjoyment by the development's residents, employees, or users. Specifically, this section is intended to:

- 1.** Establish the standards under which a portion of residential and mixed-use development shall set aside a portion of the development area as open space;
- 2.** Distinguish between the characteristics, requirements, and appropriate locations for open space set-asides for active and passive recreation purposes;
- 3.** Distinguish between the amount of required open space based upon site size and location in the city;

4. Establish minimum ownership and maintenance standards for homeowner and property owner associations related to open space set-asides; and
5. Maintain the ability of the city to accept dedications of open space areas for use as public parks, as well as the ability to accept fees-in-lieu of open space when appropriate.

B. APPLICABILITY

1. GENERAL

Unless exempted, the provisions of this section shall apply to development of all land in the city subject to Site Plan Approval (Section 2.5.D) or a Preliminary Plat (Section 2.5.E.3) for a subdivision involving 20 or more lots.

2. EXEMPTIONS

The following forms of development shall be exempt from the standards in this section:

- a. A single-family detached dwelling, two-family dwelling, or manufactured home on a lot in existence on the effective date of this Ordinance (See Section 1.8.A, Effective Date.); and
- b. Nonresidential development.

C. OPEN SPACE SET-ASIDE STANDARDS

1. AMOUNT OF OPEN SPACE SET ASIDE REQUIRED

Development subject to the standards in this section shall provide the minimum amounts of open space set-aside identified in Table 6.6.C.1, Required Open Space Set-Aside, based on the base zoning district in which the development is located.

TABLE 6.6.C.1: REQUIRED OPEN SPACE SET-ASIDE	
ZONING DISTRICT WHERE DEVELOPMENT IS LOCATED	MINIMUM OPEN SPACE SET-ASIDE AREA (AS PERCENTAGE OF DEVELOPMENT SITE AREA)
SFR-10, SFR-8, SFR-6, MR-3	20%
NC, CC, RC, GC	10%
DT, WMU	5%

2. AREAS COUNTED AS OPEN SPACE SET-ASIDE

For the purposes of complying with this section, the following features and areas shall be credited towards the open space set-aside standards:

- a. Natural features (riparian areas, wetlands, wildlife corridors, etc.), natural hazard areas (floodplains, etc.), water features (drainage canals, ditches, lakes, natural ponds, bayous, rivers, etc.), and wildlife habitat areas for threatened and endangered species;
- b. Areas occupied by required landscaping or critical root zones for heritage trees other than areas devoted to internal landscaping within a vehicular use area or to foundation plantings;
- c. Land occupied by active recreational uses such as pools, playgrounds, tennis

courts, jogging trails, and clubhouses used primarily for recreation purposes;

- d. Passive recreation areas;
- e. Plazas, fountains, roof gardens, atriums, and pedestrian seating/activity areas located within the Downtown (DT), Gateway Commercial (GC), Waterfront Mixed-Use (WMU), and Neighborhood Commercial (NC) districts;

3. AREAS NOT COUNTED AS OPEN SPACE SET-ASIDE

The following areas shall not be counted as open space set-aside:

- a. Private yards not subject to an open space or conservation easement;
- b. Street rights-of-way or private access easements, including sidewalks located within those rights-of-way or easements;
- c. Open parking areas and driveways for dwellings;
- d. Land covered by structures not designated for active recreational uses;
- e. Designated outdoor storage areas; and
- f. Storm water ponds, unless located and designed as a site amenity (e.g., with low fencing, vegetative landscaping, gentle slopes, fountain or other visible water circulation device, and pedestrian access or seating).

4. DESIGN STANDARDS FOR OPEN SPACE SET-ASIDES

Land used as an open space set-aside shall meet the following design standards:

a. Location

Where relevant and appropriate, open space shall be located so as to be readily accessible and useable by occupants and users of the development. Where possible, a portion of the open space set-aside should provide focal points for the development due to prominent placement or easy visual access from streets in the development.

b. Adjacent to Existing or Planned Open Space

- i. If the development site is adjacent to existing or planned trails, parks, or other public open area land, the open space set-aside shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other open area land. (See Figure 6.6.C.4.b, Open Space Set-Aside Connections.)



Figure 6.6.C.4.b: Open Space Set-Aside Connections

- ii. If a passive recreation open space set-aside area with a minimum width of twenty feet or more abuts an existing or planned open space area, no perimeter buffer (Section 6.3.E, Perimeter Buffers) shall be required between the two open space areas.

c. Prioritization of Open Space Set-Aside

Except in the Downtown (DT) district, and to the maximum extent practicable, open space set-asides shall be located and organized to include, protect, or enhance as many of the following open areas and features as possible:

- i. Natural features such as riparian areas, wetlands, wildlife corridors, steep slopes, rock outcroppings, and natural hazard areas;
- ii. Water features such as drainages, canals, ditches, lakes, natural ponds, and retention and detention ponds;
- iii. Heritage trees and other mature trees;
- iv. Buffers or visual transitions between different types or intensities of uses;
- v. Natural or geologic hazard areas or soil conditions, such as unstable or potentially unstable slopes, faulting, landslides, rockfalls, expansive soils, or floodplains;
- vi. Habitat for endangered species; and
- vii. Areas that accommodate multiple compatible open space uses rather than a single use.

d. Provision in Multi-Phase Developments

In multi-phase developments, open space set-asides shall be apportioned among the phases such that the total amount of open space set-aside in a phase and any previously approved phase meets the open space set-aside standard as applied to the total area of the phase and previously approved phases.

5. OWNERSHIP OF OPEN SPACE SET-ASIDES

a. Homeowners or Property Owners Association

Wherever possible, all open space set-aside areas shall be owned jointly or in common by the owners of property in the development through a recognized homeowners or property owners association, which should be established in accordance with the following:

- i. The landowner shall submit documents for the creation of the homeowners or property owners association to the city for review and approval. The documents shall include the association's bylaws, a legal description of open space set-aside areas, and all documents governing ownership, maintenance, and use restrictions for the open space set-aside.
- ii. Documents creating the association shall provide that membership in the association shall be automatic (mandatory) for all purchasers of land, dwelling units, or structures in the development, and their successors in title, and that the association shall have clear legal authority to compel contributions from members to cover their proportionate share of the costs associated with the maintenance of common areas and facilities.
- iii. The landowner shall agree that the association shall be established (with all required documents for its creation properly recorded with the Office of the Chancery Clerk of Jackson County) and operating (with financial subsidization by the landowner or developer, if necessary) before approval

of the first Building Permit for the development.

b. Nonprofit Organization

Open space set-aside areas may be conveyed to a nonprofit organization such as a land trust or land conservancy, provided the conveyance includes deed restrictions, covenants, or other legal instruments that ensure continued use of the land and facilities for their intended open space uses and provide for the continued and effective management and maintenance of the land and facilities.

c. Retained on Private Lots

All required open space set-aside areas maintained on individual building lots shall be protected as open space through the use of a conservation easement prohibiting future development of the open space except in accordance with this section. Any open space set-aside areas subject to such an easement shall be credited against any open space set-aside required. Such open space set aside shall be clearly marked on the site plan and on the subdivision plat and final plat, as appropriate.

d. City Parkland

The landowner may offer open space set-aside areas to the city for use as city parkland during the development review process. The City Council shall determine whether and the extent and conditions under which such an offer will be accepted by the city.

6. MAINTENANCE OF OPEN SPACE SET-ASIDES

The owner of the land shall be responsible for maintenance of all open space set-aside areas. Failure to maintain open space set-aside areas or other community facilities in accordance with the approved development shall be a violation of this Ordinance.

D. IN-LIEU PAYMENTS

1. GENERAL

The City Council may accept a developer's request to pay fees in lieu of providing some or all required open space set-asides on a finding that:

- a.** The open space needs of future occupants of the proposed development can be met by the city's use of the fees to acquire or develop recreation, park, and open space sites within reasonable proximity to the development;
- b.** The amount of required open space set-aside is too small to provide adequate recreation, park, and open space opportunities or to be efficiently maintained; or
- c.** Existing recreation, park, and open space sites in the area are adequate to serve the development.

2. PROCEDURE FOR APPROVAL

A developer desiring to pay fees in lieu of providing required open space set asides shall include a written request to do so in the Site Plan Approval or Preliminary Plat application, as appropriate. The request shall include the amount of required open space set-aside area for which an in-lieu payment is proposed and the true value of the land being developed. The request shall be reviewed and decided as part of the city's review and decision on the Site Plan Approval or Preliminary Plat application, as appropriate.

3. TIME OF PAYMENT

Any approved in-lieu fees in lieu of open space set aside shall be paid before recording of any Final Plat or issuance of any Zoning Compliance Permit for the development to which the fees relate.

4. AMOUNT OF IN-LIEU FEE

The amount of fees to be paid in lieu of providing required open space set-asides shall equal the ratio of the area of open set aside land for which an in-lieu payment is approved to the total area of the development site applied to the total true value of land making up the development site.

5. USE OF FEES

The city may use fees paid in lieu of providing required open space set-asides only for the acquisition or development of recreation, park, and open space sites that can generally benefit future occupants and users of the development to which the fees relate.

6.7. FENCES AND WALLS

A. PURPOSE

The purpose of this section is to regulate the location, height, and appearance of fences and walls to maintain visual harmony within neighborhoods and the city, protect adjacent properties from the indiscriminate placement and unsightliness of fences and walls, and ensure the safety, security, and privacy of properties.

B. APPLICABILITY

The provisions of this section shall apply to all construction, substantial reconstruction, or replacement of fences or walls not required for support of a principal or accessory structure, or any other linear barrier intended to delineate different portions of a lot. If there is any inconsistency between the provisions of this section and any screening standard in Section 6.3.F, Screening , the standards in Section 6.3.F, Screening , shall control.

C. GENERAL REQUIREMENTS FOR FENCES AND WALLS

1. LOCATION

Fences and walls are permitted along the perimeters of properties and within front, side, and rear yards except within the Downtown district, where fences and walls may not be located along the front lot line or within any front yard.

2. TEMPORARY FENCES

Temporary fences for construction sites or a similar purpose shall comply with the requirements of the building code adopted by the city and all applicable standards of Section 4.5, Temporary Uses and Structures.

3. FENCES AND WALLS NEAR FIRE HYDRANTS

Fences and walls shall not be located where they would prevent immediate view of, or access to, fire hydrants or other fire-fighting water supply devices, in accordance with the Fire Code.

Article 6: Development Standards

Section 6.7: Fences and Walls

6.7.C General Requirements for Fences and Walls

4. FENCES IN EASEMENTS

Fences shall be prohibited within utility easements except to the extent approved by the City Manager after finding the fence would not impede the purpose or function of the easement. The city shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements. In no instance shall this provision be construed to prevent fencing around storm water retention or detention facilities that may be required by this Ordinance.

5. BLOCKING NATURAL DRAINAGE FLOW

No fence shall be installed so as to block or divert a natural drainage flow on to or off of any other land.

6. FENCES ON RETAINING WALLS OR BERMS

If a fence is constructed on top of a wall or berm, the combined height of the fence and wall or berm shall not exceed the maximum height that would apply to the fence or wall alone.

7. FENCES AND WALLS WITHIN BUFFERS

Fences and walls shall be installed so as not to disturb or damage existing vegetation or installed plant material within perimeter buffers or riparian buffers.

8. INTEGRATION WITH OTHER REQUIRED LANDSCAPING

Required landscape screening for fences or walls may be integrated into the landscaping required for vehicular use area screening or perimeter buffers, provided the standards in Section 6.3, Landscaping Standards, are maintained.

9. CUSTOMARY MATERIALS

Fences and walls shall be constructed of any combination of treated wood posts and planks, rot-resistant wood (such as cypress or redwood), wrought iron, decorative metal materials, chain link, brick, stone, masonry materials, or products designed to resemble these materials—provided, however, that chain link fences shall not be allowed in Downtown (DT), Gateway Commercial (GC), or Waterfront Mixed-Use (WMU) zoning districts. Where certain materials are specified for particular types of screening or buffering fences or walls, all other fence materials are prohibited.

D. HEIGHT REQUIREMENTS FOR FENCES AND WALLS

1. GENERAL

Except for fences or walls exempted by Section 6.7.D.2, Exemptions, or as otherwise provided in Section 6.1.G.8, Sight Triangles, no fence or wall shall exceed a height of three feet within a front yard or that part of a side yard within 15 feet of a street right-of-way (on a corner lot), or a height of eight feet within any other side yard or a rear yard. Fence or wall height is measured from natural grade. (See Figure 6.7.D, Fence/Wall Height Limits.)

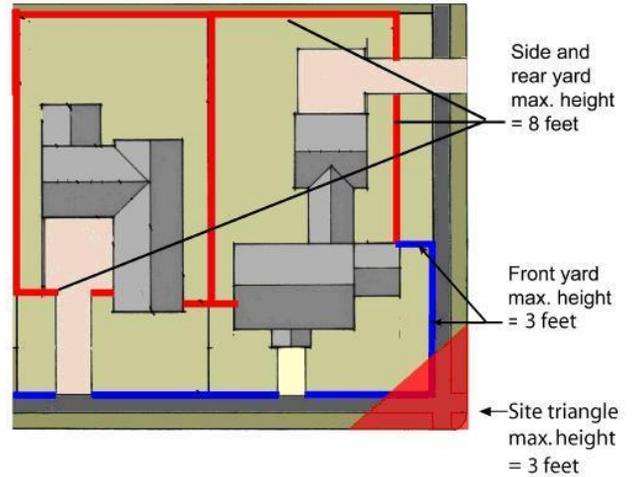


Figure 6.7.D: Fence/Wall Height Limits

2. EXEMPTIONS

a. Required Screening

A fence or wall provided to meet the standards of Section 6.3.F, Screening, is exempted from the height standards of this subsection, but in no case shall the fence or wall exceed a height of ten feet.

b. Recreational Fencing

Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height restrictions of this subsection.

c. Public Safety Use Fences and Walls

Major utilities, wireless communication towers, government facilities, and other public safety uses shall be allowed to increase maximum fence or wall heights to ten feet in front, side, and rear yards, unless further increased through an approved security plan—see Section 6.7.D.2.d, Security Plan Fences and Walls.

d. Security Plan Fences and Walls

An owner or tenant of property or a representative of a public agency responsible for a public facility may submit to the City Manager a site security plan proposing fences or walls taller than those permitted by this subsection, or the use of barbed or concertina wire atop a fence or wall. The City Manager shall approve, or approve with conditions, the site security plan and its proposed exemption of fences or walls from the standards of this subsection, on finding that:

- i. The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land; and
- ii. The proposed taller fences or walls, or use of barbed or concertina wire, will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

Article 6: Development Standards

Section 6.7: Fences and Walls

6.7.E Perimeter Fences and Walls Abutting Street Rights-of-Way

E. PERIMETER FENCES AND WALLS ABUTTING STREET RIGHTS-OF-WAY

Fences or walls located within 15 feet of a street right-of-way shall:

1. Be located outside the public right-of-way;
2. Be of a uniform style;
3. Be constructed of brick, stone, or concrete (when covered with stucco or similar finish), vinyl, or vertical wooden boards; and
4. Include breaks, offsets, access points, or other design details in the fence or wall plane at least every 200 feet, as illustrated in Figure 6.7.E, Required Fencing and Wall Offsets.



Figure 6.7.E: Required Fencing and Wall Offsets

F. APPEARANCE

1. FINISHED SIDE TO OUTSIDE

Wherever a fence or wall is installed, if one side of the fence or wall appears more “finished” than the other (e.g., one side has visible support framing and the other does not), then the more “finished” side of the fence shall face the perimeter of the lot rather than the interior of the lot. (See Figure 6.7.F.1, Fence with Finished Side Out.)

2. COMPATIBILITY OF MATERIALS ALONG A SINGLE LOT SIDE

All fencing or wall segments located along a single lot side shall be composed of a uniform style and colors compatible with other parts of the fence and with the associated buildings.

3. LANDSCAPE SCREENING

a. General

All chain link fences and all fences and walls exceeding four feet in height, if located within 15 feet of a street right-of-way, shall be supplemented with landscape screening in accordance with the standards in b and c below, to soften the visual impact of the fence. These standards shall apply to fences in single-family residential zoning districts only if



Figure 6.7.F.1: Fence with Finished Side Out

they are located within 15 feet of the right-of-way of a principal arterial street or minor arterial street. (See Figure 6.7.F.3, Fence Landscape Screening.)

b. Shrubs Required

One evergreen shrub shall be installed for every five linear feet of fence or wall, and on the side of the fence or wall facing the public street right-of-way. Shrubs shall meet the size standards of Section 0,

New Planting Standards, and may be installed in a staggered, clustered, grouped, or linear fashion.

c. Substitution of Understory Trees

One understory or ornamental tree may be substituted for every three evergreen shrubs, provided that the tree meets the

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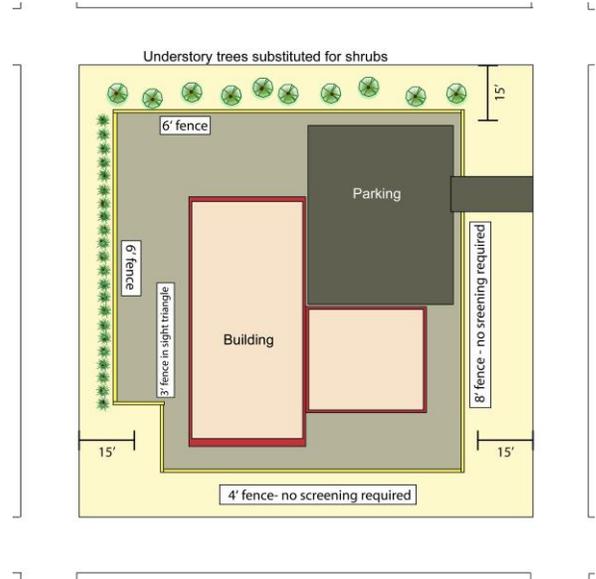
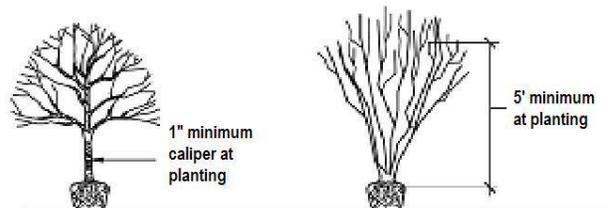


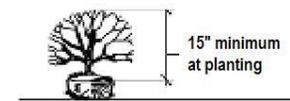
Figure 6.7.F.3: Fence Landscape Screening



1. Deciduous Canopy or Shade Tree



2. Understory, Small Maturing, or Ornamental Tree



3. Shrubs

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G. PROHIBITED FENCES

- 1. BARBED WIRE, CONCERTINA WIRE, AND ABOVEGROUND ELECTRIFIED FENCES

In all zoning districts

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s, fences using barbed or concertina wire and aboveground electrified fences shall be prohibited unless used in association with agricultural activities or allowed through an approved security plan—see Section 6.7.D.2.d, Security Plan Fences and Walls. Underground electric fences designed for control of domestic animals are allowed.

- 2. DEBRIS, JUNK, ROLLED PLASTIC, SHEET METAL, PLYWOOD, OR OTHER WASTE MATERIALS

Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited in all zoning districts unless such materials have been recycled and reprocessed, for marketing to the general public, as building materials that resemble new building materials (e.g., picket fencing made from recycled plastic and fiber).

H. FENCES AROUND SWIMMING POOLS

Outdoor swimming pools shall be enclosed with a fence or wall in accordance with swimming pool barrier enclosure standards in the Building Code.

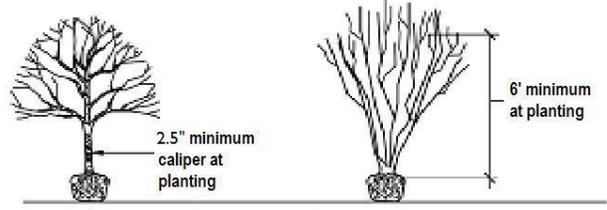
I. MAINTENANCE REQUIRED

All fences and walls and associated landscaping shall be maintained in good repair and in a safe and attractive condition—including, but not limited to, the repair or replacement of missing, decayed, or broken structural and decorative elements.

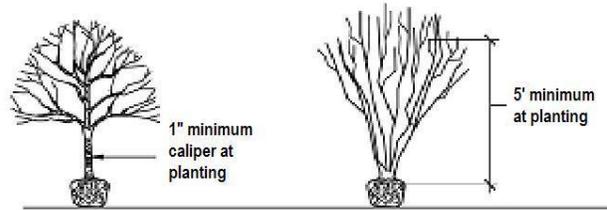
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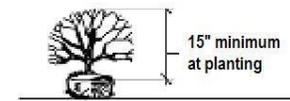
Standards



1. Deciduous Canopy or Shade Tree



2. Understory, Small Maturing, or Ornamental Tree



3. Shrubs

6.8. EXTERIOR LIGHTING

A. PURPOSE

The purpose of this section is to regulate exterior lighting to ensure the safety of motorists and pedestrians and minimize adverse impacts on adjacent properties. More specifically, this section is intended to:

1. Regulate lighting to assure that excessive light spillage and glare are not directed at adjacent properties, neighboring areas, and motorists;
2. Ensure that all site lighting is designed and installed to maintain adequate lighting levels on site while limiting negative lighting impacts on adjacent lands; and
3. Provide security for persons and land.

B. APPLICABILITY

1. GENERAL

The provisions of this section shall apply to all development in the city unless exempted in accordance with Section 6.8.B.3, Exemptions.

2. LIGHTING PLAN REQUIRED

Applications for Site Plan Approval (Section 2.5.D) and applications for approval of a Major Subdivision Preliminary Plat (Section 2.5.E.3) involving 20 or more lots shall include a lighting plan that addresses the standards in this section.

3. EXEMPTIONS

The following are exempted from the exterior lighting standards of this section:

- a. Single-family detached dwellings, two-family dwellings, and manufactured homes;
- b. Existing athletic field lighting; and
- c. City-owned, -operated, or -maintained street lights located within a street right-of-way or other easement granted to the city.

C. GENERAL STANDARDS FOR EXTERIOR LIGHTING

1. HOURS OF ILLUMINATION

Public and institutional uses, commercial uses, and industrial uses (See Table 4.2.B.2,

Article 6: Development Standards

Section 6.8: Exterior Lighting

6.8.D Design Standards for Exterior Lighting

Principal Use Table.) that are adjacent to existing residential development or vacant land in residential districts shall turn off all exterior lighting—except lighting necessary for security or emergency purposes—by 10:00 P.M. or within one hour of closing, whichever occurs first. For the purposes of this subsection, lighting “necessary for security or emergency purposes” shall be construed to mean the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, to illuminate exterior walkways, or to illuminate outdoor storage areas. Such lighting may be activated by motion sensor devices.

2. ILLUMINATION DIRECTION

In all districts, lighting shall be directed downward. In addition, upwardly-directed lighting shall not be used to illuminate structures, except for low-wattage architectural lighting or lighting of flags.

D. DESIGN STANDARDS FOR EXTERIOR LIGHTING

All exterior lighting shall meet the following standards:

1. MAXIMUM LIGHTING HEIGHT

- a. Except for outdoor sports fields or performance areas, the height of outdoor lighting, whether mounted on poles or walls or by other means, shall be no greater than 20 feet in residential districts and the Neighborhood Commercial (NC), Downtown (DT), Gateway Commercial (GC), and Waterfront Mixed-Use (WMU) districts, and no greater than 30 feet in other nonresidential districts.
- b. Wherever possible, illumination of outdoor seating areas, building entrances, and walkways shall be accomplished by use of ground mounted fixtures not more than four feet in height.

2. SHIELDING

a. Exterior

Light fixtures in excess of 100 lumens shall use full cut-off lenses or hoods to prevent glare or spillover from the project site onto adjacent lands and streets.

b. Interior

No interior light source shall be positioned, aimed, or configured so as to result in the light source being visible from occupied adjoining land in a residential zoning district.

c. Canopies

No light source in a canopy structure shall extend downward further than the lowest edge of the canopy ceiling.

d. Awnings

Awnings or canopies used for building accents over doors, windows, etc., shall not be internally illuminated (i.e., from underneath or behind the awning). (See Figure 6.8.D.2.d, Awning Illumination.)



Figure 6.8.D.2.d: Awning Illumination

3. MAXIMUM ILLUMINATION LEVELS

All outdoor lighting and indoor lighting visible from outside shall be designed and located so that the maximum illumination measured in foot-candles at ground level at the development site's property lines shall not exceed the standard in Table 6.8.D.3, Maximum Illumination Levels, for the type of use or development. Cut-off lighting shall be designed to direct light downward (e.g., shoe box style).

TABLE 6.8.D.3: MAXIMUM ILLUMINATION LEVELS	
TYPE OF USE ¹ OR AREA	MAXIMUM ILLUMINATION AT PROPERTY LINE (FOOT-CANDLES)
Residential or Public and Institutional Use	0.5
Commercial Use or Mixed-Use Development	2.5
Industrial Use	2.5
Vehicular Use Area ²	2.5
NOTES: 1. See Table 4.2.B.2, Principal Use Table. 2. Minimum illumination level at the edge of a vehicular use area shall be 0.2 foot-candle.	

E. WALL PACK LIGHTS

Wall packs on buildings may be used at entrances to a building to light unsafe areas. They are not intended to draw attention to the building or provide general building or site lighting. Wall packs on the exterior of the building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and have a light output of 1,000 lumens or less. Wall pack light sources visible from any location off the site are prohibited.

F. EXEMPTIONS FOR A SECURITY PLAN

Government maintenance facilities, public safety facilities, parks and public spaces, and other uses (See Section 4.2.B, Principal Use Table.) where sensitive or dangerous materials are stored may submit to the City Manager a site security plan proposing exterior lighting that deviates from the standards in this subsection. The City Manager shall approve, or approve with conditions, the site security plan and its proposed deviation from the standards of this subsection, on finding that:

1. The proposed deviation from the standards is necessary for the adequate protection of the public;

Article 6: Development Standards

Section 6.9: Utilities

6.8.G Illumination of Outdoor Sports Fields and Performance Areas

- 2. The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage, or members of the public are at greater risk for harm than on surrounding land; and
- 3. The proposed deviation from the standards is the minimum required, and will not have a significant adverse effect on neighboring lands.

G. ILLUMINATION OF OUTDOOR SPORTS FIELDS AND PERFORMANCE AREAS

Lighting of outdoor sports fields and performance areas shall comply with the following standards:

1. GLARE CONTROL PACKAGE

All lighting fixtures shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

2. HOURS OF OPERATION

The hours of operation for the lighting system for any game or event shall not continue more than one hour after the end of the game or event.

H. SIGN LIGHTING

Lighting fixtures illuminating signs shall comply with the standards of this section, and such fixtures shall be aimed and shielded so that direct illumination is focused exclusively on the sign face and is not visible from off-site areas.

6.9. UTILITIES

Water, sanitary sewer, gas, electric, and other utilities shall be provided in accordance with the standards in this section.

A. WATER LINES

- 1. Water lines shall be constructed in accordance with the following minimum standards:
 - a. Water lines shall be designed to accommodate a peak flow capacity of four hundred gallons per capita per day, based on an assumed occupancy of 3.5 persons per housing unit served by the water line.
 - b. Water lines shall be designed for a flow velocity of not more than five feet per second.
 - c. All water lines shall be spaced at least six feet horizontally from sewer mains.
 - d. All water lines installed above sewer lines shall be separated from the sewer line by at least 18 inches of vertical distance.
 - e. At least two control valves shall be provided on T-section intersections of water mains, and at least three control valves shall be provided on crossover intersections of water mains.
 - f. All water lines shall be made of polyvinyl chloride (PVC) pressure pipe that meets American Water Works Association (AWWA) standard No. C900 and is blue in

color.

- g.** All water lines shall be installed with tracer wire.
 - h.** A three-quarter-inch diameter service water line shall be run to buildings in a development, or to the property line of each lot within a subdivision, and shall be equipped with a curbstop valve.
 - i.** Any water line serving a fire hydrant shall be at least six inches in diameter.
- 2.** Easements at least 20 feet wide shall be provided for water lines and facilities where necessary.

B. FIRE HYDRANTS

- 1.** All fire hydrants shall be jointed with ductile iron retainer glands.
- 2.** Fire hydrants shall be reasonably spaced so that the fire hydrant density for the development, including existing hydrants in vicinity, is at least one hydrant per 160,000 square feet of development site area.
- 3.** Fire hydrants shall meet the standards of the American Water Works Association (AWWA) for wet barrel fire hydrants.

C. SANITARY SEWERS

- 1.** Sanitary sewer mains and service lines shall be constructed in accordance with the following minimum standards:

 - a.** All sewer lines shall be made of polyvinyl chloride (PVC) pipe that meets ASTM standards and is green in color.
 - b.** Sewer lines shall be installed with tracer wire.
 - c.** Sewer lines shall be designed to accommodate a peak flow rate of 400 gallons per capita per day, based on 3.5 persons per household served by the line.
 - d.** Mains shall be at least eight inches in diameter for mains and service lines shall be at least six inches in diameter.
 - e.** For mains, the minimum pipe slope shall be:

 - i.** 0.4 foot per 100 feet for eight-inch diameter mains;
 - ii.** 0.25 foot per 100 feet for ten-inch diameter mains;
 - iii.** 0.22 foot per 100 feet for 12-inch diameter mains;
 - iv.** 0.15 foot per 100 feet for 15-inch diameter mains;
 - v.** 0.12 foot per 100 feet for 18-inch diameter mains;
 - vi.** 0.08 foot per 100 feet for 24-inch diameter mains; and
 - vii.** 0.65 foot per 100 feet for six-inch service lines.
 - f.** Pipe Infiltration or exfiltration shall not exceed 250 gallons per 24 hours, per diameter-inch, per mile of pipe.
 - g.** A single service line shall run from the main directly to buildings in the development, or to the property line of each lot within a subdivision, and shall be provided with a wye branch at the property line, with one branch of the wye to be used as a cleanout.
 - h.** Each service line shall join a main via a monolithic tee branch.

Article 6: Development Standards

Section 6.9: Utilities

6.9.D Natural Gas Lines

2. Manholes shall be constructed and installed in accordance with the following standards:
 - a. Manholes shall have a diameter of at least 48 inches.
 - b. The casting of manholes shall conform to most recent American Society for Testing and Materials specifications for Class 20 gray iron castings.
 - c. Manholes frames shall weigh at least 261 pounds and manhole covers shall be machined to meet ASTM standards and weigh at least 118 pounds.
 - d. The flow drop in manholes shall be at least 0.1 foot.
 - e. A drop manhole shall be required when a lateral line enters the manhole 24 inches or more above the flow invert.
3. Easements at least 20 feet wide shall be provided for sewer lines and facilities where necessary.

D. NATURAL GAS LINES

1. Natural gas lines shall be constructed and equipped in accordance with the following minimum standards:
 - a. Mains shall be at least two inches in diameter.
 - b. Service lines to houses shall be at least one inch in diameter.
 - c. All gas lines shall be made of polyethylene (PE) pipe that meets ASTM standards and is yellow in color.
 - d. Each service line shall be provided with a tapping tee.
 - e. Plug valves shall be installed at all main intersections with valve boxes, and shall be marked "GAS."
 - f. Service lines from the main to the property line shall be equipped with plug valve at the property line.
 - g. All mains shall be capable of withstanding a minimum pressure of 125 pounds per square inch.
 - h. All mains and service lines shall be installed with a minimum of 12 gauge tracer wire.
2. Easements at least 20 feet wide shall be provided for natural gas lines and facilities where necessary.

E. UTILITIES BY PRIVATE UTILITY COMPANIES

1. All utilities provided to a development by private utility companies—such as, but not limited to, electrical, telecommunication, and television cable—shall be installed underground, shall be subject to approval by the city before installation, and shall be installed before final inspection and acceptance of storm sewer and sanitary sewer lines by the city.
2. Easements shall be provided for utility lines and facilities where necessary.
3. The developer shall be responsible for all improvements until they are accepted for maintenance by the appropriate utility company.

6.10. MULTIFAMILY AND TOWNHOUSE DESIGN STANDARDS

A. PURPOSE

These multifamily and townhouse design standards are intended to:

1. Establish a minimum level of design quality for multifamily and townhouse development to foster sustained value and stability within developments and neighborhoods; and
2. Promote greater compatibility between multifamily and townhouse development and other allowable uses in the city through standards addressing building massing, façade appearance, as well as the location and configuration of site features like parking and outdoor activity areas.

B. APPLICABILITY

1. GENERAL

- a. Unless exempted in accordance with Section 6.10.B.2, Exemptions, the standards in this section shall apply to all multifamily dwelling and townhouse dwelling development.
- b. In addition, these standards shall apply to any multifamily or townhouse development existing on the effective date of this Ordinance (See Section 1.8.A, Effective Date.) if any expansion or alteration exceeds 50 percent of the structure's true value at the time of expansion or alteration.

2. EXEMPTIONS

The standards in this section shall not apply to multifamily and townhouse development in the Downtown (DT) district or to individual upper story dwellings located on floors above a nonresidential use.

C. TIME OF REVIEW

Review for compliance with these standards shall occur during review of an application for a Special Use Permit (Section 2.5.C), Site Plan Approval (Section 2.5.D), or Zoning Compliance Permit (Section 2.5.I), as appropriate.

D. MULTIFAMILY AND TOWNHOUSE DESIGN STANDARDS

All multifamily and townhouse development subject to this section shall comply with the following standards:

1. BUILDING ORIENTATION

a. Single-Building Development

- i. Single-building multifamily or townhouse development shall be oriented such that the long axis of the building is parallel to the street from which the building derives its street address.
- ii. The primary entrance of the building shall face the street, not an off-street parking lot.

Article 6: Development Standards

Section 6.10: Multifamily and Townhouse Design Standards

6.10.D Multifamily and Townhouse Design Standards

b. Multi-Building Development

Multifamily and townhouse developments with more than one building shall be configured so that primary building entrances are oriented towards external streets, internal streets, or open space areas (like courtyards). Buildings may be oriented towards off-street parking lots only in cases where no other practical alternative exists. (See Figure 0, Multi-Building Orientation.)



Figure 0: Multi-Building Orientation. Multifamily and townhouse buildings are oriented to streets and open space, not parking.

2. MAXIMUM BUILDING SIZE

- a. Individual structure footprints shall not exceed a maximum of 20,000 square feet.
- b. The maximum length of any multifamily or townhouse structure shall be 180 linear feet, regardless of the number of units.
- c. No more than six side-by-side townhouse dwellings shall be attached in any one structure.

3. BUILDING FACADES

- a. Facades of multifamily and townhouse development visible from a public street shall incorporate wall offsets, in the form of projections or recesses in the façade plane, located a minimum of:
 - i. Every two townhouse dwelling units; or
 - ii. Every 30 linear feet of multifamily building wall.
- b. Wall offsets shall have a minimum depth of two feet.
- c. In addition to wall offsets, front facades shall provide a minimum of three of the following design features for each residential unit fronting onto a public street:
 - i. One or more dormer windows or cupolas;
 - ii. A recessed entrance;
 - iii. A covered porch;
 - iv. Pillars, posts, or columns adjacent to the doorway;
 - v. One or more bay windows projecting at least twelve inches from the façade plane;
 - vi. Eaves projecting at least six inches from the façade plane;
 - vii. Raised corniced parapets over the entrance door; or
 - viii. Multiple windows with a minimum four-inch-wide trim.
- d. Multifamily buildings containing four or more dwelling units shall concentrate individual unit access points. (See Figure 6.10.D.3.d, Concentrated Unit Access Points.)



Figure 6.10.D.3.d: Concentrated Unit Access Points. These photos show good examples of concentrated dwelling unit access points.

4. MULTIFAMILY BUILDING CONFIGURATION

- a. Multifamily developments with six or fewer dwelling units shall be configured through massing, door placement, centralized parking location, and use of exterior materials to give each building the appearance of a large, single-family home.
- b. Ground-floor dwelling units shall be accessed via internal corridors or from individual exterior porches or stoops served by a sidewalk or other designated walkway.
- c. Upper-story dwelling units in a multifamily building shall be accessed via internal corridors, common stairways, or individual stairways, but in no instance shall individual upper-story dwelling entrances be accessed by a shared balcony or exterior walkway lining the perimeter of the building. (See Figure 6.10.D.4.c, Dwelling Unit Access.)



Figure 6.10.D.4.c: Dwelling Unit Access. Long, exterior shared accessways parallel to the edge of the building are prohibited.

5. ARCHITECTURAL VARIABILITY

Repetitive “look-alike” multi-building developments shall be prohibited. Multi-building developments subject to these standards shall ensure that each structure is distinguished from others through the use of two or more of the following features:

Article 6: Development Standards

Section 6.10: Multifamily and Townhouse Design Standards

6.10.D Multifamily and Townhouse Design Standards

- a. A variation in structure length of 30 percent or more;
- b. A variation in the structure footprint size of 30 percent or more;
- c. A distinct variation in color and use of materials;
- d. A variation in structure style or construction techniques;
- e. A variation in the type of dwelling unit contained in the structure that results in a significantly different scale and mass (e.g., apartments vs. townhomes or two-family homes);
- f. A variation in structure height by at least ten percent; or
- g. A variation in roof form.

6. MATERIALS

- a. All exterior materials (except paint) associated with a multifamily or townhouse development shall have a minimum manufacturer’s warranty period of at least 25 years from the date of installation.
- b. The use of aluminum siding, vinyl siding, corrugated metal siding, or exposed smooth-faced concrete block is prohibited.
- c. Primary façade materials shall not change at outside corners and shall continue along any side façade visible from a street right-of-way; however, materials may change where side or rear wings meet the main body of the structure.
- d. Materials changes shall occur along a horizontal line or where two forms meet. It is acceptable, however, that change of materials occur as accents around windows, doors, cornices, at corners, or as a repetitive pattern.
- e. Where two or more materials are proposed to be combined on a facade, the heavier and more massive elements shall be located below the lighter elements (i.e., brick shall be located below stucco). It is acceptable to provide the heavier material as a detail on the corner of a building or along cornices or windows.

7. GARAGE STANDARDS

- a. Detached garages serving multifamily and townhouse dwellings shall be located to the side or rear of the building(s) containing the dwellings. Structured parking is exempt from this requirement. (See Figure 6.10.D.7.a, Detached Garage Placement.)
- b. Freestanding garages or carports visible from public streets outside the development shall be oriented perpendicular to the street, or the façade facing the street shall be configured to comply with the required wall offsets and façade design features in Section 6.10.D.3, Building Facades.
- c. Attached, street-facing garage doors or carport entrances serving a townhouse

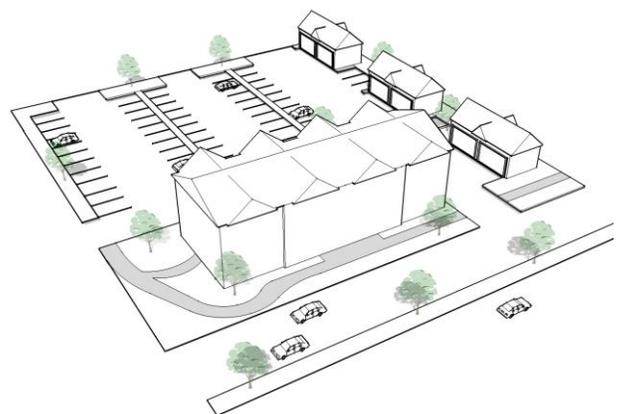


Figure 6.10.D.7.a: Detached Garage Placement. Detached garages are located perpendicular to the street.

dwelling shall not be closer to the street than the dwelling's front door.

- d. The exterior materials, design features, and roof form of a detached garage or carport shall be the same as the building it serves.

8. PARKING LOCATION

- a. No more than two single-loaded bays of off-street parking may be located between a multifamily building and the street it fronts. Interior structures within a multi-building development served by a central, private driveway are exempted from this requirement.
- b. Guest and overflow parking associated with a townhouse development shall be located to the side or rear of the building, to the maximum extent practicable.
- c. Off-street surface parking located beside a building shall not occupy more than 25 percent of the parcel's street frontage. Associated driving areas shall be included as part of such off-street surface parking.

9. ROOF EQUIPMENT LOCATION

All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or otherwise be configured, to the maximum extent practicable, to have a minimal visual impact as seen from the street. (See Figure 6.10.D.9, Roof Equipment Location.)



Figure 6.10.D.9: Roof Equipment Location. The photo on the left shows the appropriate placement of roof vents and other equipment on the rear elevations of the building.

10. OUTDOOR ACTIVITY AREAS

- a. Ground-level outdoor activity areas, porches, decks, vending areas, and other similar site attributes shall be screened from adjacent single-family detached dwellings with a type D perimeter landscape buffer.
- b. Upper-story balconies serving individual dwelling units located within 100 feet of a single-family detached dwelling shall be oriented or configured to prevent direct views into the dwelling's rear yard.

6.11. COMMERCIAL AND MIXED-USE DESIGN STANDARDS

A. PURPOSE

These design standards are intended to identify the city's design goals and expectations for commercial and mixed-use development quality resulting in greater predictability during the development review process. More specifically, the purposes of this section are to:

- 1. Encourage establishment of a strong sense of place with vibrant commercial and

Article 6: Development Standards

Section 6.11: Commercial and Mixed-Use Design Standards

6.11.B Applicability

mixed-use development in key areas of the city;

2. Encourage a more pedestrian-friendly environment through attention to human-scale design and site features to limit large, bulky buildings with few architectural details;
3. Foster greater compatibility between adjacent residential and nonresidential development;
4. Limit the impacts of automobile-oriented development in commercial and mixed-use areas; and
5. Improve the appearance of gateways and entrances to the city.

B. APPLICABILITY

1. GENERAL

Except as provided otherwise in this section, the standards in this section shall apply to all commercial and mixed-use development, including large retail establishments.

2. TIME OF REVIEW

Review for compliance with these standards shall occur during review of an application for a Special Use Permit (Section 2.5.C), Site Plan Approval (Section 2.5.D), or Zoning Compliance Permit (Section 2.5.I), as appropriate.

C. DESIGN STANDARDS

All commercial and mixed-use development subject to this section shall comply with the following standards:

1. BUILDING ORIENTATION

a. Fronting Streets

The front façade of all buildings, as defined by the primary entrance, shall front onto a street, a courtyard, or plaza, not an off-street surface parking area. In the case of corner lots, the primary entrance shall face the street from which the building derives its street address. Nothing shall prohibit a secondary entrance from facing a surface parking area.

b. Single-Building Development Parallel to Street

All single-building developments shall be configured with the long axis of the building parallel to the street it fronts, or be consistent with existing development patterns, rather than being sited at unconventional angles.

c. Multi-Building Development

- i. Development composed of multiple buildings totaling 50,000 or more square feet of floor area shall be configured to:
 - (A) Break up the site into a series of smaller “blocks” defined by on-site streets, vehicle accessways, pedestrian walkways, or other circulation routes;
 - (B) Frame the corner of an adjacent street intersection or entry point to the development;
 - (C) Frame and enclose a "main street" pedestrian or vehicle access corridor within the development site;
 - (D) Frame and enclose on at least three sides of parking areas, public

spaces, or other site amenities; or

- (E) Frame and enclose outdoor dining or gathering spaces for pedestrians between buildings.
- ii. The primary entrances of buildings shall be oriented towards a street along the perimeter of a development, towards streets or driveways interior to the development, or towards open space areas, courtyards, or plazas.

2. OUTPARCEL DEVELOPMENT

- a. To the maximum extent practicable, outparcels and their buildings shall be configured and located to define street edges, development entry points, and spaces for gathering or seating between buildings.
- b. Spaces between buildings on outparcels shall be configured with small scale pedestrian amenities such as plazas, seating areas, pedestrian connections, and gathering spaces. (See Figure 6.11.C.2: Outparcel Development.)
- c. Parking areas between buildings on outparcels shall provide at least 25 percent more landscaping material than is required for other off-street surface parking areas by Section 6.3.D, Vehicular Use Area Landscaping.

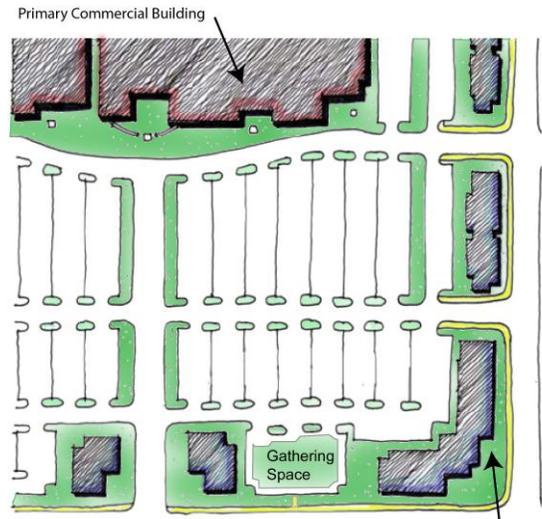


Figure 6.11.C.2: Outparcel Development. Outparcels should be developed to enclose parking areas and provide pedestrian gathering areas between buildings.

3. FAÇADE MASSING

a. Offsets Required

Street-facing front building façades that are more than 60 feet wide shall be articulated with wall offsets (e.g., projections or recesses in the façade plane) that are at least one foot deep, at least ten feet wide, and spaced no more than 40 feet apart. (See Figure 6.11.C.3.a, Front Façade Offsets.)

b. Offset Alternatives

The following alternatives can be used alone or in combination as an alternative to the required front façade offsets:

- i. Changes in façade color or material that follow

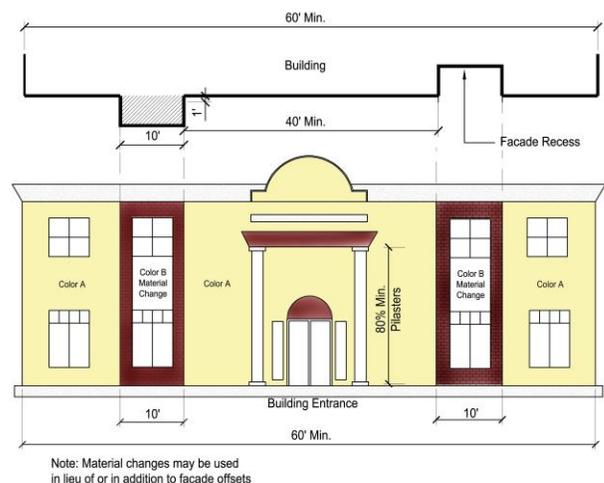


Figure 6.11.C.3.a: Front Façade Offsets. Buildings require offsets of other treatments to provide visual interest and break up long building walls.

Article 6: Development Standards

Section 6.11: Commercial and Mixed-Use Design Standards

6.11.C Design Standards

the same dimensional standards as the offset requirements;

- ii. Columns or pilasters that are at least eight inches deep and at least eight inches wide, and have a height equal to at least 80 percent of the façade's height; or
- iii. Roofline changes that vertically align with a corresponding wall offset or change in façade color or material, including changes in roof planes and changes in the height of a parapet wall (such as extending the top of pilasters above the top of the parapet wall).

c. Side Facades

The street-facing side facades of buildings shall be configured with the same façade details as provided on the building's front façade, or be screened from off-site views through fences, walls, or landscaping at least eight feet high.

d. Outbuildings

Outbuildings located in front of other buildings within the same development shall include a consistent level of architectural detail on all sides of the building as well as exterior materials and colors that are compatible with the primary building in the development.

4. MATERIALS

- a. The use of aluminum siding, vinyl siding, corrugated metal siding, or other metal cladding is prohibited on any façade visible from a street right-of-way. Nothing shall limit the use of high-quality, decorative metal (e.g., brass, copper, steel) as a building accent material.
- b. Primary façade materials shall not change at outside corners and shall continue along any side façade visible from a street right-of-way for at least 15 feet; however, materials may change where side or rear wings meet the main body of the structure.
- c. Materials changes shall occur along a horizontal line or where two forms meet; however, changes of materials may be used as accents around windows, doors, cornices, at corners, or as a repetitive pattern.
- d. Where two or more materials are proposed to be combined on a facade, the heavier and more massive elements shall be located below the lighter elements (i.e., brick shall be located below stucco or wood). The heavier material may be used as a detail on the corner of a building or along cornices or windows.

5. GLAZING

- a. At least 30 percent of the street-facing façade area of the street-level floor of buildings (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by windows or doorways. This figure may be reduced to 20 percent of the first-floor front façade of a structure housing a large retail sales establishment.
- b. All ground-level windows on street-facing façades shall be transparent. Mirrored or heavily-tinted glass that prevents views into the building is prohibited on street-facing front building façades. This provision does not apply to a building façade enclosing an adult entertainment use.

6. ROOFS

- a. Sloped roofs shall include two or more different sloping roof planes, each with a

minimum pitch between 3:12 and 12:12.

- b. When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them. The cornice shall include a perpendicular projection a minimum of eight inches from the parapet façade plane.
- c. All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (with the exception of chimneys), shall be located on the rear elevations or screened with a parapet wall having a three-dimensional cornice treatment.

7. OFF-STREET PARKING LOCATION

a. In the DT, GC, and WMU Districts

Commercial and mixed-use development in the Downtown (DT), Gateway Commercial (GC), and Waterfront Mixed Use (WMU) districts shall be configured to locate all required surface off-street parking to the side and behind the front façade of the primary building or to the rear of the building.

b. In the NC District

Single-story commercial and mixed-use development in the Neighborhood Commercial (NC) district shall be configured to locate all required surface off-street parking to the side or rear of the building. Buildings of two or more stories may locate up to two rows of off-street parking between the primary building entrance and the street the building faces.

c. Large Retail Sales Establishments

No more than 50 percent of the total amount of parking provided for a large retail sales establishment may be located between the front building façade and the street it fronts. This may be increased up to 75 percent in cases when outbuildings occupy at least 50 percent of the total street frontage of the site.

8. LOADING, SERVICE, AND EQUIPMENT AREAS

- a. Loading, service, and equipment areas shall be located in a manner that minimizes their visibility from off-site areas, to the maximum extent practicable.
- b. Outdoor storage areas shall be fully screened from adjacent streets and single-family development in accordance with the standards for outdoor storage in Chapter 4: Use Regulations.
- c. Loading, service, and equipment areas that are associated with an outparcel building shall be screened through the use of structural elements and similar materials attached to and integrated with the building.

6.12. RESIDENTIAL COMPATIBILITY STANDARDS

A. PURPOSE

These residential compatibility standards are used to provide a proper transition and compatibility between single-family detached development and other more intense multifamily, townhouse, or nonresidential development. More specifically, it is the intent of these standards to:

- 1. Provide effective transitions between single-family detached and more intense uses;
- 2. Protect the character of existing residential development from negative impacts

Article 6: Development Standards

Section 6.12: Residential Compatibility Standards

6.12.B Applicability

resulting from more intense adjacent forms of development;

- 3. Limit the excessive consumption of available land through the utilization of large vegetated buffers in favor of development form and design treatments;
- 4. Limit interruptions in vehicular and pedestrian connections created by efforts to segregate uses; and
- 5. Establish or maintain vibrant pedestrian-oriented areas where differing uses can operate in close proximity to one another.

B. APPLICABILITY

1. GENERAL

Unless exempted in accordance with Section 6.12.B.2, Exemptions, these residential compatibility standards shall apply to the following forms of development:

- a. Multifamily, townhouse, nonresidential, and mixed-use development located on land abutting or across a local street or alley from existing single-family detached residential development.
- b. Any expansion or alteration of an existing multifamily, townhouse, nonresidential, or mixed-use development located on land abutting or across a local street or alley from existing single-family detached residential development, where the cost of the expansion or alteration exceeds 50 percent of the true value of the building or buildings at the time of expansion or alteration.

2. EXEMPTIONS

The following development is exempt from these standards:

- a. Multifamily, townhouse, nonresidential, and mixed-use development located on lots across a four-or-more-lane street from single-family detached residential development;
- b. Development within the Downtown (DT) district.

3. CONFLICT

In the case of conflict between these standards and other design standards in this article, the residential compatibility standards in this section shall control.

4. TIME OF REVIEW

Review for compliance with these standards shall occur during review of an application for a Special Use Permit (Section 2.5.C), Site Plan Approval (Section 2.5.D), or Zoning Compliance Permit (Section 2.5.I), as appropriate.

C. COMPATIBILITY STANDARDS

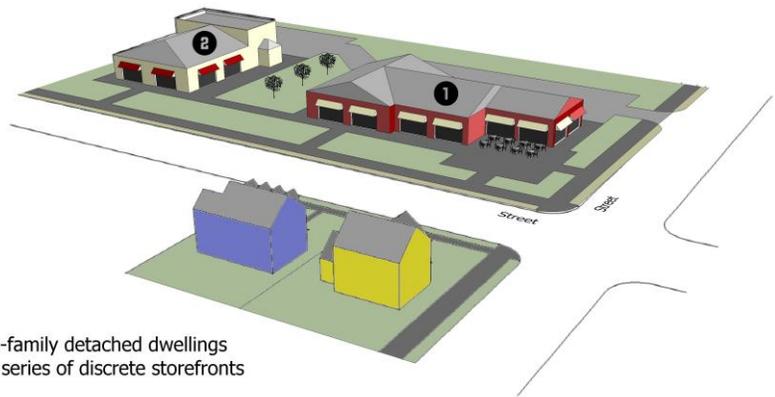
All multifamily, townhouse, nonresidential, and mixed-use development subject to this section shall comply with the following standards:

1. BUILDING DESIGN

- a. Buildings shall:
 - i. Use a similar roof type to adjacent single-family detached dwellings in terms of slope and arrangement to prevent abrupt changes in roof form;

- ii. Use exterior colors that are compatible with any adjacent single-family detached dwellings;
 - iii. Use similarly sized and patterned architectural features such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations found on adjacent single-family detached dwellings; and
 - iv. Orient porches, balconies, outdoor space, and other exterior site features such as vending machines away from adjacent single-family detached dwellings.
- b. Retail commercial building façades that face single-family detached development shall be designed to appear as a series of discrete storefronts, with no single storefront occupying more than 50 percent of the total façade width.

(See Figure 6.12.C.1, Building Design Requirements.)



- 1 Development facing single-family detached dwellings configured to appear as a series of discrete storefronts
- 2 Use of architectural features similar to the adjacent single-family detached dwellings

Figure 6.12.C.1: Building Design Requirements

2. BUILDING HEIGHT

- a. Buildings within 50 feet of a lot line shared with existing single-family detached dwelling may not exceed the lesser of the maximum height for the district where located or a maximum height of 40 feet.
- b. Buildings over three stories in height shall be broken up into modules or wings with the smaller and shorter portions of the structure located nearest the adjacent single-family detached dwelling.

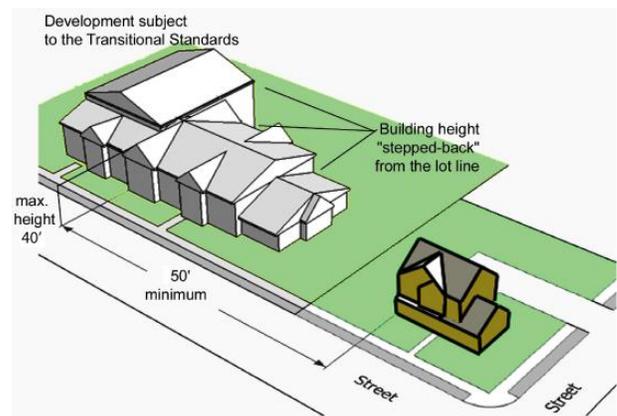


Figure 6.12.C.2: Height Limitations

(See Figure 6.12.C.2, Height Limitations.)

3. SITE DESIGN

Multi-building developments on one or more lots, shall be configured to establish a range of use intensity where uses of moderate intensity are sited between high-intensity uses and low-intensity uses (e.g., office uses between retail and detached residential), as they relate to adjacent residential development.

4. OFF-STREET PARKING AREAS

- a. When required, off-street parking on lots adjacent to a single-family detached dwelling shall be located as follows (listed in priority order):
 - i. Adjacent to off-street parking lots serving nonresidential uses on abutting lots;
 - ii. Adjacent to lot lines abutting nonresidential development;
 - iii. Adjacent to lot lines abutting mixed-use development;
 - iv. Within a lot's corner side yard;
 - v. Behind the building;
 - vi. In front of the building; or
 - vii. Adjacent to lot lines for the abutting single-family detached dwelling.
- b. The façade of any parking structure facing adjacent single-family detached residential development shall be designed to appear as a solid building wall to soften its visual impact.
- c. Off-street surface parking areas located adjacent to single-family detached residential development shall be screened by a type C perimeter buffer.

5. LOADING AND REFUSE AREAS

Loading, service, and refuse areas shall be:

- a. Screened from view of single-family detached dwellings using materials that are the same as, or of equal quality to, the materials used for the principal building; and
- b. Incorporated into the overall design of the building and landscape so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.

6. EXTERIOR LIGHTING

Exterior lighting shall:

- a. Be full-cutoff, or be fully shielded such that the source of illumination is not visible from off-site views;
- b. Maintain maximum illumination values of 1.75 footcandles or less at lot lines abutting an existing single-family detached dwelling; and
- c. Have a maximum height of 20 feet within 100 feet of the lot line for a single-family detached dwelling.

7. SIGNAGE STANDARDS

- a. Signs in developments subject to these standards shall be limited to freestanding signs less than five feet high and wall signs. If such a freestanding sign or wall sign is located within 50 feet of the lot line for an abutting single-family detached dwelling, the maximum sign area for the sign shall be reduced by 25

percent.

- b. Signage within 20 feet of the lot line for an abutting single-family detached dwelling shall be limited to directional or incidental signage.

8. OPEN SPACE SET-ASIDE CONFIGURATION

To the maximum extent practicable, development subject to this section and the standards in Section 6.6, Open Space Set-Asides, shall locate required open space set-asides adjacent to the abutting adjacent single-family detached dwelling so as to provide a buffer.

9. OPERATIONAL STANDARDS

Uses subject to these residential compatibility standards shall:

- a. Cease outdoor dining or other outdoor activities after 9:00 P.M. on Sunday through Thursday nights and 11:00 P.M. on Friday and Saturday nights;
- b. Limit trash collection or other service functions to between the hours of 7:00 A.M. and 7:00 P.M.; and
- c. Extinguish amplified music, singing, or other forms of noise audible at lot lines shared with single-family detached dwelling after 9:00 P.M. on Sunday through Thursday nights, and 11:00 P.M. on Friday and Saturday nights.
- d. Vending machines and other outdoor equipment available for public use may not be located on building facades facing single-family detached development unless there is an intervening street between the vending machine and the single-family detached development.

6.13. SIGNAGE

A. PURPOSE

The purpose of this section is to regulate signage to:

1. Protect the public welfare, property values, a high quality of life for citizens, and economic benefits from the resort and tourism industry by preserving Pascagoula's aesthetic qualities from excessive and obtrusive signage;
2. Promote the efficient transfer of general public, commercial, and individual identification or information and reduce traffic confusion and congestion by improving the legibility and effectiveness of signs through the control of their number, location, size, appearance, illumination, and animation; and
3. Promote the safety of pedestrians and traffic by ensuring that signs do not create traffic hazards or hazards due to collapse, fire, collision, decay, or abandonment.

B. 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. Except for signs listed in Section 6.13.C, Signs Allowed Without a Sign Permit, all signs shall comply with the permitting procedure in Section 2.5.H, Sign Permit, and shall be erected or installed only after issuance of a Sign Permit and in accordance with such permit.

Article 6: Development Standards

Section 6.13: Signage

6.13.C Signs Allowed Without a Sign Permit

- b.** Standards for signage for certain specific uses may be found in Section 4.3, Standards for Specific Principal Uses, and Section 4.4.F, Standards for Specific Accessory Uses and Structures.

C. SIGNS ALLOWED WITHOUT A SIGN PERMIT

- 1.** The following types of signs are exempt from the requirements to obtain a Sign Permit in accordance with Section 2.5.H, Sign Permit, but are subject to applicable standards in this section and may require a Building Permit in accordance with the Building Code:

 - a.** Signs not exceeding one square foot in sign area and bearing only property numbers, post box numbers, names of occupants, or other similar site identification matter of a noncommercial nature.
 - b.** Real estate signs, provided:

 - i.** Sign area does not exceed eight square feet in residential districts or 32 square feet in commercial districts or 100 square feet in industrial districts;
 - ii.** The sign is removed within ten days after the property is sold, leased, or rented.
 - c.** Political signs, provided:

 - i.** Sign area does not exceed 2 square feet;
 - ii.** The sign is erected by the owner of the property on which it is located, or with the property owner's consent;
 - iii.** The sign is erected no more than 60 days before the first election or referendum to which it pertains and is removed within 30 days after the last such election or referendum.
 - d.** Signs painted on or attached to vehicles and used solely for the purpose of identifying the owner, business, agency, or activity that regularly uses the vehicle for transportation purposes.
 - e.** Construction signs, provided:

 - i.** There is no more than one sign per construction project;
 - ii.** A valid building permit exists for the construction project;
 - iii.** Sign area does not exceed 32 square feet in residential and commercial districts or 100 square feet in industrial districts;
 - iv.** The sign is erected no more than 30 days before the beginning of construction and is removed within 30 days after completion of the construction project.
 - f.** Nonelectrical directional signs not exceeding four square feet in sign area.
 - g.** Nonelectrical signs not exceeding four square feet in sign area that identify restrooms, public telephones, or similar facilities located on the site of the sign.
 - h.** Integral signs.
 - i.** Institutional bulletin board signs not exceeding 16 square feet in sign area.
 - j.** Public warning signs not exceeding two square feet of sign area per sign and not exceeding four signs per site.
 - k.** Nameplate signs not exceeding four square feet in sign area that are fastened directly to and mounted flat against the building to which they pertain, provided that such signs are allowed only in commercial and industrial districts.

- l.** Official notices posted by public officers and employees in the performance of their duty.
 - m.** Symbols, commemorative plaques, or identification emblems of historical agencies or religious organizations that do not exceed four square feet in sign area and are mounted flat against the building or structure to which they pertain.
 - n.** Special event signs, provided:
 - i.** Sign area does not exceed 64 square feet;
 - ii.** The sign is erected or posted no more than 30 days before the special event and is removed within seven days after the special event;
 - iii.** A special event sign is not be erected on a site more than two times within a one-year period; and
 - iv.** Special event signs advertising commercial activities are not allowed in residential districts.
 - o.** On-site signs identifying the name, address, and symbol or insignia of schools, clubs, places of worship, golf courses, country clubs, cemeteries, or similar uses, provided:
 - i.** There is no more than one such sign per street frontage; and
 - ii.** Sign area does not exceed 16 square feet.
 - p.** Public warning signs that contain no advertising message, have the minimum sign area necessary to effectively convey the warning, and are removed as soon as the danger has passed.
 - q.** Subdivision or multifamily development signs not exceeding 24 square feet in sign area or six feet in height.
 - r.** Public signs.
 - s.** Seasonal or holiday signs.
 - t.** Garage sale signs not exceeding four square feet in sign area and placed on the site of the sale.
 - u.** Incidental signage on the surface of a building, door or window into a building, or on-site sign that conveys only messages concerning credit cards that are accepted, trade affiliations, trading stamps, and official notices required by law, provided:
 - i.** Such signage is allowed only in commercial and industrial districts;
 - ii.** Sign area is limited to six square feet for any grouping of such signage in one location and 12 square feet for the cumulative area of such signage per site.
- 2.** If any of the signs listed in Section 6.13.C.1 above is a swinging sign, sign area shall not exceed six square feet.

D. PROHIBITED SIGNS

All signs not expressly allowed in accordance with this section (with or without as Sign Permit) are prohibited. Signs prohibited in all zoning districts include, but are lot limited to, the following:

- 1.** Any sign that is tacked or tied to, or posted on, any fire hydrant, tree, lamp post, utility pole, fence, post, or rock.

Article 6: Development Standards

Section 6.13: Signage

6.13.E Signs Allowed in Residential Districts

2. Any sign that is hung or supported from another sign and that is not built as an integral part of the other sign.
3. Any temporary signs other than those listed in Section 6.13.C, Signs Allowed Without a Sign Permit or those listed in Section 6.13.F, Signs Allowed in Downtown, Gateway Commercial, and Waterfront Mixed-Use Districts.
4. Any sign placed wholly or partially on, or encroaching into the space above, a street right-of-way or any other public property unless otherwise authorized in this section.
5. Animated signs.
6. Abandoned signs.
7. Unsafe signs.
8. Unlawful signs.
9. Bench signs on private property.
10. Any sign that purports to be, or imitates or resembles, an official traffic control sign or signal.
11. Any sign that is attached to or placed against a building in such a manner as to prevent ingress or egress through any door or window, or any sign which obstructs or is attached to a fire escape.
12. Any sign painted or affixed to a motor vehicle or trailer that is conspicuously parked or located on a public street, on public property, or on private property so as to be visible from a public street, and is principally used to advertise a business located adjacent to the street or property. This is not to be construed to prohibit signs painted on or attached to vehicles and used to identify the owner, business, agency, or activity that regularly uses the vehicle for transportation purposes.
13. Any sign located on trust lands of the State of Mississippi unless such sign is erected by or on the authority of the state of federal government or a political subdivision thereof (e.g., Greater Port of Pascagoula).

E. SIGNS ALLOWED IN RESIDENTIAL DISTRICTS

Only those signs listed in Section 6.13.C, Signs Allowed Without a Sign Permit, are allowed in residential districts, provided such signs are not located within ten feet of a property line fronting on a street or within five feet of any other property line.

F. SIGNS ALLOWED IN DOWNTOWN, GATEWAY COMMERCIAL, AND WATERFRONT MIXED-USE DISTRICTS

In addition to signs allowed in accordance with Section 6.13.C, Signs Allowed Without a Sign Permit, the signs listed in Table 6.13.F, Signs Allowed in DT, GC, and WMU Districts, are allowed in Downtown (DT), Gateway Commercial (GC), and Waterfront Mixed-Use (WMU) districts in accordance with the standards contained in the table for the particular type of sign.

TABLE 6.13.F: SIGNS ALLOWED IN DT, GC, AND WMU DISTRICTS			
SIGN TYPE	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN AREA	MAXIMUM HEIGHT^{1,2}
Wall sign	1 per establishment within development site	0.5 square foot per linear foot of building frontage ⁴	n/a

TABLE 6.13.F: SIGNS ALLOWED IN DT, GC, AND WMU DISTRICTS

SIGN TYPE	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN AREA	MAXIMUM HEIGHT ^{1,2}
	³		
Projecting sign ⁵	1 per establishment along building frontage	0.5 square foot per linear foot of building frontage ⁴	n/a
Free-standing sign ^{6,7,8}	1 per site with street frontage	30 square feet	20 feet
Canopy sign ⁹	1 per canopy front or side	0.5 square foot per linear foot of canopy front or side ^{10,11}	n/a ¹²
Undercanopy sign	1 per establishment along canopy	6 square feet ⁴	n/a ¹³
Directional sign	2 per driveway intersection along street	6 square feet	4 feet
Temporary sign ¹⁴	1 per establishment ¹⁵	20 square feet per side	6 feet

NOTES:

1. Unless a maximum sign height limit is specified, signs shall be subject to the maximum height limits specific for the district in Article 5: Intensity and Dimensional Standards.
2. The height of a sign shall be determined by measuring the vertical distance from the elevation of the average finished grade around the base of the sign to the highest point of the sign or sign structure, if any.
3. For an establishment with two building frontages, 1 wall sign per building frontage is allowed.
4. For buildings with multiple establishments, sign area is determined for each establishment based on its portion of the building frontage.
5. Allowed only if the site contains no free-standing sign.
6. Not allowed in the Downtown (DT) or Waterfront Mixed-Use (WMU) district.
7. Allowed only if the site contains no projecting sign.
8. No part of the sign shall be located within 15 feet horizontal distance of a street right-of-way or 5 feet of any other lot line.
9. No part of the sign shall be located within 2 feet horizontal distance of an adjacent roadway curb face or pavement edge.
10. Sign area shall include the total area of the sign face and the canopy apron.
11. 1.5 square feet per linear foot of building frontage for places of public entertainment (e.g., convention centers, auditoriums, theaters, arenas, stadiums).
12. At least 9 feet of vertical clearance above the sidewalk and/or driveway beneath the sign shall be provided.
13. At least 8 feet of vertical clearance above the sidewalk and/or driveway beneath the sign shall be provided.
14. Only "A"-frame signs are allowed as a Temporary sign, for use as a menu board, or advertising for store special events or sales.
15. Allowed only if it can be placed directly adjacent to the establishment, can be placed to maintain free pedestrian traffic flow including ADA access, does not block access to other establishments, and is only placed when the establishment is open for business.

G. SIGNS ALLOWED IN OTHER COMMERCIAL AND INDUSTRIAL DISTRICTS

In addition to signs allowed in accordance with Section 6.13.C, Signs Allowed Without a Sign Permit, the signs listed in Table 6.13.G, Signs Allowed in NC, CC, RC, LI, HI, and P Districts, are allowed in Neighborhood Commercial (NC), Community Commercial (CC), Regional Commercial (RC), Light Industrial (LI), Heavy Industrial (HI), and Port (P) districts in accordance with the standards contained in the table for the particular type of sign.

TABLE 6.13.G: SIGNS ALLOWED IN NC, CC, RC, LI, HI, AND P DISTRICTS

SIGN TYPE	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN AREA	MAXIMUM HEIGHT ^{1,2}
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Article 6: Development Standards

Section 6.13: Signage

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TABLE 6.13.G: SIGNS ALLOWED IN NC, CC, RC, LI, HI, AND P DISTRICTS

SIGN TYPE	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN AREA	MAXIMUM HEIGHT ^{1,2}
Wall sign	1 per establishment within development site ³	1 square foot per linear foot of building frontage ⁴	n/a
Projecting sign ⁵	1 per establishment along building frontage	1 square foot per linear foot of building frontage ⁴	n/a
Free-standing sign ^{6,7}	1 per site ⁸	1 square foot per linear foot of building frontage ⁹	40 feet
Roof sign ¹⁰	1 per building	Lesser of 200 square feet or 1 square foot per linear foot of building frontage parallel to sign face	n/a
Canopy sign ¹¹	1 per canopy front or side	0.5 square foot per linear foot of canopy front or side ^{12,13}	n/a ¹⁴
Undercanopy sign	1 per site	6 square feet ⁴	n/a ¹⁵
Directional sign	2 per driveway intersection along street	12 square feet	4 feet
Portable sign ^{16,17}	n/a	40 square feet	n/a
Billboard sign ^{7,18}	n/a ¹⁹	400 square feet if within 200 feet of a state or federal highway; otherwise, 300 square feet	n/a ²⁰

NOTES:

1. Unless a maximum sign height limit is specified, signs shall be subject to the maximum height limits specific for the district in Article 5: Intensity and Dimensional Standards.
2. The height of a sign shall be determined by measuring the vertical distance from the elevation of the average finished grade around the base of the sign to the highest point of the sign or sign structure, if any.
3. For an establishment with two building frontages, 1 wall sign per building frontage is allowed.
4. For buildings with multiple establishments, sign area is determined for each establishment based on its portion of the building frontage.
5. Allowed only if the site contains no free-standing sign or roof sign.
6. Allowed only if the site contains no projecting or roof sign.
7. No part of the sign shall be located within 15 feet horizontal distance of a street right-of-way or 5 feet of any other lot line.
8. 1 per building frontage for shopping centers and planned commercial subdivisions, up to a maximum of 2 signs per site.
9. A total of 300 square feet for free-standing signs for a shopping center.
10. Allowed only if the site contains no projecting or free-standing sign.
11. No part of the sign shall be located within 2 feet horizontal distance of an adjacent roadway curb face or pavement edge.
12. Sign area shall include the total area of the sign face and the canopy apron.
13. 3 square feet per linear foot of building frontage for places of public entertainment (e.g., convention centers, auditoriums, theaters, arenas, stadiums).
14. At least 9 feet of vertical clearance above the sidewalk and/or driveway beneath the sign shall be provided.
15. At least 8 feet of vertical clearance above the sidewalk and/or driveway beneath the sign shall be provided.
16. Allowed only as an on-site sign, and for no more than two one-week periods per year (which may be consecutive).
17. If electrically lighted, power shall be supplied through a type SO or STD flexible cord that is capable of carrying at least 30 amps, is no more than 200 feet long,, is not extended through doors, windows , or other openings in buildings, and is not laid on driveways, sidewalks, or other areas subject to pedestrian or vehicular traffic.
18. Not allowed unless replacing a damaged or destroyed nonconforming billboard sign in accordance with a Sign Permit issued within one year after the damage or destruction of the nonconforming billboard sign.
19. A billboard sign shall be spaced at least 1,000 feet from any other billboard sign on the same side of the street, as measured on a line parallel to the street. Back-to-back or V-type signs are considered one sign for this purpose.
20. The sign face shall be at least 10 feet above the elevation of the adjacent street roadway.

H. GENERAL SIGN STANDARDS

- 1.** No part of any sign shall be located within ten feet of an electric power line.
- 2.** Free-standing signs and billboards shall be securely anchored in concrete foundations.
- 3.** Any sign constructed in accordance with a Sign Permit shall be constructed in accordance with the provisions of the Building Code. If there is a conflict between the provisions of this section and those in the Building Code, the provisions in the Building Code shall be followed.

Article 7: Subdivision Standards

TABLE OF CONTENTS

ARTICLE 7: SUBDIVISION STANDARDS	7-1
7.1. Purpose	7-1
7.2. Applicability	7-1
7.3. General Standards	7-1
A. Layout.....	7-1
B. Blocks.....	7-1
7.4. Lots	7-2
A. General.....	7-2
B. Lot Frontage and Access.....	7-3
C. Lot Dimensions.....	7-3
D. Easements along Lot Lines.....	7-3
7.5. Infrastructure	7-3
A. Streets, Alleys, and Sidewalks	7-3
B. Storm Water Management	7-3
C. Water	7-3
D. Fire Hydrants.....	7-4
E. Sanitary Sewers.....	7-4
F. Natural Gas Lines.....	7-4
G. Other Utilities	7-4
7.6. Corner Markers and Subdivision Monuments	7-4
A. Corner Markers	7-4
B. Subdivision Monuments.....	7-4
7.7. Phasing	7-5
A. Phasing Criteria.....	7-5
B. Temporary Measures.....	7-5
7.8. Performance and Maintenance Guarantees	7-5
A. Performance Guarantees.....	7-5
B. Maintenance Guarantees	7-8

ARTICLE 7: SUBDIVISION STANDARDS

7.1. PURPOSE

The purpose of this section is to establish standards for the layout and lotting of subdivisions of land within the city, plus standards for streets and other infrastructure provided as part of subdivisions and other new development.

7.2. APPLICABILITY

The standards in this article shall apply to all subdivisions.

7.3. GENERAL STANDARDS

A. LAYOUT

The layout of streets, lots, and other elements of a subdivision shall be based on complete site analysis, and shall comply with the following standards:

1. Streets and lots shall be designed and situated to minimize alteration of natural and historic site features to be preserved.
2. The subdivision layout shall consider the practicality and economic feasibility of development of individual lots, including the environmental characteristics and size of the site, and the requirements of this Ordinance.
3. Unique and fragile elements—including, but not limited to, wetlands, significant stands of trees, and heritage trees—shall be preserved where practicable, with development reserved for environmentally stable areas.
4. Open space shall be provided in accordance with Section 6.6, Open Space Set-Aside.
5. Riparian buffers shall be provided in accordance with Section 6.5.A, Riparian Buffers.
6. The proposed development shall be coordinated with all existing and officially approved plans of the city.
7. Subdivisions with 50 lots or more shall have at least two vehicular access points into the subdivision. These access points shall be separated by at least 200 feet or one block length, whichever is greater.

B. BLOCKS

1. Blocks shall be laid out to provide a functional street pattern and circulation and connectivity in accordance with the standards in Section 6.1, Access and Circulation.
2. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth for the zoning district, excluding any water bodies, public alleys, or other public rights-of-way. Exceptions to this prescribed block width shall be permitted in blocks adjacent to arterial streets, railroads, or waterways, or due to limiting topographical conditions, the size or configuration of the site, or for approved through lots.
3. Blocks shall not exceed 1,200 feet in length except as necessary to secure efficient use of land or desired features of the street pattern.
4. Where a block length exceeds 800 feet, a walkway shall be provided mid-block to connect parallel streets on the long side of the block. Such walkways shall be located within a public access easement at least eight feet wide.

Article 7: Subdivision Standards

Section 7.4: Lots

7.4.A General

5. The lengths, widths, and shapes of blocks shall be determined based on the following:
 - a. Lot size standards;
 - b. Needs for convenient access, circulation, control, and safety of vehicular and pedestrian traffic;
 - c. Relationship to existing utilities;
 - d. Layout of the public water system with regard to eliminating stagnant water, providing adequate fire flow, appropriately placing fire hydrants, and meeting minimum pressure requirements.;
 - e. Layout of the public sanitary sewer system with regard to utilizing gravity sewer system wherever possible and minimizing the use of sewer force mains;
 - f. Layout of the public storm drainage system with regard to utilizing natural outfalls adjacent to the land being subdivided, and minimizing the use of existing public storm drainage systems for the new development;
 - g. Location of existing and proposed easements; and
 - h. Limitations and opportunities of topography.

7.4. LOTS

A. GENERAL

1. Every lot within a subdivision shall be developable for its intended use in accordance with this Ordinance.
2. To the maximum extent practicable, side lot lines shall be perpendicular or radial to fronting street right-of-way lines.
3. Lots shall be arranged in relationship to topography, flood hazards, tree protection requirements, or other site conditions, to minimize difficulties in providing a reasonable building site and yard area in accordance with requirement of this Ordinance.
4. Each lot shall be situated so that storm water may be easily directed away from buildings in subsequent site-specific development. Lots shall be configured so that buildings and general flood sensitive site facilities are not located in drainage ways.
5. Flag lots are prohibited in nonresidential zoning districts and highly discouraged in residential districts.
6. Creation of through lots (street abutment front and rear) shall be avoided except where necessary to provide access to residential development from other than an arterial street, or to overcome specific disadvantages of topography and orientation. Through lots shall be subject to front yard depth standards along both frontage streets.
7. Dimensions of the corner lots shall be large enough to allow for the minimum required street intersection radii, for compliance with the minimum driveway spacing standards in Section 6.1.G.3.c, Driveway Intersection Spacing, and for erection of buildings on the lot in accordance with the yard depth standards in Article 5, Intensity and Dimensional Standards, based on consideration of both street frontages as being the front lot line.

B. LOT FRONTAGE AND ACCESS

1. Each lot shall be designed to be accessible to and abut a dedicated public street right-of-way. The minimum public street frontage for a lot shall be at least 35 feet, except that a lot designed for a single-family detached dwelling and fronting a cul-de-sac shall have a minimum street frontage of 25 feet.
2. To the maximum extent practicable, residential lots shall not front on arterial streets. If frontage on or driveway access to and from such a street is necessary, such access shall comply with the standards in Section 6.1.G.3, Vehicular Access Management.

C. LOT DIMENSIONS

1. The size, shape, and orientation of lots shall be appropriate for the siting of the type of building(s) or other development that the subdivision is proposed to include or that applicable use standards allow on the lot.
2. Lot area and lot width shall comply with the minimum standards in Article 5, Intensity and Dimensional Standards.
3. Lots greater than two acres in area and located in a residential zoning district shall not have a lot depth greater than three and one-half times the lot width. Exceptions may be made for lots lying partially within the floodplain.

D. EASEMENTS ALONG LOT LINES

Existing and proposed drainage and utility easements shall be located along side lot lines except where not practicable due to unusual topography, and shall be prohibited along rear lot lines.

7.5. INFRASTRUCTURE

A. STREETS, ALLEYS, AND SIDEWALKS

1. A subdivision shall include streets that provide access and frontage to each lot in the subdivision and may include alleys that provide secondary access to lots, or primary access to lots designed to have no driveway access from the fronting street.
2. Subdivision streets shall include sidewalks on both sides of streets.
3. Subdivision streets, alleys, and sidewalks shall comply with the standards in Section 6.1, Access and Circulation.

B. STORM WATER MANAGEMENT

A subdivision shall provide storm sewers and other storm water management facilities as necessary to accommodate storm water runoff from subdivision streets and anticipated lot development. Such storm sewers and facilities shall comply with the standards in Section 6.5.B, Storm Water Management. Drainage easements of a width sufficient to accommodate anticipated future storm water management facilities shall be provided along watercourses and natural drainageways on the subdivision site.

C. WATER

A subdivision shall provide water lines and other water facilities as necessary to accommodate the potable water demands of anticipated lot development as well as water

Article 7: Subdivision Standards

Section 7.6: Corner Markers and Subdivision Monuments

7.5.D Fire Hydrants

needed to keep fire hydrants adequately supplied for fire fighting. Such lines and facilities shall comply with the standards in Section 6.9.A, Water Lines.

D. FIRE HYDRANTS

A subdivision shall provide fire hydrants in accordance with the standards in Section 6.9.B, Fire Hydrants.

E. SANITARY SEWERS

A subdivision shall provide sanitary sewer and other sanitary sewer facilities as necessary to accommodate the sewage generated by anticipated lot development. Such sewers and facilities shall comply with the standards in Section 6.9.C, Sanitary Sewers.

F. NATURAL GAS LINES

1. Unless exempted in accordance with Section 7.5.F.2 below, a subdivision shall provide natural gas lines and other natural gas facilities as necessary to provide natural gas service to each lot in the subdivision. Such lines and facilities shall comply with the standards in Section 6.9.D, Natural Gas Lines.
2. A subdivision is exempted from the requirement to provide natural gas lines and facilities if it is impractical to do so (e.g., if the existing natural gas system to which the subdivision would connect lacks sufficient capacity to serve subdivision development or is too far from the subdivision site to make it feasible to extend a connecting line). If no natural gas lines and facilities are provided, the subdivider shall file a restrictive covenant in the Office of the Chancery Clerk of Jackson County that prohibits within the subdivision the use of natural gas or of propane or liquefied petroleum (LP) gas in containers with a capacity greater than 40 gallons.

G. OTHER UTILITIES

All utilities provided to a subdivision by private utility companies—such as, but not limited to, electrical, telecommunication, and television cable—shall comply with the standards in Section 6.9.E, Utilities by Private Utility Companies.

7.6. CORNER MARKERS AND SUBDIVISION MONUMENTS

A. CORNER MARKERS

The corners of all lots, and the beginning and ending of all curves along property lines, shall be accurately marked with existing or set monuments in accordance with the Standards of Practice for Surveying (Rule 21) of the Mississippi Board of Licensure for Professional Engineers and Surveyors.

B. SUBDIVISION MONUMENTS

The commencing point and point of beginning for the survey and Final Plat for the subdivision shall be designated and accurately identified with an existing or set concrete monument that is flush with the finished grade, has a flat top with an indented metal cross or pin, and is at least four inches square or in diameter and be at least three feet long. The Final Plat shall reference the monument by bearing and distance to an established and recorded system, plat, or map in accordance with the Standards of Practice for Surveying (Rule 21) of the Mississippi Board of Licensure for Professional Engineers and Surveyors.

7.7. PHASING

The phasing of development is allowed as part of Site Plan Approval (Section 2.5.D) or the approval of a Preliminary Plat for a subdivision (Section 2.5.E.3) in accordance with the following standards.

A. PHASING CRITERIA

Phasing of approved development shall be in keeping with an approved phasing plan that shows phase boundaries and describes included development and improvements in accordance with the following criteria:

1. The numbering of phases shall be sequential and coincide with the order in which the different development phases are proposed to be constructed.
2. Each phase shall be designed to include all improvements and other aspects of development necessary to meet all requirements of this Ordinance and other applicable regulations, either as a stand-alone development or in conjunction with completed and accepted phases of the same development.

B. TEMPORARY MEASURES

A phasing plan may include installation of temporary measures as necessary to allow a particular phase to meet the phasing criteria in Section 7.7.A above, provided the Zoning Compliance Permit authorizing the temporary measures shall be valid for one year and be accompanied by the provision of a performance guarantee and a maintenance guarantee for the temporary measures in accordance with Section 7.8, Performance and Maintenance Guarantees.

7.8. PERFORMANCE AND MAINTENANCE GUARANTEES

A. PERFORMANCE GUARANTEES

1. GENERAL

A performance guarantee in accordance with the standards in this section shall be required in the following circumstances:

- a. To ensure completion of public infrastructure improvements that are required as part of a Site Plan Approval (e.g., streets, sidewalks, storm water management facilities, potable water facilities, wastewater facilities, street lights), but are not installed before application for a Building Permit (See Section 2.5.D.6, Performance Guarantees.);
- b. To ensure completion of private site improvements (other than landscaping) that are required as part of a Site Plan Approval (e.g., sidewalks, exterior lighting), but are not installed before application for a Certificate of Occupancy (See Section 2.5.D.6, Performance Guarantees.)—provided that the City Manager determines that the property may be safely occupied and used pending the delayed installation of the improvements;
- c. To ensure the completion of public infrastructure improvements that are required as part of an approved Preliminary Plat (e.g., streets, sidewalks, storm water management facilities, potable water facilities, wastewater facilities, street lights), but are not approved by the City Manager as complete before application for approval of a Final Plat (See Section 2.5.E.3.e, Completion of Public Infrastructure Improvements.);

Article 7: Subdivision Standards

Section 7.8: Performance and Maintenance Guarantees

7.8.A Performance Guarantees

- d. To ensure completion of landscaping that is required in accordance with Section 6.3, Landscaping Standards, but is not installed before issuance of a Certificate of Occupancy (in conjunction with the grant of an extension to the time limit for installation of required landscaping (See Section 6.3.I.1, Time for Installation of Required Landscaping.)).

2. TERM OF PERFORMANCE GUARANTEES

The term of a performance guarantee shall reflect any time limit for completing installation of required improvements that is included in approval of the Final Plat, Building Permit, or Certificate of Occupancy, as appropriate, but in any case, the term shall not exceed two years. The City Manager may, for good cause shown and with approval of the provider of the guarantee, grant up to two extensions of the term, with each extension not exceeding one year.

3. FORM OF PERFORMANCE GUARANTEE

- a. Where required, the owner or developer shall furnish a performance guarantee in any of the following acceptable forms:
 - i. Cash deposit with the city;
 - ii. Certified check from a Mississippi lender based upon a cash deposit, in a form acceptable to the City Attorney;
 - iii. Irrevocable letter of credit from a Mississippi banking institution in a form acceptable to the City Attorney; or
 - iv. Surety bond from a Mississippi surety bonding company in a form acceptable to the City Attorney.
- b. The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the performance guarantee. Performance guarantees shall provide that in case of the owner's or developer's failure to complete the guaranteed improvements, the city shall be able to immediately obtain the funds necessary to complete installation of the improvements.

4. AMOUNT OF PERFORMANCE GUARANTEE

- a. Performance guarantees for required improvements shall be in an amount equal to a minimum of 125 percent of the estimated full cost of completing the installation of the required improvements, including the costs of materials, labor, and project management.
- b. Estimated costs for completing installation of required public infrastructure improvements shall be itemized by improvement type and certified by the owner's or developer's licensed professional engineer, and are subject to approval by the City Manager. Estimated costs for completing installation of required landscaping shall be itemized and certified by the owner's or developer's licensed landscape architect, and are subject to approval by the City Manager.
- c. If the guarantee is renewed, the City Manager may require the amount of the performance guarantee be updated to reflect cost increases over time.
- d. The amount of a performance guarantee may be waived or reduced by the City Council where the improvements are being installed with federal funds or in other circumstances where similar third-party assurance of their completion exists.

5. RELEASE OR REDUCTION OF PERFORMANCE GUARANTEES

a. Requirements for Release or Reduction

The City Manager shall release or reduce a performance guarantee only after:

- i.** The owner or developer has submitted to the City Manager a written request for a release or reduction of the performance guarantee that includes certification by the owner's or developer's engineer or landscape architect, whichever is appropriate, that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications;
- ii.** The City Manager has performed an inspection of the improvements and certified in writing that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications;
- iii.** The owner or developer has reimbursed the city for all costs associated with conducting any inspection that finds the guaranteed improvements have not been installed in accordance with approved plans and specifications;
- iv.** The owner or developer has provided the City Manager assurances that liens against guaranteed public infrastructure improvements will not be filed after their acceptance by the city (e.g., through affidavits, releases, or waivers of liens from all contractors and subcontractors); and
- v.** The owner or developer has provided the City Manager any required maintenance guarantee for the same public infrastructure improvements.

b. Limits on Reductions

No performance guarantee for public infrastructure improvements (including street trees planted within a public right-of-way) shall be reduced to less than 50 percent of the full amount of the performance guarantee until all guaranteed public infrastructure improvements have been completed by the owner or developer. No performance guarantee for required landscaping or other private site improvements shall be reduced to less than 75 percent of the full amount of the performance guarantee, until all guaranteed private site improvements have been completed by the owner or developer.

c. Notice of Improvements Acceptance to Be Recorded

The city shall record a notice of the city's final acceptance of the public infrastructure improvements in the Office of the Chancery Clerk of Jackson County.

6. DEFAULT AND FORFEITURE OF PERFORMANCE GUARANTEE

a. Notice of Failure to Install or Complete Improvements

If the owner or developer fails to complete installation of the guaranteed improvements within the term of the performance guarantee (as may be extended), the City Manager shall give the owner or developer 30 days written notice of the default by certified mail.

b. City Completion of Improvements

After the 30-day notice period expires, the city may draw on the security and use the funds to perform work necessary to complete installation of the guaranteed improvements. After completing such work, the city shall provide a complete

Article 7: Subdivision Standards

Section 7.8: Performance and Maintenance Guarantees

7.8.B Maintenance Guarantees

accounting of the expenditures to the owner or developer and, as applicable, refund all unused security deposited, without interest.

B. MAINTENANCE GUARANTEES

1. GENERAL

A maintenance guarantee in accordance with the standards in this section is required in the following circumstances:

- a.** To ensure against defects in workmanship or materials in providing public infrastructure improvements required as part of a Site Plan Approval (Section 2.5.D) or approval of a Preliminary Plat (Section 2.5.E.3); and
- b.** To ensure the survival and health of replacement trees required in accordance with Section 6.3, Landscaping Standards, or Section 6.4, Tree Protection, during an establishment period.

2. TERM OF MAINTENANCE GUARANTEES

The term of a maintenance guarantee shall be two years from the date of acceptance.

3. FORM OF MAINTENANCE GUARANTEES

- a.** Where required, the owner or developer shall furnish a maintenance guarantee for the provision of required landscaping in any of the following acceptable forms:
 - i.** Cash deposit with the city;
 - ii.** Certified check from a Mississippi lender based upon a cash deposit, in a form acceptable to the City Attorney;
 - iii.** Irrevocable letter of credit from a Mississippi banking institution in a form acceptable to the City Attorney; or
 - iv.** Surety bond from a Mississippi surety bonding company in a form acceptable to the City Attorney.
- b.** The maintenance guarantee shall be conditioned on the performance of all work necessary to maintain required public infrastructure improvements and replacement trees during the term of the maintenance guarantee, including work needed to repair or replace infrastructure defects or to replace dead, diseased, or significantly damaged replacement trees. Maintenance guarantees shall provide that in case of the owner’s or developer’s failure to maintain and repair or replace the guaranteed public infrastructure improvements or replacement trees during the term of the maintenance guarantee, the city shall be able to immediately obtain the funds necessary to make necessary repairs or replacements.

4. AMOUNT OF MAINTENANCE GUARANTEES

- a.** Maintenance guarantees shall be in an amount equal to at least 50 percent of the full actual cost, including the costs of materials and labor, of installing the required public infrastructure improvements or replacement trees.
- b.** Actual costs for installing required public infrastructure improvements shall be itemized by improvement type and certified by the owner’s or developer’s licensed professional engineer. Actual costs for installing required replacement trees shall be itemized and certified by the owner’s or developer’s licensed landscape architect.

- c. The amount of a maintenance guarantee may be waived or reduced by the City Council where alternative means of ensuring proper maintenance of the improvements or replacement trees are used.

5. RELEASE OF MAINTENANCE GUARANTEES

The City Manager shall release a maintenance guarantee at the end of the term of the maintenance guarantee only after city staff has performed an inspection of the infrastructure or replacement trees and certified in writing that the guaranteed public infrastructure improvements have been maintained in accordance with approved plans and specifications or that the guaranteed replacement trees have been maintained in a healthy state or replaced with new replacement trees meeting required standards.

6. DEFAULT AND FORFEITURE OF GUARANTEE

a. Notice of Failure to Maintain Improvements or Replacement Trees

If the owner or developer fails to maintain the guaranteed public infrastructure improvements or replacement trees during the term of the performance guarantee, the City Manager shall give the owner or developer 30 days written notice of the default by certified mail.

b. City Correction of Defects or Replacement of Trees

After the 30-day notice period expires, the city may draw on the security and use the funds to perform work necessary to ensure the public guaranteed infrastructure improvements comply with approved plans and specifications or to replace any replacement trees that are dead, diseased, or significantly damaged, as determined by the City Manager. After completing such work, the city shall provide a complete accounting of the expenditures to the owner or developer and, as applicable, refund all unused security deposited, without interest.

Article 8: Nonconformities

TABLE OF CONTENTS

ARTICLE 8: NONCONFORMITIES	8-1
8.1. General Applicability	8-1
A. Purpose and Scope	8-1
B. Applicability	8-1
C. Continuation Allowed	8-1
D. Determination of Nonconformity Status.....	8-1
E. Minor Repairs and Maintenance	8-1
F. Change of Tenancy or Ownership	8-1
8.2. Nonconforming Uses	8-2
A. General.....	8-2
B. Expansion and Enlargement	8-2
C. Structures Used for Nonconforming Use.....	8-2
D. Change in Use	8-2
E. Discontinuance of Use.....	8-2
8.3. Nonconforming Structures	8-2
A. Relationship with Nonconforming Uses	8-2
B. Enlargement or Expansion.....	8-3
C. Relocation.....	8-3
D. Structures Declared Unsafe Due to Disrepair.....	8-3
E. Reconstruction or Restoration after Damage	8-3
F. Exceptions for Nonconforming Structures in Floodplains	8-4
8.4. Nonconforming Lots of Record	8-4
A. General.....	8-4
B. Status of Structures on Nonconforming Lots	8-5
C. Development of Nonconforming Lots	8-5
D. Governmental Acquisition of Land in a Residential District.....	8-5
8.5. Nonconforming Signs	8-5
A. Maintenance.....	8-5
B. Reconstruction or Restoration after Casualty Damage.....	8-5
C. Abandoned Nonconforming Signs	8-5
D. Compliance with Nonconforming Structure Requirements.....	8-5
8.6. Nonconforming Site Features	8-6
A. Purpose	8-6
B. Applicability	8-6
C. Interior and Exterior Remodeling of Structures.....	8-6
D. Additions and Expansions.....	8-7
E. Compliance to Maximum Extent Practicable on Constrained Properties	8-8

ARTICLE 8: NONCONFORMITIES

8.1. GENERAL APPLICABILITY

A. PURPOSE AND SCOPE

In the provisions established by this Ordinance, there exist uses of land, structures, lots of record, signs, and other site features that were lawfully established before this Ordinance was adopted or amended, but do not conform to its terms and requirements. It is the general policy of the city to allow such uses, structures, lots, signs, and other site features to continue to exist and be put to productive use. It also is the policy of the city, however, to bring as many nonconformities into conformance with this Ordinance as is reasonably practicable, subject to the requirements of this article. The purpose and intent of this article is to recognize the interests of the property owner in continuing to use the property, but to preclude the expansion of a nonconformity or reestablishment of a discontinued or substantially destroyed nonconformity unless allowing such expansion or reestablishment can serve as an incentive to achievement of even greater public benefit.

B. APPLICABILITY

This article applies to nonconformities created by initial adoption of, or amendments to, this Ordinance. It also applies to a use, structure, lot, sign, and other site feature that was a legal nonconformity under a similar provision of a previously applicable ordinance of the city or county and that remains nonconforming with one or more provisions of this Ordinance, even if the type or extent of nonconformity is different.

C. CONTINUATION ALLOWED

Nonconformities are allowed to continue, and are encouraged to receive routine maintenance in accordance with the requirements of this article as a means of preserving safety and appearance.

D. DETERMINATION OF NONCONFORMITY STATUS

In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the owner of the land on which the alleged nonconformity is located.

E. MINOR REPAIRS AND MAINTENANCE

Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, signs, and other site features in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming aspect. For the purposes of this subsection, "minor repair or normal maintenance" shall mean:

1. Repairs that are necessary to maintain a nonconforming use, structure, lot of record, or sign in a safe condition; and
2. Maintenance of land areas to protect against health hazards and promote the safety of surrounding uses.

F. CHANGE OF TENANCY OR OWNERSHIP

No change of title or possession or right to possession of property involved shall be construed to prevent the continuance of such nonconforming use.

8.2. NONCONFORMING USES

A. GENERAL

Nonconforming uses are declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance. Nonconforming uses shall be subject to the standards in this subsection.

B. EXPANSION AND ENLARGEMENT

Except in accordance with this subsection, a nonconforming use shall not be extended, enlarged, expanded, moved to occupy a different area, or intensified. An existing nonconforming use may extend into any portion of a structure that was clearly designed or arranged for such use when the use became nonconforming.

C. STRUCTURES USED FOR NONCONFORMING USE

If a structure used for a nonconforming use falls into disrepair or is damaged by any means, it shall not be reconstructed, restored, rebuilt, structurally altered, or repaired for continued use for the nonconforming use except in accordance with the requirements of Section 8.3.D, Structures Declared Unsafe Due to Disrepair, and Section 8.3.E, Reconstruction or Restoration after Damage.

D. CHANGE IN USE

A nonconforming use may only be changed to a use that is allowed in the zoning district in which it is located. Once a nonconforming use is converted to a conforming use, it shall not be changed back to a nonconforming use.

E. DISCONTINUANCE OF USE

1. If a nonconforming use ceases to operate or has been discontinued for a period of six months or longer, it shall not be reestablished and shall only be replaced with a conforming use.
2. Time spent renovating or repairing a structure devoted to the nonconforming use is not considered a discontinuance of the use, provided:
 - a. All appropriate development approvals are obtained;
 - b. The renovation or repair is completed within 18 months after commencement of the repair or renovation; and
 - c. The use is reestablished within one month after completion of the renovation or repairs.
3. Once a nonconforming principal use is discontinued, all associated accessory uses shall cease operations within one month.

8.3. NONCONFORMING STRUCTURES

A. RELATIONSHIP WITH NONCONFORMING USES

A nonconforming principal structure containing a conforming use may only continue in accordance with the provision of this subsection. Nonconforming structures housing

nonconforming uses may only continue in accordance with the standards in Section 8.2, Nonconforming Uses.

B. ENLARGEMENT OR EXPANSION

A nonconforming structure shall not be enlarged, expanded, or structurally altered in any way that increases the nonconformity. (For example, a structure that has a side yard setback of five feet where the Ordinance requires a minimum side yard setback of ten feet cannot be enlarged so as to further encroach into the side yard setback.) Enlargement, expansion, or alteration of the structure in a way that complies with applicable dimensional standards, or alteration of the structure in a way that decreases the degree of nonconformity, is permitted.

C. RELOCATION

A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless the entire structure thereafter conforms to the requirements of this Ordinance.

D. STRUCTURES DECLARED UNSAFE DUE TO DISREPAIR

If any duly authorized official declares a nonconforming structure to be physically unsafe due to the lack of repairs and maintenance, the structure shall not be reconstructed, restored, rebuilt, structurally altered, or repaired except in conformity with the provisions of this Ordinance.

E. RECONSTRUCTION OR RESTORATION AFTER DAMAGE

1. DAMAGE UP TO 50 PERCENT OF VALUE

- a.** If a nonconforming structure is damaged by any means to an extent whereby the cost of restoring the structure to its before-damaged condition would be 50 percent or less of its market value before the damage, the structure may be reconstructed, restored, rebuilt, structurally altered, or repaired if:
 - i.** The reconstruction, restoration, rebuilding, structural alteration, or repair does not increase, expand, enlarge, or extend the degree of nonconformity;
 - ii.** A Building Permit authorizing the reconstruction, restoration, rebuilding, structural alteration, or repair is obtained within six months after the damage; and
 - iii.** The reconstruction, restoration, rebuilding, structural alteration, or repair is actually begun within one year after the damage and is diligently pursued to completion.

2. DAMAGE GREATER THAN 50 PERCENT OF VALUE

If a nonconforming structure is damaged by any means to an extent whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of its market value before the damage occurred, the structure shall not be reconstructed, restored, rebuilt, structurally altered, or repaired except in conformity with the provisions of this Ordinance.

3. EXCEPTION FOR NONCONFORMING STRUCTURES DAMAGED BY NATURAL DISASTERS

A nonconforming structure damaged or destroyed by a natural disaster (e.g., hurricanes, tornados, and floods) may be reconstructed, restored, rebuilt, structurally

Article 8: Nonconformities

Section 8.4: Nonconforming Lots of Record

8.3.F Exceptions for Nonconforming Structures in Floodplains

altered, or repaired, regardless of the extent of damage, if the reconstruction, restoration, rebuilding, structural alteration, or repair:

- a. Does not increase, expand, enlarge, or extend the degree of nonconformity; and
- b. Complies with any applicable flood hazard prevention standards in the Floodplain Management Ordinance.

F. EXCEPTIONS FOR NONCONFORMING STRUCTURES IN FLOODPLAINS

Existing nonconforming structures located within an area of special flood hazard—as designated on Flood Insurance Rate Maps adopted as part of the Floodplain Management Ordinance, of the Code of Ordinances—may be enlarged, expanded, relocated elsewhere in an area of special flood hazard, or reconstructed, restored, rebuilt, structurally altered, or repaired after damage, without regard to the limitations in Sections 8.3.B-E above, subject to a Special Use Permit approved in accordance with Section 2.5.C, Special Use Permit, and the following additional provisions:

- 1. The nonconforming structure’s resiliency to storm and flood damage shall be increased through use of at least four of the following measures, where undertaken in accordance with standards and guidelines of the National Flood Insurance Program (NFIP):
 - a. Converting enclosed areas of the structure below the base flood elevation to uninhabitable space;
 - b. Wet floodproofing enclosed areas of functionally dependent structures below the base flood elevation to allow flood waters to temporarily fill the areas to equalize hydrostatic loads and prevent buoyancy, including the elevation or floodproofing of HVAC equipment and electrical system components;
 - c. Installing permanent storm shutters on glass windows and doors or replacement of glass windows and doors with impact-resistant glass;
 - d. Installing flood openings in foundations and enclosed areas of the structure below the base flood elevation to allow flood waters to pass through to equalize hydrostatic loads and prevent buoyancy; or
 - e. Securing shingle, built-up, and metal roofs against high wind damage.
- 2. The footprint of the nonconforming part of the structure shall not be increased by more than 15 percent.
- 3. The nonconforming structure shall be enlarged, expanded, remodeled, relocated, reconstructed, restored, rebuilt, structurally altered, or repaired in a manner that is compatible with the character of the surrounding neighborhood.
- 4. The reconstruction, restoration, rebuilding, structural alteration, or repair shall comply with flood hazard prevention standards in the Floodplain Management Ordinance, of the Code of Ordinances.

8.4. NONCONFORMING LOTS OF RECORD

A. GENERAL

No use or structure shall be established on a nonconforming lot of record except in accordance with the standards in this section.

B. STATUS OF STRUCTURES ON NONCONFORMING LOTS

1. Conforming structures legally established on a nonconforming lot before the effective date of this Ordinance (See Section 1.8.A, Effective Date.) may be continued, enlarged, extended, reconstructed, or structurally altered in any way that is in conformance with the standards of this Ordinance.
2. Nonconforming structures legally established on a nonconforming lot before the effective date of this Ordinance (See Section 1.8.A, Effective Date.) may be continued, enlarged, or redeveloped only in accordance with the standards in Section 8.3, Nonconforming Structures.

C. DEVELOPMENT OF NONCONFORMING LOTS

Notwithstanding limitations imposed by other provisions of this Ordinance, a nonconforming lot that fails to comply with applicable dimensional standards (e.g., area, width, depth) may be used for a use permitted in the zoning district in which the lot is located. Development of the permitted use on the nonconforming lot shall comply with the other intensity and dimensional standards of the district, to the maximum extent practicable.

D. GOVERNMENTAL ACQUISITION OF LAND IN A RESIDENTIAL DISTRICT

Governmental acquisition of a portion of a lot for a public purpose that results in a reduction in lot width and/or lot area below that required shall not render the lot nonconforming.

8.5. NONCONFORMING SIGNS

A. MAINTENANCE

A nonconforming sign may be maintained, but shall not be enlarged or structurally altered.

B. RECONSTRUCTION OR RESTORATION AFTER CASUALTY DAMAGE

If a nonconforming sign is damaged or destroyed by fire or other natural causes to an extent exceeding fifty (50) percent of its replacement value at the time of damage or destruction, it shall only be reconstructed, restored, rebuilt, or repaired in a manner that conforms to the provisions of this Ordinance.

C. ABANDONED NONCONFORMING SIGNS

If a nonconforming sign advertises a business on the site of the sign, and the business ceases operations at the site, the sign shall be removed within six months after business operations cease.

D. COMPLIANCE WITH NONCONFORMING STRUCTURE REQUIREMENTS

Except as otherwise stated in Sections 8.5.A-C above, nonconforming signs shall comply with the requirements applicable to nonconforming structures in Section 8.3, Nonconforming Structures.

8.6. NONCONFORMING SITE FEATURES

A. PURPOSE

The purpose of this section is provide a means whereby the city may require certain nonconforming site features to be brought into compliance with the standards of this Ordinance as part of remodeling or expansion of a structure.

B. APPLICABILITY

1. For purposes of this section, the term “nonconforming site features” includes the following:
 - a. Nonconforming off-street parking;
 - b. Nonconforming landscaping;
 - c. Nonconforming screening of mechanical equipment;
 - d. Nonconforming perimeter buffers; and
 - e. Nonconforming screening of walls or fences.
2. If an application is filed for a Building Permit for the remodeling or expansion of a structure and the development site contains one or more nonconforming site features identified in Section 8.6.B.1 above, and the value of the proposed improvements totals at least 25 percent of the current fair market or true value of the existing structure, the applicant shall be required to address the nonconforming site feature as provided in this section.
3. The City Manager may develop administrative guidelines to assist in the implementation of this section, including guidelines for the resolution of conflicts when it may not be possible for one or more types of nonconforming site features to be brought into compliance with the requirements of this Ordinance because of particular site constraints or impacts on adjacent properties.

C. INTERIOR AND EXTERIOR REMODELING OF STRUCTURES

1. REMODELING COSTING 25 PERCENT OR LESS OF STRUCTURE VALUE

Remodeling of a structure that costs 25 percent or less of the current fair market or true value of the structure (at the option of the applicant) shall not require any upgrading of the nonconforming site features identified in Section 8.6.B.1.

2. REMODELING COSTING BETWEEN 25 AND 75 PERCENT OF STRUCTURE VALUE

Remodeling of a structure that costs more than 25 percent, but less than 75 percent, of the current fair market or true value of the structure (at the option of the applicant) shall require nonconforming site features identified in Section 8.6.B.1 to be upgraded towards compliance with the standards of this Ordinance by a corresponding percentage of full compliance, up to achievement of 100 percent compliance.

Example: An existing building that requires 40 off-street parking spaces, but only has 20 spaces, is remodeled such that the cost of remodeling equals 30 percent of the building’s value. The remodeling project must add 12 parking spaces (30% x 40), increasing the degree of compliance from 50 percent to 80 percent. A subsequent remodeling whose cost also equals 30 percent of building value might seem to call for

the addition of another 12 spaces (30% x 40), but actually only 8 new spaces would be required to achieve 100% compliance.

3. REMODELING COSTING 75 PERCENT OR MORE OF STRUCTURE VALUE

Remodeling of a structure that costs 75 percent or more of the current fair market or true value of the structure (at the option of the applicant) shall require all nonconforming site features identified in Section 8.6.B.1 to be upgraded to achieve 100 percent compliance with the standards of this Ordinance.

4. WHEN TWO OF FEWER PARKING SPACES REQUIRED

When this subsection calls for a remodeling project to install two or fewer additional off-street parking spaces, such additional off-street parking is not required to be installed.

5. DETERMINATION OF BUILDING COST AND STRUCTURE VALUE

For purposes of determining if upgrading of nonconforming site features is required by this subsection, the cost of the remodeling shall be as shown on the approved Building Permit application. Fair market value shall be based on a market appraisal performed by a certified appraiser, at the applicant's expense. True value shall be based on the most recently available Jackson County tax rolls.

D. ADDITIONS AND EXPANSIONS

1. ADDITIONS AND EXPANSION LESS THAN 15 PERCENT

Additions or expansions to a structure or use area in any continuous five-year period that increase the gross square footage of the structure or use area (measured at the beginning of the five-year period) by 15 percent or less shall not require any upgrading of the nonconforming site features identified in Section 8.6.B.1.

2. ADDITIONS AND EXPANSIONS BETWEEN 15 AND 50 PERCENT

Additions or expansions to a structure or use area in any continuous five-year period that increase the gross square footage of the structure or use area (measured at the beginning of the five-year period) by more than 15 percent but less than 50 percent shall require nonconforming site features identified in Section 8.6.B.1 to be installed or upgraded towards compliance with the standards of this Ordinance by a corresponding percentage of full compliance, up to achievement of 100 percent compliance.

Example: An existing building in a development that requires 40 caliper inches of canopy trees, but only contains 20 caliper inches, is expanded by 30 percent of the development's gross floor area. The expansion project must add 12 caliper inches of canopy trees (30% x 40), increasing compliance from 50 percent to 80 percent. A subsequent addition whose size also equals 30 percent of existing building size might seem to call for addition of another 12 caliper inches of canopy trees (30% x 40), but actually only 8 new caliper inches would be required to achieve 100% compliance.

3. ADDITIONS AND EXPANSIONS GREATER THAN 50 PERCENT

Additions or expansions to a structure or use area in any continuous five-year period that increase the gross square footage of the structure or use area (measured at the beginning of the five-year period) by more than 50 percent shall require all nonconforming site features identified in Section 8.6.B.1 to be installed upgraded to achieve 100 percent compliance with the standards of this Ordinance.

Article 8: Nonconformities

Section 8.6: Nonconforming Site Features

8.6.E Compliance to Maximum Extent Practicable on Constrained Properties

4. ADDITIONS AND EXPANSIONS OF OUTDOOR USE AREAS ONLY

When only outdoor operations, storage, and display areas are being added or expanded on a site, the percentage increase in the gross square footage of the outdoor operations, storage, and display areas shall require perimeter buffers and screening to be installed or upgraded towards compliance with the standards of this Ordinance by a corresponding percentage of full compliance. The increased perimeter buffer and screening shall be located so as to achieve the performance objectives in Section 6.3, Landscaping Standards, with priority given to screening the impacts of outdoor operations.

E. COMPLIANCE TO MAXIMUM EXTENT PRACTICABLE ON CONSTRAINED PROPERTIES

Where full compliance with the requirements of this section is precluded by a lack of sufficient developable areas due to the size and layout of existing development or the presence of significant wetlands, floodplains, watercourses, steep slopes, or other significant environmental constraints on development, the applicant shall comply with the requirements of this section to the maximum extent practicable, as determined by the City Manager.

Article 9: Enforcement

TABLE OF CONTENTS

ARTICLE 9: ENFORCEMENT	9-1
9.1. Purpose	9-1
9.2. Compliance Required	9-1
9.3. Violations	9-1
A. Violations Generally	9-1
B. Specific Violations.....	9-1
9.4. Responsible Persons	9-2
9.5. Enforcement Generally	9-2
A. Responsibility for Enforcement.....	9-2
B. Complaints Regarding Violations.....	9-2
C. Inspections.....	9-2
D. Enforcement Procedure.....	9-3
9.6. Remedies and Penalties	9-4
A. Remedies	9-4
B. Criminal Penalties.....	9-5
C. Cumulative Remedies and Penalties	9-5

ARTICLE 9: ENFORCEMENT

9.1. PURPOSE

This article establishes procedures through which the city seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this chapter are intended to encourage the voluntary correction of violations, where possible.

9.2. COMPLIANCE REQUIRED

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the city.

9.3. VIOLATIONS

A. VIOLATIONS GENERALLY

1. FAILURE TO COMPLY WITH ORDINANCE OR TERM OR CONDITION OF APPROVAL CONSTITUTES ORDINANCE VIOLATION

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this Ordinance, or the terms or conditions of any permit or other development approval or authorization granted in accordance with this Ordinance shall constitute a violation of this Ordinance punishable as provided in this article.

2. PERMITS OR PERMIT APPROVALS ONLY AUTHORIZE DEVELOPMENT APPROVED

Permits or permit approvals issued by a decision-making body authorize only the use, arrangement, location, design, density or intensity, and development set forth in such permits or development approvals.

B. SPECIFIC VIOLATIONS

It shall be a violation of this Ordinance to undertake any activity contrary to the provisions of this Ordinance, including but not limited to any of the following:

1. Develop land or a structure without first obtaining all appropriate permits or development approvals, and complying with their terms and conditions.
2. Occupy or use land or a structure without first obtaining all appropriate permits or development approvals, and complying with their terms and conditions.
3. Subdivide land without first obtaining all appropriate permits or development approvals required to engage in subdivision, and complying with their terms and conditions.
4. Excavate, grade, cut, clear, or undertake any land disturbing activity without first obtaining all appropriate permits and development approvals, and complying with their terms and conditions.
5. Remove existing trees from a site or parcel of land without first obtaining appropriate permits and development approvals, and complying with their terms and conditions.
6. Disturb any landscaped area or vegetation required by this Ordinance.
7. Install, create, erect, alter, or maintain any sign without first obtaining the appropriate

Article 9: Enforcement

Section 9.4: Responsible Persons

9.5.A Responsibility for Enforcement

permits or development approvals, and complying with their terms and conditions.

- 8. Fail to remove any sign installed, created, erected, or maintained in violation of this Ordinance, or for which the permit has expired.
- 9. Create, expand, replace, or change any nonconformity except in compliance with this Ordinance.
- 10. Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this Ordinance.
- 11. Increase the intensity or density of development, except in accordance with the standards of this Ordinance.
- 12. Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this Ordinance.

9.4. RESPONSIBLE PERSONS

The owner, tenant, or occupant of any land or structure, and an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance may be held responsible for the violation and subject to the remedies and penalties set forth in this article.

9.5. ENFORCEMENT GENERALLY

A. RESPONSIBILITY FOR ENFORCEMENT

The City Manager shall have primary responsibility for enforcing the provisions of this Ordinance. The City Manager may delegate enforcement authority to other city officials involved with reviewing or inspecting development, who shall be responsible for assisting the City Manager in enforcing this Ordinance. All other all officers and employees of the City, especially members of the Police Department and Fire Department, shall have the duty to assist in enforcing this Ordinance by reporting apparent violations of this Ordinance to the City Manager.

B. COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint. The complaint, stating fully the cause and basis therefore shall be filed with the City Manager, who shall properly record such complaint, investigate, and take appropriate action as provided by this Ordinance.

C. INSPECTIONS

On presenting proper credentials, the City Manager may enter upon land or inspect any structure to ensure compliance with the provisions of this Ordinance. These inspections shall be carried out during normal business hours unless the City Manager determines there is an emergency necessitating inspections at another time. If the property owner denies entry for inspection, the City Manager may seek a warrant for entry in Municipal Court.

D. ENFORCEMENT PROCEDURE

1. INVESTIGATION OF COMPLAINT

On receiving a written complaint, the City Manager shall investigate the complaint and determine whether a violation of this Ordinance exists.

2. NOTICE OF VIOLATION

- a.** On finding that a violation of this Ordinance exists, whether from an investigation of a written complaint or otherwise, the City Manager shall provide written notice of the violation, by personal service or certified mail, return receipt requested, to the owner of the property on which the violation exists and the person causing or maintaining the violation. Such notification shall:
 - i.** Describe the location and nature of the violation;
 - ii.** State the actions necessary to abate the violation; and
 - iii.** Order that the violation be corrected or an administrative hearing be requested within a specified reasonable time period not to exceed ten business days after receipt of the Notice of Violation.
- b.** The final notice of violation (which may also be the initial notice of violation) shall state what course of action is intended if the violation is not corrected or an administrative hearing is not requested within the specified time limit. If the final notice of violation identifies the assessment of a civil penalty as a potential intended course of action, the notice of violation shall also serve as a warning citation. The final notice of violation shall also advise the violators of their rights to appeal the Notice of Violation to the City Council in accordance with Section 2.5.O, Administrative Appeal.
- c.** On receiving a written request for extension of the time limit for correction specified in the Notice of Violation, the City Manager may, for good cause shown, grant a single extension of the time limit for up to 30 business days.
- d.** If the owner of the property cannot be located or determined, the City Manager shall post a copy of the notice on the building, structure, sign, or site that is the subject of the violation. In such a case, the time limit for correction of the violation shall be deemed to begin five days after the notice is posted.

3. ADMINISTRATIVE HEARING

If the violator requests an administrative hearing within the deadline set forth in the Notice of Violation, the City Manager shall schedule a hearing not less than ten days or more than 30 days after receiving the request, and shall provide the violator written notice of the time and place of the hearing. At the conclusion of the hearing, the City Manager shall make a final determination of whether a violation exists and, if finding that a violation does exist, shall order the violator to undertake actions necessary to abate the violation within a set time limit. The City Manager shall also advise the violator of the right to appeal the final determination of violation to the City Council in accordance with Section 2.5.O, Administrative Appeal.

4. APPLICATION OF REMEDIES AND PENALTIES

On determining that the violator has failed to correct the violation by the time limit set forth in the final Notice of Violation (or any granted extension thereof) or set at a subsequent administrative hearing, or has failed to timely appeal the Notice of Violation or final determination of violation in accordance with Section 2.5.O, Administrative Appeal, the City Manager shall take appropriate action, as provided in

Article 9: Enforcement

Section 9.6: Remedies and Penalties

9.6.A Remedies

Section 9.6, Remedies and Penalties, to correct and abate the violation and to ensure compliance with this Ordinance.

5. EMERGENCY ENFORCEMENT WITHOUT NOTICE

On determining that delay in abating the violation would pose a danger to the public health, safety, or welfare, the City Manager may seek immediate enforcement without prior written notice by invoking any of the remedies authorized in Section 9.6, Remedies and Penalties.

6. REPEAT VIOLATIONS

If the same violation is repeated by the same offender over any two-year period, the city may commence the application of remedies or penalties at the stage in the process where the previous violation was resolved.

9.6. REMEDIES AND PENALTIES

The city may use any combination of the following remedies and enforcement powers to administer and enforce this Ordinance.

A. REMEDIES

1. ISSUANCE OF STOP WORK ORDER

Whenever a building or structure is being constructed, demolished, renovated, altered, or repaired in violation of any applicable provision of this Ordinance, the City Manager may issue a Stop Work Order. The Stop Work Order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation, and the action(s) necessary to lawfully resume work.

2. REVOCATION OF PERMIT OR APPROVAL

The City Manager may revoke any development permit or approval granted under this Ordinance, by written notice to the permit or approval holder, when false statements or misrepresentations were made in securing the permit or approval, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this Ordinance, or a permit or approval has been mistakenly granted in violation of this Ordinance.

3. INJUNCTION

When a violation occurs, the city may, either before or after the initiation of other authorized actions, apply to the appropriate court for a mandatory or prohibitory injunction ordering the offender to correct the unlawful condition or cease the unlawful use of the land in question.

4. DENIAL OR WITHHOLDING OF RELATED PERMITS

The city may deny or withhold authorization to use or develop any land, structure, or improvements until an alleged violation related to such land, use, or development is corrected and any associated civil penalty is paid.

5. DENIAL OF CITY UTILITY SERVICE

The city may revoke the Certificate of Occupancy issued on a property and, to the extent allowed by law, may also deny the connection or continuation of utility services

provided by the city (e.g., water supply, sewerage, gas) to any property being used in violation of this Ordinance.

6. ADDITIONAL REMEDIES FOR REMOVAL, DESTRUCTION, OR DAMAGE OF VEGETATION

If existing trees are removed or damaged without a Tree Removal Permit or in violation of a Tree Removal Permit and its conditions, or vegetation required by this Ordinance is destroyed or damaged, the city may require the property owner or person responsible for the removal, destruction, or damage of the trees or vegetation to restore or replace the trees or vegetation within a specified reasonable time period with trees or other vegetation meeting the standards of Section 6.3, Landscaping Standards, or 6.4, Tree Protection, as appropriate.

B. CRIMINAL PENALTIES

Pursuant to the Mississippi Code,² any person convicted of violating provisions of this Ordinance shall, on conviction, be guilty of a misdemeanor and subject to a fine of up to \$100. In the case of continuing violations without a reasonable effort on the part of the violator to correct the violation, each day the violation continues thereafter shall be a separate offense.

C. CUMULATIVE REMEDIES AND PENALTIES

The remedies and penalties provided for violations of this Ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy or penalty provided by law, and may be exercised in any order.

² Miss. Code § 17-1-27.

Article 10: Definitions and Interpretations

TABLE OF CONTENTS

ARTICLE 10: DEFINITIONS AND INTERPRETATION	10-1
10.1. General Rules for Interpretation	10-1
A. Meanings and Intent.....	10-1
B. Headings, Illustrations, and Text.....	10-1
C. Lists and Examples	10-1
D. Computation of Time	10-1
E. References to Other Regulations/Publications.....	10-1
F. Delegation of Authority	10-1
G. Technical and Nontechnical Terms	10-1
H. Public Officials and Agencies.....	10-2
I. Mandatory and Discretionary Terms.....	10-2
J. Conjunctions	10-2
K. Tenses and Plurals.....	10-2
L. Term Not Defined.....	10-2
10.2. Terms and Uses Defined	10-2

ARTICLE 10: DEFINITIONS AND INTERPRETATION

10.1. GENERAL RULES FOR INTERPRETATION

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

A. MEANINGS AND INTENT

All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 1.3, General Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance. When a specific section of these regulations gives a different meaning than the general definition provided in this Article 10: Definitions and Interpretation, the specific section's meaning and application of the term shall control.

B. HEADINGS, ILLUSTRATIONS, AND TEXT

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

C. LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

D. COMPUTATION OF TIME

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the city, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the city. References to days are calendar days unless otherwise stated.

E. REFERENCES TO OTHER REGULATIONS/PUBLICATIONS

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

F. DELEGATION OF AUTHORITY

Any act authorized by this Ordinance to be carried out by a specific official of the city may be carried out by a professional-level designee of such official.

G. TECHNICAL AND NONTECHNICAL TERMS

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

H. PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of the City of Pascagoula, unless otherwise indicated.

I. MANDATORY AND DISCRETIONARY TERMS

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

J. CONJUNCTIONS

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. “And” indicates that all connected items, conditions, provisions or events apply or are required; and
2. “Or” indicates that one or more of the connected items, conditions, provisions or events apply or are required.

K. TENSES AND PLURALS

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

L. TERM NOT DEFINED

If a term used in this Ordinance is not defined in this article, the City Manager shall have the authority to provide a definition based upon the definitions used in accepted sources—including, but not limited to, the most recent editions of *A Planners Dictionary*, *A Glossary of Zoning, Development, and Planning Terms*, and *A Survey of Zoning Definitions*, published by the American Planning Association.

10.2. TERMS AND USES DEFINED

The following words, terms, and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section.

ACCESSORY DWELLING UNIT

A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot. As a dwelling unit, an accessory dwelling unit may be used for living, sleeping, sanitation, cooking, and eating purposes, and includes independent kitchen, sanitary, and sleeping facilities.

ACCESSORY USE

A use that is customarily incidental and subordinate to the principal use of land or a structure within the same lot.

ADDITION

Any walled and roofed expansion to the perimeter of a building that is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered “new construction.”

ADMINISTRATIVE ADJUSTMENT

A permit authorizing limited deviations from certain of this Ordinance's dimensional standards, and that is reviewed and decided by the City Manager or Development Review Committee in accordance with Section 2.5.M, 2.5.O, Administrative Adjustment.

ADMINISTRATIVE APPEAL

An appeal of an administrative decision-maker's interpretation or decision on certain applications and other matters, and that is reviewed and decided by the Planning Board and City Council in accordance with Section 2.5.O, Administrative Appeal.

ADMINISTRATIVE MANUAL

A document maintained by the City Manager that serves as a user's guide to this Ordinance. The administrative manual contains copies of application forms, fees, schedule and contact information, as well as interpretations of the intent behind standards in this Ordinance.

ADT (AVERAGE DAILY TRAFFIC)

The average number of vehicles in both directions that pass a specific point along a roadway in a 24-hour period, as measured throughout the year.

ADULT ARCADE

An establishment where, for any form of consideration, one or more motion pictures projectors, slide projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT BOOKSTORE

An establishment which has as a substantial portion of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:

- Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas;" or
- Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

ADULT CABARET

A nightclub, bar, restaurant, theater, or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT DAY CARE

A program operated in a structure other than a single-family dwelling that provides group care and supervision on less than a 24-hour basis, and in a place other than their usual place of abode, to adults 18 years of age or older who may be physically or mentally disabled.

ADULT ENTERTAINMENT USES

A use category that includes use types that sell, distribute, or present material or feature performances or other activities emphasizing the depiction or display of specified sexual activities or specified anatomical areas. Example use types include adult arcades, adult bookstores, and adult motion picture theaters (all distinguished by being largely devoted to selling, renting or presenting media emphasizing sexually explicit content), adult motels (which are largely devoted to providing room occupants films or other visual representations emphasizing sexually explicit content), and adult cabarets (which feature live performances or services emphasizing the display of specified sexual activities or specified anatomical areas).

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Adult Motel

ADULT MOTEL

A motel or similar establishment which includes the word "adult" in any name it uses or otherwise advertises the presentation of adult material, offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmission, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADULT MOTION PICTURE THEATER

An establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

ADVERSE IMPACT

A significant negative impact to land, water, associated resources or public facilities resulting from development. The negative impact includes increased risk of flooding; degradation of water quality; increased sedimentation; reduced groundwater recharge; negative impacts on aquatic organisms; negative impacts on wildlife and other resources; inadequate capacity for traffic, potable water, wastewater, police, fire, and EMS services and threatened public health.

AFFECTED PARTY

The owner of land adjoining the land subject to a development application, a person or organization who reasonably believes their property interest will be directly and materially affected by a development proposed by a development application; or any officer or agent of the city.

AGGRIEVED PARTY

A person with a legally recognized interest (i.e., fee simple ownership) and standing to appeal who has or will suffer a special harm or adverse impact (as distinct from a harm or impact suffered by the general public) caused by a decision or action by the city in administering this Ordinance, and including any officer or agent of the city.

ALLEY

An accessway designed and intended primarily to provide secondary vehicular access and/or service and delivery vehicle access between a street and the rear or sides of lots or buildings. Alleys may also provide primary vehicular access for dwellings designed to have no driveway access from the fronting street.

ALTERNATIVE PARKING PLAN

A plan or other proposal to utilize one or more of the alternative parking provisions in Section 6.2.H, Off-Street Parking Alternatives, as a means of providing more off-street parking spaces than typically allowed or fewer spaces than required.

ANIMAL CARE USES

A use category that is characterized by use types related to the provision of medical services, general care, and boarding services for domestic animals. Example use types include animal shelters, animal grooming, kennels (outdoor and indoor), and veterinary clinics (with and without boarding).

ANIMAL GROOMING

Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health and for which a fee is charged.

ANIMAL SHELTER

A facility used to house and care for stray, homeless, abandoned, or neglected animals that is owned, operated, or maintained by a public body, an established humane society, or other private or nonprofit organization.

ANTENNA, AMATEUR HAM RADIO/TELEVISION

A device used to transmit and/or receive radio or electromagnetic waves between land based or orbiting uses.

APPLICANT

The owner of land, or the authorized representative of the landowner, applying for a development approval or permit.

APPLICATION

The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate city department, board, or commission as part of the review for a development permit or approval reviewed under this Ordinance.

ARBORETUM OR BOTANICAL GARDEN

A garden or place where trees, shrubs, or other woody plants are grown, exhibited or labeled for scientific, educational, or passive recreational purposes, not including the harvest of plants or their produce.

ARCHITECTURAL LIGHTING

Exterior lighting that is designed to highlight structures, plantings, or significant architectural features in a direct or indirect fashion.

ARENA, STADIUM, AMPHITHEATER

A building or structure area designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings. Such uses may or may not include lighting facilities for illuminating the field or stage area, concessions, parking facilities, and maintenance areas

ART GALLERY

An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

ART, MUSIC, DANCE, OR MARTIAL ARTS STUDIO

The workshop or space used for providing persons instruction and practice in art, music, dance, martial arts, or similar cultural activities.

ASSISTED LIVING FACILITY

A building or group of buildings providing individualized personal care in a residential setting to persons who need assistance in performing one or more of the activities of daily living, such as bathing, dressing, and personal hygiene, feeding, and the taking of medication. Assisted living facilities are distinguished from nursing care facilities, which provide residents skilled nursing services and are categorized as a health care use.

ATHLETIC FIELD

Outdoor areas designed for athletic competitions and training for field sports such as soccer, baseball, football, and similar sports requiring outdoor fields. Associated accessory uses may include clubhouses, shelters, bleachers, restrooms, concessions, parking, equipment storage, irrigation system, and athletic equipment.

AUDITORIUM OR THEATER

A building or structure designed or intended for lectures, speeches, dramas, musical performances, or other live presentations or performances, all occurring inside a structure typically limited to a capacity of 500 or fewer seats.

AUTO PAINTING OR BODY SHOP

A facility providing collision repair and painting services for automobiles, vehicles, or trailers, including bodywork, framework, welding, and major painting and undercoating work.

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Auto Parts Sales and Installation

AUTO PARTS SALES AND INSTALLATION

The on-site sale and subsequent installation of various automobile parts and accessories, including but not limited to tires, mufflers, brakes, batteries, audio systems, and lubricants such as engine oil. Such uses do not include the sale of gasoline or other fuels.

AUTO REPAIR AND SERVICING (WITHOUT PAINTING OR BODY WORK)

General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, not including bodywork, framework, welding, and major painting service.

AUTO SALES OR RENTAL

Premises on which new or used passenger automobiles, trailers, or light trucks in operating condition are displayed for sale, lease, or rental.

AUTO WRECKER SERVICE

An establishment providing towing and temporary storage on-site of wrecked or inoperable vehicles. If an establishment has more than 15 inoperable vehicles located on-site, stores inoperable vehicles for more than 90 days, stacks vehicles, or portions of the vehicles are dismantled or removed for sale, it shall be considered a salvage and junkyard.

AUTOMATED TELLER MACHINE (ATM)

A mechanized device operated by a bank or financial institution that allows pedestrian customers or customers in motor vehicles to perform banking or financial transactions at locations remote from the controlling bank or financial institution. Where an ATM is provided at the site of a bank or financial institution for use by customers in motor vehicles, the use is considered a bank or financial institution with drive-through service. At other locations, an ATM may be considered an accessory use to the principal use(s) of the location.

AWNING

A temporary shelter supported entirely from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

BANK OR FINANCIAL INSTITUTION, WITH DRIVE-THROUGH SERVICE

An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. Financial institutions may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up or drive-through customers. These uses include drive-through facilities.

BANK OR FINANCIAL INSTITUTION, WITHOUT DRIVE-THROUGH SERVICE

An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. Financial institutions may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only. These uses do not include drive-through facilities.

BAR OR LOUNGE

An establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. The primary source of revenue for such use is derived from alcohol sales, and the secondary source from the serving of food.

BED AND BREAKFAST INN

A private residence, generally a single-family residence, engaged in renting one or more dwelling rooms on a daily basis to tourists, vacationers, and business people, where provision of meals is limited to breakfast for guests only.

BERM

An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

BIKE RACK

A stand used for mounting and securing bikes when not in use.

BLOCK

An area of land surrounded by any combination of streets, parks, railroads, water bodies, or other similar physical features that form a barrier to the continuity of development.

BLOCK FACE

The lands abutting one side of a block—that is abutting one side of a street and lying between the two nearest intersecting streets, parks, railroads, water bodies, or undivided land.

BLOOD/TISSUE COLLECTION FACILITY

A facility where blood or related materials are either withdrawn or collected from patients or assembled after being withdrawn or collected elsewhere from patients for subsequent delivery to a clinical laboratory for examination. A collection facility is maintained at a separate physical location not on the grounds or premises of the main licensed laboratory or institution which performs the testing.

BOAT AND MARINE PARTS SALES AND INSTALLATION

The on-site sale and subsequent installation of various boat and marine equipment parts and accessories, including but not limited to deck gear, sails, batteries, navigation and audio systems, and lubricants such as engine oil. Such uses do not include the sale of fuels.

BOAT AND MARINE REPAIR AND SERVICING

A business that focuses on the repair or maintenance of boats, marine engines, or marine equipment.

BOAT AND MARINE SALES AND SERVICE USES

A use category that includes use types involving the direct sales and servicing of boats and other consumer watercraft, whether for recreation, commerce, or personal transport. This use category also includes use types involving the direct sales and servicing of boat trailers, marine engines, and other marine equipment. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display, and boat storage. Example use types include boat and marine sales or rental, boat or marine parts sales and installation, boat and marine repair and servicing, boat fueling stations, boat dry storage, marinas, boating clubs, boat docking facilities, and boat launches.

BOAT AND MARINE SALES OR RENTAL

Premises on which new or used boats, marine engines, or marine equipment are displayed for sale, lease, or rental.

BOAT DOCKING FACILITY

A fixed or floating structure, including moorings, used for the purpose of berthing buoyant vessels on a commercial basis.

BOAT DRY STORAGE

An enclosed or partially enclosed structure designed for the use and storage of private watercraft and marine equipment.

BOAT FUELING STATION

A use involving the dockside sale and dispensing of marine fuel to boats.

BOAT MANUFACTURING

A manufacturing facility devoted to the production of boats, marine engines, or marine equipment.

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Boathouse

BOATHOUSE

An enclosed or partially enclosed structure constructed wholly or partially over water that is designed to provide shelter for boats or other watercraft and marine-related equipment. Boathouses are generally attached to or closely associated with a pier.

BOATING CLUB

A use consisting of structures and related grounds and/or moorage used for social and recreational purposes related to pleasure boating, the use of which is primarily restricted to members and their guests.

BOOK OR MEDIA SHOP

A retail store that sells books and other media. This does not include the sale of sexually-oriented media.

BREW PUB

An eating and drinking establishment that falls within the definition of “brewpub” in Section 27-71-301(j) of the Mississippi Code of 1972 and is subject to the production limits, licensing requirements, and other regulations in Title 67 (Alcoholic Beverages), Chapter 3 (Sale of Light Wine, Beer, and Other Alcoholic Beverages) of the Mississippi Code of 1972.

BUFFER, PERIMETER

An area of land along the perimeter of a development site that contains any combination of vegetative materials, berms, fences, and walls, and provides separation and screening to minimize potential adverse impacts between the development and dissimilar development on abutting property.

BUFFER, RIPARIAN

An area of trees and other vegetation adjacent to a river, bayou, other watercourse, or shoreline that is managed to maintain the integrity of the water body, to reduce pollution, and to provide food, habitat, and thermal protection for fish and wildlife.

BUILDING

Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, goods, or materials of any kind or nature.

BUILDING CODE

The International Building Code, as adopted and modified pursuant to Chapter 14, Buildings and Building Regulations, of the Code of Ordinances.

BUILDING COVERAGE

The portion of a lot covered by principal and accessory structures, expressed as a percentage of total lot area.

BUILDING FAÇADE

See “Façade.”

BUILDING FOOTPRINT

The exterior outline of a building where it meets the earth.

BUILDING FRONTAGE

The side of a building that faces and is substantially parallel to a street. For the purpose of determining maximum sign area for a wall or projecting sign for one of multiple establishments within a building, building frontage applies to that portion of the side of the building’s street-facing side that is devoted to the particular establishment.

BUILDING PERMIT

An official document or certification that is issued by the City Manager pursuant to the Building Code and authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure as being in compliance with Building Code standards.

BUILDING, HEATING, PLUMBING , OR ELECTRICAL CONTRACTOR'S STORAGE YARD

A use involving the outdoor storage of materials, supplies, and equipment by building, heating, plumbing, or electrical contractors. Accessory uses may include offices.

BUILDING, PRINCIPAL

A building in which is conducted the primary use of the lot on which the building is located.

BUSINESS SERVICE CENTER

An establishment primarily engaged in providing a range of office support services, such as document copying services, facsimile services, word processing services, on-site personal computer rental, office product sales, and mailing services.

BUSINESS SERVICES OFFICES

A room, or group of rooms used for conducting the affairs of a general business establishment, other than financial services and professional services. Examples of business services office uses include offices for retail and wholesale establishments.

BUSINESS SUPPORT SERVICES USES

A use category that includes use types primarily providing routine business support functions for the day-to-day operations of other businesses, as well as to households. Example use types include business service centers, parcel services, telephone call centers, and travel agencies.

CALIPER

A horticultural method of measuring the diameter of a tree trunk for the purposes of determining the tree's size. The caliper of the trunk is measured six inches above the ground for trees with a diameter of four inches or less, twelve inches above the ground for trees with a diameter more than four and less than ten inches, and at breast height (4½ feet) for trees with a diameter of ten inches or greater.

CAMPGROUND OR RECREATIONAL VEHICLE (RV) PARK

An outdoor facility designed for overnight accommodation of persons in tents, rustic cabins, recreational vehicles, and shelters for recreation, education, naturalist, or vacation purposes. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

CANOPY, NONRESIDENTIAL

A permanent, but not completely enclosed structure that may be attached or adjacent to a nonresidential building for the purpose of providing shelter to people or automobiles, or a decorative feature on a building wall. A canopy is not a completely enclosed structure.

CAR WASH AND AUTO DETAILING

An establishment providing the exterior washing of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes, or driven into bays and washed by hand, using a wand or other hose. Interior cleaning and/or drying may be conducted manually by the vehicle operator or on-site attendants.

CEMETERY OR MAUSOLEUM

Uses intended for the burial of the dead and dedicated for cemetery purposes. This use type may include a funeral home or mortuary or a mausoleum or columbarium (a structure or vault lined with recesses for cinerary urns), but does not include a crematory.

CERTIFICATE OF OCCUPANCY

A document issued by the City Manager pursuant to the Building Code that allows the occupancy and use of building(s) and structure(s) and certifying that said building(s) and structure(s) and use(s) have been constructed and will be used in compliance with all applicable municipal codes.

CHANCERY CLERK

The Chancery Clerk of Jackson County, Mississippi.

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Change in Use

CHANGE IN USE

The change in the use of a structure or land from one use to another use listed in the table of uses as a permitted use, and that requires a Zoning Compliance Permit.

CHILD DAY CARE FACILITY

A facility that provides shelter and personal care for any part of a 24 hour day to six or more children under 13 years of age who are not related to the operator(s) of the facility. This includes day nurseries, day care centers, and other facilities that fall within the scope of this definition. It does not include schools; family child care homes; child care facilities that operate for no more than two days a week and whose primary purpose is to provide respite for the primary caregiver of the child or to provide temporary care during other scheduled or related activities and organized programs that operate for three or fewer weeks per year (such as, but not limited to, vacation bible schools and scout day camps); or membership organizations affiliated with a national organization that charge an annual membership fee, do not receive monthly, weekly, or daily payments for services, and are certified and in compliance with the national association's minimum standards for operation (such as, but not limited to, the Boys and Girls Club of America and the YMCA).

CITY

The City of Pascagoula, Mississippi.

CITY CLERK

The City Clerk of the City of Pascagoula.

CITY COUNCIL

The elected legislative governing body of the City of Pascagoula.

CITY MANAGER

The City Manager of the City of Pascagoula, or a designee.

CLUB OR LODGE

A building and related facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership and pay dues.

CLUBHOUSE

A building or room used for social or recreational activities by members of a club (e.g., golf course clubhouse) or occupants of a residential or other development.

CODE OF ORDINANCES

The Code of Ordinances, City of Pascagoula, Mississippi.

COLD STORAGE FACILITY

A building, structure, machinery, appurtenances, appliances and apparatus occupied and used in the business of freezing food products or storing frozen food products.

COLLEGE OR UNIVERSITY

A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions. Trade or vocational schools are a different use type.

COMMERCIAL PARKING DECK OR GARAGE (AS PRINCIPAL USE)

A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building.

COMMERCIAL PARKING LOT (AS PRINCIPAL USE)

The use of a lot for the parking of motor vehicles as a principal use (rather than as accessory to any principal use on the lot), which contains parking spaces that may be rented to the general public or reserved for individuals by the hour, day, week, or month.

COMMUNITY CENTER

A building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

COMMUNITY GARDEN

An area of land managed and maintained by an individual or group to grow and harvest food crops or non-food ornamental crops (e.g., flowers and ornamental plants) for personal or group use, consumption, donation, or sale. Community gardens may be divided into separate plots for cultivation by one or more individuals, be farmed collectively by members of a group, include common areas maintained and used by group members, or include composting areas. They may be located on private land (vacant or developed) or on public lands and rights-of-way as allowed by the city. Community gardens do not include gardens maintained by individual property owners or occupants for the purpose of their personal consumption or use. Accessory structures may include storage and tool sheds, greenhouses, hoop houses, and cold frames.

COMMUNITY SERVICES USES

A use category that includes use types of a public, nonprofit, or charitable nature providing a local service (e.g., cultural, recreational, counseling, education, training) directly to people of the community. Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. This use category includes facilities with membership provisions that are open to the general public. Accessory uses may include offices, meeting areas, food preparation and dining facilities, health and therapy areas, and indoor and outdoor recreational facilities. The category does not include uses with a residential component. Example use types include community centers, art galleries, libraries, museums, senior centers, youth centers, and clubs or lodges of community-oriented associations. This use category does not include private or commercial health clubs or recreational facilities (categorized as indoor or outdoor recreation/entertainment uses), or counseling in an office setting (categorized as an office use).

COMPREHENSIVE PLAN

A statement of public policy for the physical development of the entire municipality or county adopted by resolution of the governing body. As used in this Ordinance, the term refers to the most recently adopted Comprehensive Plan of the City of Pascagoula, as amended and supplemented from time to time by order or resolution of the City Council.

CONFORMING USE

Any lawful use of a building or a lot that complies with the provisions of this Ordinance.

CONNECTIVITY

The relative degree of connection between streets, sidewalks, or other means of travel.

CONSTRUCTION

The erection of any structure or any preparations (including land disturbing activities) for the same.

CONTINUING CARE RETIREMENT COMMUNITY

An integrated development that offers senior citizens a full continuum of housing options and assistance, ranging from fully independent dwelling units, to assistance with personal care in assisted living facilities, to hospice care, to long-term skilled nursing care in a nursing care facility.

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Contractor's Offices

CONTRACTOR'S OFFICES

A building or portion of a building used by a development contractor both as an office and for the storage of a limited quantity of materials inside the building.

CONVENIENCE STORE, WITH GASOLINE SALES

A retail establishment that sells gasoline dispensed from pumps and offers for sale, primarily, the following types of articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, beer, wine, candy, papers and magazines, and general hardware articles. Fast food may be offered, but only as a secondary activity of a convenience store.

CONVENIENCE STORE, WITHOUT GASOLINE SALES

A retail establishment that offers for sale, primarily, the following types of articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, beer, wine, candy, papers and magazines, and general hardware articles. Fast food may be offered, but only as a secondary activity of a convenience store. Gasoline is not offered for sale.

CONVENTION CENTER

A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption. Similar structures with a capacity of less than 500 people are conference center uses.

CORNICE

Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

CORRECTIONAL FACILITY

A publicly or privately operated facility for the confinement of persons in lawful detention, especially persons awaiting trial or convicted of a crime. Such uses may include cafeterias, housing for facility staff, outdoor storage and maintenance areas, recreational areas, agricultural facilities, and facilities for the production of goods or materials produced for sale.

COUNTY

Jackson County, Mississippi.

COUNTY TAX ASSESSOR

The Tax Assessor of Jackson County, Mississippi.

COURTHOUSE FACILITIES

Buildings and facilities used primarily for the regular adjudication of civil and criminal legal cases, including courtrooms, meeting rooms, and offices for administrative support functions. Accessory uses may include maintenance, storage, secure transfer facilities, holding cells, concessions, and dining.

CREMATORY

A facility containing furnaces for the reduction of dead bodies to ashes by fire.

CROSS ACCESS

Vehicular access provided between the vehicular use areas of two or more adjacent development sites or parcels that is intended to allow travel between the sites without the use of a street.

CUL-DE-SAC

A short, local street having one end open to traffic and being permanently terminated at the other end by a circular bulb that allows vehicles to turn around without having to stop and back up.

CUPOLA

A domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.

DAY CARE USE

A use category that is characterized by use types providing care, protection, and supervision for children or adults on a regular basis away from their primary residence, and typically for less than 24 hours per day. Care can be provided during daytime or nighttime hours. Accessory uses may include offices, food preparation and dining areas, and recreation areas. Example use types include adult day care facilities, child day care facilities, and family child care homes. This use category does not include drop-in or short-term day care provided in connection with an employment or shopping center, recreational facility, place of worship, hotel, or other principal use, where children are temporarily cared for while parents or guardians are employed part-time or temporarily occupied on the premises or in the immediate vicinity.

DBH (DIAMETER AT BREAST HEIGHT)

The measurement of the diameter of a tree trunk over ten inches in diameter, taken at a height of four-and-one-half feet above the ground. Trees with multiple tree trunks should be treated as multiple trees and the DBH of each trunk added to the aggregate diameter measurement.

DEMOLITION

The intentional dismantling or tearing down of all or a part of a structure and all operations incidental thereto.

DEVELOPER

The legal or beneficial owner(s) of land included in a proposed development, including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

DEVELOPMENT

The initiation, construction, change, or enlargement of any use or structure, the disturbance of land through the removal of trees or ground cover, or the division of land into two or more parcels. "Development" shall include, but not be limited to, the following:

- Construction or enlargement of a building or structure;
- Change in the type of use of a building, structure, or land;
- Material increase in the intensity of use of land, such as an increase in the number of businesses, offices, manufacturing establishments, or dwelling units located in a building or structure or on the land;
- Commencement or expansion of resource extraction, agricultural, horticultural, or forestry activities on a parcel of land;
- Demolition of a structure or the removal of trees from a parcel of land;
- Deposition of refuse, solid or liquid waste, or fill on a parcel of land;
- Alteration, either physically or chemically, of the shore, bank, or channel of any bayou, river, lake, or other body of water or alteration of any wetland; and
- Any land disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

DRIVEWAY

A private vehicular accessway designed and intended to provide direct vehicular access between a street and origin and destinations points within an abutting development or part of a large development. Driveways generally handle low vehicular travel speeds and traffic volumes, but may handle moderate to high traffic volumes within large commercial and mixed-use developments such as shopping centers and office parks.

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Drug or Alcohol Treatment Facility

DRUG OR ALCOHOL TREATMENT FACILITY

Inpatient facility which provides care for persons with drug and/or alcohol dependency problems and which may include outpatient follow-up care to the facility's patients.

DRUG STORE OR PHARMACY, WITH DRIVE-THROUGH SERVICE

A freestanding establishment including one or more drive through lanes for customer service that is engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

DRUG STORE OR PHARMACY, WITHOUT DRIVE-THROUGH SERVICE

A freestanding establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies. This use does not include drive through services.

DRY CLEANING OR LAUNDRY DROP-OFF ESTABLISHMENT

A commercial establishment maintained for the drop off and pick up of clothes for off-site laundering or dry cleaning, without the operation of any laundry or dry cleaning equipment on the premises.

DWELLING UNIT

A room or group of connected rooms within a building or structure that constitutes a single independent habitable unit used or intended to be used for living, sleeping, sanitation, cooking, and eating purposes by one family only, and containing independent kitchen, sanitary, and sleeping facilities.

DWELLING, LIVE/WORK

A structure or portion of a structure combining a residential living space for one or more persons with an integrated work space principally used by one or more of the residents.

DWELLING, MULTIFAMILY

A residential structure containing three or more individual dwelling units, with the units often stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings. Individual dwelling units may be rented or individually owned (i.e., a condominium unit). Multifamily dwellings differ from townhouse dwellings in that individual dwelling units are not located on individual lots.

DWELLING, SINGLE-FAMILY DETACHED

A detached residential building, other than a manufactured home, containing a single dwelling unit located on a single lot.

DWELLING, TOWNHOUSE

A residential structure containing three or more individual dwelling units, each with its own outside entrance and individual lot, that are joined together along lot lines by a common or party wall.

DWELLING, TWO-FAMILY

A residential building containing two dwelling units located on a single lot. Such units may be part of a single structure, or may be attached by one or more common walls.

DWELLING, UPPER STORY (ABOVE NONRESIDENTIAL USE)

A dwelling unit located on the second or higher floor of a building with nonresidential uses located on the ground or street level.

EASEMENT

A grant by a landowner to another individual, or to the public, of the right to occupy or use designated land for specific purposes, such as access, drainage, conservation, the location of public improvements, or other specified purpose. An easement does not constitute fee simple ownership of the land.

EASEMENT, CONSERVATION

An easement created between a landowner and another party (usually a public agency, private land trust, or the like) that imposes limitations or affirmative obligations on the use or development of the designated land, for conservation purposes such as retaining or protecting natural, scenic, or open space features or values of the land, assuring the land's availability for agricultural, forest, recreational, or open space use, or maintaining air or water quality.

EATING AND DRINKING ESTABLISHMENTS

A use category that includes use types involving the preparation and selling of food and beverages for immediate or direct on- or off-premise consumption. Accessory uses may include decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, and valet parking services. Example use types include bars or lounges, brewpubs, nightclubs, restaurants with indoor or outdoor seating, restaurants with drive-through service, and specialty eating establishments.

EAVE

The projecting lower edge of a roof that overhangs the wall of a building.

EDUCATION USES

A use category that includes use types such as public and private schools at the elementary, middle, or high school level that provide state-mandated basic education or a comparable equivalent. This use category also includes colleges, universities, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification. Accessory uses at schools may include offices, play areas, recreational and sport facilities, cafeterias, auditoriums, and before- or after-school day care. Accessory uses at colleges or universities may include offices, dormitories, food service, laboratories, health care facilities, recreational and sports facilities, theaters, meeting areas, maintenance facilities, and supporting commercial uses (e.g., eating establishments, bookstores).

ENERGY RECOVERY PLANT

Any public or private recovery facility for electricity, natural gas, petroleum, coal, or other source of energy.

EXPANSION

An increase in the size of an existing structure or use, including the physical size of the land, building, parking, and other improvements or structures.

EXTRACTIVE INDUSTRY USES

A use category that includes use types involving the extraction, removal, or basic processing of minerals, liquids, gases, or other natural resources. Such uses also include quarrying, well operation, mining, or other procedures typically done at an extraction site. Accessory uses include offices, limited wholesale sales, security or caretakers quarters, outdoor storage, and maintenance facilities. Example use types include quarries, borrow pits, and gravel operations.

FAÇADE

The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Façades may be on the front, side, or rear elevation of the building.

FAIR MARKET VALUE

The monetary price that a parcel of land, portion of land, improvement on land, or other commodity will bring in a competitive and open market under all conditions of a fair sale, the buyer and seller each prudently knowledgeable, and assuming the price is not affected by undue stimulus.

FAMILY

An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than five persons not related by blood, marriage, or adoption living together as a single housekeeping unit.

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Family Child Care Home

FAMILY CHILD CARE HOME³

A residential facility occupied by the operator where five or fewer children under the age of 13 and not related to the operator are provided care for any part of a 24 hour day.

FARMERS' MARKET

An occasional or periodic market held in a structure or open area where farmers sell their produce or farm products.

FINANCIAL SERVICES OFFICES

A room or group of rooms used for conducting the affairs of a business offering financial services, such as banking services, investment banking, stock brokerage, investment services, credit card services, and the like.

FIRE CODE

The International Fire Code, as adopted and modified pursuant to Chapter 30, Fire Prevention and Protection, of the Code of Ordinances.

FIRE OR EMS STATION

A facility for the provision of local rapid response emergency services such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles, and equipment and facilities for the housing and feeding of emergency personnel while on duty.

FLEA MARKET

A market held in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items. A farmers' market, where food items predominate, is different than a flea market. This also differs from a garage sale or yard sale that is conducted on a residentially developed lot by members of a household, or civic groups selling primarily donated items.

FLOOR AREA, GROSS

The sum of the gross horizontal areas of each floor of the principal building and any accessory buildings or structures, measured from the exterior walls or from the centerline of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

FOOT-CANDLE

A unit of illuminance on a surface one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

FUEL OIL OR BOTTLED GAS DISTRIBUTION

An establishment that distributes fuel oil or bottled gases such as propane or liquid petroleum for compensation.

FUEL OIL STORAGE

The storage of fuel oil or kerosene for heating purposes in aboveground containers.

FULL CUT-OFF LENS

An artificial outdoor lighting fixture designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

FUNERAL HOME OR MORTUARY

An establishment that provides human funeral services, including embalming and memorial services. Crematories are accessory uses to a funeral home.

³ This definition derives from a definition in the Mississippi Statutes (Sec. 43-20-53).

GASOLINE FILLING STATION

Buildings and premises where gasoline, oils and greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation where the general public is excluded from use of facilities), and where in addition, the following services may be rendered and sales made, and no other:

- Sale and service of spark plugs, batteries, and distributors and distributor parts;
- Tire servicing and repair, but not recapping or regrooving;
- Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
- Radiator cleaning and flushing;
- Washing and polishing, and sale of automotive washing and polishing materials;
- Greasing and lubrication;
- Providing and repairing fuel pumps, oil pumps, and lines;
- Minor servicing and repair of carburetors;
- Emergency wiring repairs;
- Adjusting and repairing brakes;
- Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
- Sales of drinks, packaged foods, tobacco, beer, and similar convenience goods for filling station customers, as accessory and incidental to principal operation;
- Provision of road maps and other informational material to customers; and
- Provision of restroom facilities.

Uses permissible at a gas sales establishment do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations.

GENERAL INDUSTRIAL SERVICES

Establishments engaged in the repair or servicing of agriculture, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that provide these services do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, parking, and storage.

GLARE

The reflection or harsh, bright light and the physical effect resulting from high luminances or insufficiently shielded light sources to cause annoyance, discomfort, or loss in visual performance and visibility.

GOLF COURSE

A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course, public or private, may include a clubhouse (with or without eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Golf Driving Range

GOLF DRIVING RANGE

A limited area on which golf players do not walk, but onto which they drive golf balls from a common driving tee. Such uses may include a concession stand, netting, exterior lighting fixtures, putting greens, as well as maintenance and outdoor storage areas. Such uses do not include golf courses.

GOVERNMENT ADMINISTRATIVE OFFICES

Offices of a governmental agency that provide administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, or motor vehicle licensing and registration services. Accessory uses to government offices include maintenance and indoor storage.

GOVERNMENT MAINTENANCE, STORAGE, OR DISTRIBUTION FACILITY

A facility housing government shops, maintenance and repair centers, equipment, and outdoor storage yards. Accessory uses include offices, fueling facilities, and indoor or outdoor storage.

GOVERNMENT USES

A use category that includes use types providing for the general operations and functions of local, state, or federal governments. A wide range of accessory uses may be found, depending on the use type. Example use types include courthouse facilities, government administrative offices, post offices, fire and EMS stations, police stations, correctional facilities, and government maintenance, storage, and distribution facilities. This use category does not include passenger terminals for surface transportation services (categorized as transportation uses), or city, county, or state parks (categorized as park and open area uses), or water, wastewater, gas, electric, or other infrastructure services (categorized as utility and communication uses).

GRADE, FINISHED

The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

GREENHOUSE

A structure, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants.

GREENWAY

A linear greenbelt linking various types of development by such facilities as bicycle paths, footpaths, and bridle paths. Greenways are usually kept in their natural state except for the pathway and area immediately adjacent to the pathway.

GROCERY STORE

An establishment engaged in retail and/or wholesale sale of food, foodstuffs, sundries, or other common household items to members of the public.

GROUND COVER

Low-growing plants that grow in a spreading fashion to form a more or less solid mat of vegetation, generally planted to provide decorative landscaping or permeable cover for bare earth that prevents soil erosion.

GROUP HOME

A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for six or more adult resident persons with disabilities—i.e., persons with a temporary or permanent physical, emotional, or mental disability, including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others. A group home does not include assisted living facilities, nursing care facilities, rooming or boarding houses, or halfway house/mainstreaming facilities. Five or fewer persons with disabilities who live together in a dwelling are considered a family.

GROUP LIVING USES

A use category that includes use types providing for the residential occupancy of a group of living units by persons who do not constitute a single family and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities, but unlike a hotel or motel, are generally occupied on a monthly or longer basis. Accessory uses common to group living uses include recreational facilities, administrative offices, and food preparation and dining facilities. Example use types include group homes, assisted living facilities, and rooming and boarding houses. Although continuing care retirement communities include household living uses (e.g., dwellings) and health care uses (e.g., nursing care facilities), they are categorized as a group living use because of their focus on the present or future provision of personal care to senior citizens and their integration of various uses as a single cohesive development. This use category does not include use types where persons generally occupy living units for periods of less than 30 days (hotels, motels, timeshares, and short term rental accommodations), which are categorized as visitor accommodation uses. It also does not include use types where residents are routinely provided more than minor health care services (e.g., nursing care facilities, inpatient treatment facilities), which are categorized as health care uses.

HALFWAY HOUSE

A licensed home for juveniles or adult persons on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling is provided to assist residents back into society, enabling them to live independently.

HEALTH CARE USES

A use category that includes use types providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, nursing care, preventative care, diagnostic and laboratory services, and physical therapy. Care may be provided on an inpatient, overnight, or outpatient basis. Accessory uses may include food preparation and dining facilities, recreation areas, offices, meeting rooms, teaching facilities, hospices, maintenance facilities, staff residences, and limited accommodations for members of patients' families. Example use types include hospitals, medical and dental clinics and labs, outpatient facilities, medical treatment facilities, nursing care facilities, drug and alcohol treatment facilities, psychiatric treatment facilities, and blood or tissue collection facilities. This use category does not include assisted living facilities or group homes, which focus on providing personal care rather than medical care to residents, and are categorized as group living uses.

HEAVY EQUIPMENT SALES, RENTAL, OR STORAGE

An establishment engaged in the display, sale, leasing, or rental of heavy equipment of 12,000 or more pounds gross vehicular weight (GVW).

HEAVY EQUIPMENT SERVICING AND REPAIR

An establishment engaged in the repair of heavy equipment of 12,000 or more pounds gross vehicular weight (GVW).

HEDGE

A group of shrubs planted in line or in groups that forms a compact, dense, living barrier that demarcates an area from on-site or off-site views.

HELICOPTER LANDING FACILITY

An area, either on ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters and which may include auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment.

HOME CENTER

An establishment primarily engaged in selling a general line of new home repair and improvements materials, supplies, and equipment, such as lumber, plumbing goods, electrical goods, tools, housewares, hardware, and lawn and garden supplies.

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Home Occupation

HOME OCCUPATION

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, is incidental and secondary to the residential use of the lot and does not adversely and/or perceptively affect the character of the lot or surrounding area. Home occupation includes, but is not limited to: offices; electronic and offsite retail; personal services such as physical therapy by licensed individuals, beauty parlors, pet grooming, and the like. Home occupation does not include such businesses as: automotive repair and the like; dentists' or physicians' offices and the like; any licensed or unlicensed practitioner who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like; or any other business that is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties.

HOME OCCUPATION, MAJOR

A home occupation other than a minor home occupation—i.e., one that has greater potential to significantly impact neighbors because it involves nonresident employees, retail sales or services to on-site customers or clients, relatively heavy mechanical equipment or processes, or significant use of chemicals or odor-producing processes. Examples of major home occupations include: hair salons, beauty parlors, barber shops, and manicure/pedicure salons; pet grooming; photo studios; cabinet makers; upholstery; equipment and appliance repair shops; instruction to groups of up to six persons; and physical therapy services.

HOME OCCUPATION, MINOR

A home occupation conducted only by full-time residents of the home and that does not involve retail sales or services to customers or clients on-site, relatively heavy mechanical equipment or processes, or significant use of chemicals or odor-producing processes. Examples of minor home occupations include: artists, craftsmen, and sculptors; authors and composers; document preparation and word processing services; home offices associated with provision of legal, accounting, architectural, interior design, graphics arts, and consulting services; individual tutoring and instrument or vocal instruction; receiving mail orders; telemarketing; and limited preparation of food products to be sold or served off-site.

HOSPITAL

An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, that is licensed by state law to provide facilities and services in surgery, obstetrics, or general medical practice. Such institutions may include in-patient medical or surgical care for the sick or injured and related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

HOTEL OR MOTEL

A building or a group of buildings in which individual sleeping rooms with an attached bathroom are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, but not including bed and breakfast establishments or a boarding/rooming house. Such uses may include kitchenettes, microwaves, and refrigerators for each guest unit. Hotels and motels do not include timeshares or short-term rentals, which are generally offered for longer than overnight occupancy.

HOUSEHOLD LIVING USES

A use category that includes use types providing for the residential occupancy of a dwelling unit by a single family. Tenancy is arranged on a month-to-month or longer basis. Accessory uses commonly associated with household living are recreational activities, raising of domestic pets, hobbies, swimming pools, and parking of the occupants' vehicles. Home occupations and accessory dwelling units are accessory uses that are subject to additional regulations (See Section 4.4, Accessory Uses and Structures.). Example use types include detached dwellings (single-family detached dwellings and manufactured homes), attached dwellings (two-family dwellings, townhouse dwellings, and multifamily dwellings), manufactured home parks, upper-story dwellings above nonresidential uses, and live/work dwellings. This use category does not include residential use types that generally involve some level of managed personal care for residents (e.g., group homes, assisted living facilities, and continuing care retirement communities), which are categorized as group living uses. It also does not include use types where persons generally occupy living units for periods of less than 30 days (hotels, motels, timeshares, and short term rental accommodations), which are categorized as visitor accommodation uses.

INCINERATOR

A facility that burns refuse at high temperatures to reduce the volume of waste.

INDUSTRIAL SERVICES USES

A use category that includes use types involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include limited retail or wholesale sales, offices, warehousing, and outdoor storage. Example use types include machine shops; tool repair shops; small engine repair shops; repair of scientific or professional instruments; heavy equipment sales, rental, or storage; heavy equipment servicing and repair; building, heating, plumbing, or electrical contractor storage yards; fuel oil or bottled gas distribution; research and development facilities; laundry, dry-cleaning, and carpet cleaning plants; and general industrial service uses.

INTERPRETATION

A written interpretation of this Ordinance made in writing by the City Manager in accordance with Section 2.5.N, Interpretation.

KENNEL, INDOOR

A facility where more than four and less than 21 dogs, cats, or other animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed. The facility shall be entirely indoors.

KENNEL, OUTDOOR

A facility where more than four and less than 21 dogs, cats, or other animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed. Such a facility may have an indoor and outdoor component.

LAND

The earth, water, and air, above, below, or on the surface, and including any improvements or structures on land.

LANDOWNER

Any owner of a legal or equitable interest in land, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner.

LAUNDROMAT

A facility in which patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Laundry, Dry cleaning, or Carpet Cleaning Facility

LAUNDRY, DRY CLEANING, OR CARPET CLEANING FACILITY

A facility used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in water or volatile solvents.

LIBRARY

A public facility for the use, but not sale, of literary, historical, scientific, musical, artistic, or other reference materials.

LIMITED FUEL /BOTTLED GAS DISTRIBUTION

The distribution of fuel oil or bottled gas, such as propane or liquid petroleum, in cans with volumes no greater than five gallons, for compensation.

LIQUOR STORE

An establishment licensed by the state exclusively for the retail sale of alcoholic beverages in original packages for consumption off the premises where sold.

LOADING SPACE, OFF-STREET

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.

LOT

A parcel of land that is occupied, or is designed or capable of being occupied, by a principal use or structure, together with any accessory uses or structures, and such accessways, parking areas, yards, and open spaces required under this Ordinance.

LOT AREA

The amount of horizontal land area contained within the lot lines of a lot, excluding public street rights-of-way and private street easements.

LOT LINE, FRONT

The lot line of a lot that separates it from an abutting public street right-of-way or private street easement. Where a corner lot abuts two intersecting streets, the lot line along the street the principal structure on the lot faces is considered the front lot line and the lot line abutting the other street is considered a side lot line. A through lot is considered to have a front lot line along each street it abuts.

LOT LINE, REAR

The lot line of a lot that connects the lot's side lot lines along the lot boundary opposite its front lot line.

LOT LINE, SIDE

The lot line of a lot that lies along a lot boundary connecting the outer ends of the lot's front and rear lot lines. A lot generally has two side lot lines. A side lot line may abut the boundary of another lot, or the boundary of a public street right-of-way or private street easement that is not faced by the lot's principal structure.

LOT LINES

The lines bounding a lot.

LOT OF RECORD

A part of a recorded subdivision or a parcel of land that exists as shown or described on a plat or deed in the land records of the Chancery Clerk of Jackson County.

LOT WIDTH

The average horizontal distance between the side lot lines.

LOT, FLAG

A lot shaped or configured such that the main building site on the lot (i.e., "flag") is separated and provided access from an adjacent street by a narrow strip of land or private access easement (i.e., "flagpole).

LUMEN

A unit of luminous flux. One foot-candle is one lumen per square foot. Lumen output values shall be the initial lumen output ratings of a lamp.

MACHINE SHOP

An establishment where metal is cut and shaped by machine tools.

MAINTENANCE GUARANTEE

Cash or other surety provided by an applicant to ensure the maintenance of constructed or installed public infrastructure or required private site features pending their acceptance or for a specified time period.

MANSARD ROOF

A sloped roof or roof-like façade architecturally comparable to a building wall.

MANUFACTURED HOME

A structure transportable in one or more sections which, when in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on a site, is 320 square feet or more in area, and which is built on an permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. A manufactured home meets the standards of the Uniform Standards Code for Factory-Built Homes Law, Regulation MH-5. Manufactured homes do not include mobile homes.

MANUFACTURED HOME PARK

A parcel of land under single ownership or management which is operated as a business engaged in providing a place where manufactured homes are installed for non-transient living or sleeping purposes and where sites or lots are set aside or offered for lease for use by manufactured homes for living or sleeping purposes. Accessory uses to manufactured home parks include caretaker quarters, laundry facilities, and facilities for parks and recreation.

MANUFACTURING AND PRODUCTION USES

A use category that includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms for consumers. This use category also includes custom industries (establishments primarily engaged in the on-site production of goods by use of hand tools and small-scale equipment). Goods are generally not displayed or sold on-site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the manufacturing site. Accessory uses may include retail or wholesale sales, offices, cafeterias, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, and security and caretaker's quarters. Example use types include the specific uses of boating manufacturing and shipbuilding, plus the general sectors of heavy manufacturing and light manufacturing. This use category does not include the manufacturing and production of goods from salvage material or composting material (categorized as waste-related services uses). Uses involving the retail sale of goods produced by on-site manufacturing are categorized as retail sales and service uses, if the total area devoted to manufacturing activity does not exceed 35 percent of the use's total floor area.

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Manufacturing, Heavy

MANUFACTURING, HEAVY

The manufacturing, assembly, fabrication, packaging, or other industrial processing of products primarily from extracted or raw materials, or the bulk storage and handling of such products and materials, or an industrial use having significant potential to produce noise, dust, glare, odors, or vibrations off-site. Heavy manufacturing uses include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items, and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; electric power generation plants; petroleum refining; asphalt/concrete plants; and the manufacture of chemicals, fertilizers, paint, and turpentine.

MANUFACTURING, LIGHT

The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

MAP AMENDMENT (REZONING)

A change in the zoning district classification applied to land, reviewed and decided by the City Council in accordance with Section 2.5.B, Map Amendment (Rezoning).

MARINA

A facility for the docking, mooring, berthing, or storage of watercraft. Such uses may include a wide variety of accessory uses such as boat fuel sales, sales of boating supplies and equipment, boating-related services, laundries, boat repair and rental, and dry storage of boats.

MARQUEE

Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather and/or provide business identification.

MAXIMUM EXTENT PRACTICABLE

A degree or extent of compliance with a standard of this Ordinance that may be less than full compliance, but is accepted by the City Manager as the maximum degree or extent of compliance that is feasible or practicable after taking into account the intent of the standard, existing available technology, geographic features, cost effectiveness, and the minimization of potentially harmful or adverse impacts.

MEDICAL OR DENTAL CLINIC

An establishment where patients are admitted for examination and treatment by one or more physicians, dentists or psychologists and where patients are not usually lodged overnight.

MEDICAL OR DENTAL LAB

Facilities and offices for performing diagnostic or therapeutic medical procedures of a non-surgical nature.

MEDICAL TREATMENT FACILITY

A small-scale facility used for the short term care and treatment of typically up to 20 chronically or terminally ill patients on an overnight basis. Such facilities may include sleeping rooms for care workers and members of patient's families.

MIXED-USE DEVELOPMENT

A tract of land or structure developed for two or more different uses, such as, but not limited to, residential, office, retail, institutional, public, or entertainment. Such uses are functionally integrated and share vehicular use areas, ingress/egress, and pedestrian access.

MOBILE FOOD VENDOR

A food service establishment that is vehicle-mounted, trailer -mounted, or wheeled and is capable of being readily moveable. This does not include vehicles regularly operating on a public road, selling individually packaged items like ice cream trucks. Units may be motorized or not, and may or may not require outside power or utility service, but must be fully mobile and able to be relocated within one hour of notice.

MOBILE HOME

A factory-built home produced prior to June 15, 1976, and bearing a label certifying compliance with the Standard for Mobile Homes, NFPA 501, ANSI 119.1 (in effect at the time of manufacture). A mobile home is not a manufactured home.

MOTION PICTURE THEATER

A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances. This can also include an open lot or part of an open lot and auxiliary facilities devoted primarily to the showing of moving pictures or theatrical productions on a paid admission basis to patrons seated in automobiles or on outdoor seats.

MOTOR VEHICLE SALES AND SERVICE USES

A use category that includes use types involving the direct sales and servicing of automobiles, trucks, motorcycles, recreational vehicles, and other consumer motor vehicles intended to transport persons or goods over land, whether for recreation, commerce, or personal transport. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display, and vehicle storage. Example use types include auto painting and body shops, auto repair and servicing (with and without painting/bodywork services), auto sales or rental, auto wrecker services, car wash and auto detailing, and the sales or rental, and repair, of trucks and recreational vehicles. Also included are gasoline filling stations, tire and muffler shops, transmission shops, taxi service, truck stops, and commercial parking lots, decks, and garages. This use category does not include similar uses and facilities related to boats (categorized as boat and marine sales and service uses), or fueling facilities that are accessory to specific principal uses (e.g., fueling facilities for fleet vehicles), or the storage of inoperable vehicle or vehicle parts (categorized as a waste-related service use).

MUSEUM

A building serving as a repository for a collection of natural, scientific, historical, or literary curiosities or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the limited retail sale of goods, services, or products to the public.

NEWSPAPER OR MAGAZINE PUBLISHING

An establishment primarily involved in carrying out operations necessary for producing and distributing newspapers, including gathering news; writing news columns, feature stories, and editorials; selling and preparing advertisements; and publishing of newspapers in print or electronic form. Not included are establishments primarily engaged in printing publications without publishing (categorized as manufacturing and production uses) or education or membership organizations incidentally engaged in publishing magazines or newsletters for distribution to their membership.

NIGHTCLUB

A place of entertainment offering alcoholic beverages for consumption on the premises that may also provide on-site entertainment in the form of live performances, dancing, billiards, comedic performances, or other entertainment activities. Performances related to the display of specified anatomical areas are classified as adult cabaret uses.

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Nonconforming Lot of Record

NONCONFORMING LOT OF RECORD

Any lot of record that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the lot standards applied by this Ordinance, or the subsequent amendment.

NONCONFORMING SIGN

Any sign that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the signage standards applied by this Ordinance, or the subsequent amendment.

NONCONFORMING SITE FEATURE

Any off-street parking, landscaping, perimeter buffer, or screening that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the off-street parking, landscaping, perimeter buffer, or screening standards applied by this Ordinance, or the subsequent amendment.

NONCONFORMING STRUCTURE

Any building or other structure that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the standards applied by this Ordinance, or the subsequent amendment, that govern its size, height, coverage, setbacks, and other locational aspects.

NONCONFORMING USE

Any use of land or a building, sign, or other structure that lawfully existed before adoption of this Ordinance, or subsequent amendment thereto, but does not comply with the use standards applied by this Ordinance, or the subsequent amendment. If the land or structure is vacant or unused before adoption of this Ordinance, or a subsequent amendment, it shall be conclusively presumed that any use of the land or structure is subject to the provisions of this Ordinance, or the subsequent amendment.

NONCONFORMITY

A nonconforming use, structure, lot of record, sign, or site feature.

NOTICE OF VIOLATION

An initial notice indicating an infraction of this Ordinance.

NURSING CARE FACILITY

A facility or any identifiable component of a facility in which the primary function is the provision, on a continuing basis, of skilled nursing services and health-related services for the treatment and inpatient care of two or more non-related individuals, including facilities known by varying designations such as rest homes, convalescent homes, skilled care facilities, intermediate care facilities, extended care facilities, and infirmaries. This does not include assisted living facilities, where care is limited to personal care and minimal nursing care, or the home or residence of any individual who cares for or maintains only persons related to him or her by blood or marriage.

OFFICE USES

A use category that includes use types providing for activities conducted in an office setting, usually with limited contact with the general public, and generally focusing on business, professional, or financial services. Accessory uses may include cafeterias, child day care facilities, recreational or fitness facilities, incidental commercial uses, or other amenities primarily for the use of employees in the business or building. Example use types include offices for business services, professional services (e.g., lawyers, accountants, engineers, architects), financial services (e.g., lenders, brokerage houses, tax preparers), sales (e.g., real estate agents), and contractor's offices. This use category does not include offices that are a component of or accessory to a principal use in another use category, government administrative offices (categorized as government uses), or medical or dental clinics (categorized as health care uses), banks or financial institutions (categorized as retail sales and service uses). It also does not include contractor's offices that are associated with the outdoor storage of equipment and materials (categorized as industrial services uses).

OPACITY

A measurement indicating the degree of obscuration of light or visibility.

OPEN SPACE SET-ASIDE

Portion of a proposed development required for reservation as permanent open space by Section 6.6, Open Space Set-Aside.

ORDINANCE

A set of regulations enforceable as municipal law.

ORDINARY MAINTENANCE AND REPAIRS

Work done on a building or structure to correct any deterioration or decay of, or damage to, the building or structure, or any part thereof, and restore the building or structure as nearly as practical to its condition before the deterioration, decay, or damage.

OTHER INDOOR COMMERCIAL RECREATION/ENTERTAINMENT ESTABLISHMENT

A private indoor (entirely within an enclosed structure) use providing for sport and recreation activities that are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, health and fitness centers, spas, bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools, and racquet and tennis club facilities (indoor).

OTHER INSTITUTIONAL USES

A use category that includes use types consisting of a variety of institutional facilities, including places of worship, convention centers, and housing related to treatment programs. Accessory uses may include school facilities, limited medical treatment facilities, kitchens/cafeterias, recreation areas, offices, meeting rooms, and staff residences. Example use types include places of worship, convention centers, and halfway houses.

OTHER OUTDOOR COMMERCIAL RECREATION/ENTERTAINMENT USE

A private outdoor use providing facilities for recreational and entertainment use such as privately-owned miniature golf facilities, go-cart racing, race-track, or dirt-track facilities, drive-in movie theaters, privately-owned outdoor commercial tourist attractions, water parks, and amusement parks, and privately-owned membership sports and recreational facilities such as swim or tennis clubs, ball fields, courts, and archery ranges.

OUTDOOR DISPLAY/SALES

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

OUTDOOR STORAGE (AS A PRINCIPAL USE)

The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours. This shall not include the display of vehicles for sale in a new or used car sales lot. Such activities may be the principal use of the land where located or as an accessory use to another principal use.

OUTPATIENT FACILITY

A facility where patients, who are not lodged overnight, are admitted for examination and treatment by one person or a group of persons practicing any form of the healing arts, whether such persons be medical doctors, chiropractors, osteopaths, chiropractists, naturopaths, optometrists, or any such profession, the practice of which is regulated by the state.

OWNER OF RECORD

The owner of a lot of record as reflected on the current Jackson County tax roll (for purposes of public hearing notice requirements) or in the land records of the Chancery Clerk of Jackson County (for all other purposes).

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Parapet

PARAPET

A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.

PARAPET WALL

A low protective or decorative wall or railing along the edge of a raised structure such as a roof or balcony.

PARCEL

Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries, and that is designated by its owner or developer as land to be used or developed as a unit, or that has been used or developed as a unit.

PARCEL SERVICES

Retail sales or business services establishment to facilitate the transmittal and receipt of parcels.

PARK

Public or private land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks.

PARK AND OPEN AREA USES

A use category that includes use types focusing on open space areas largely devoted to natural landscaping and outdoor recreation, and tending to have few structures. Cemeteries and mausoleums are included within this category. Accessory uses may include caretaker's quarters, clubhouses, statuary, fountains, maintenance facilities, concessions, and parking. Example use types include parks (including recreational and natural area parks), greenways, arboretums and botanical gardens, public squares and plazas, community gardens, and cemeteries. This use category does not include golf courses, golf driving ranges, or outdoor swimming pool or tennis court facilities (categorized as outdoor recreation/entertainment uses).

PARKING BAY

The parking module consisting of one or two rows of parking spaces or stalls and the aisle from which motor vehicles enter and leave the spaces.

PARKING DECK OR GARAGE

A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.

PARKING DEMAND STUDY

An analysis of the total number of parking spaces required in order to accommodate the maximum number of vehicles for parking purposes by a particular use or site at any given time, including the parking requirements for all employees, occupants, clients, and visitors.

PARKING LOT

The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.

PARKING LOT DRIVE AISLE

A vehicular accessway located within an off-street parking or vehicular use area which serves individual parking stalls and driveways.

PARKING SPACE, ACCESSIBLE

A space designated for the parking or temporary storage of one motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a disabled person and any equipment needed for that purpose.

PARKING SPACE, OFF-STREET

A space that is designated for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way, vehicular travel way, or parking aisle.

PARKING STRUCTURE

A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.

PARKING, OFF-SITE

An off-street parking area provided on a different parcel than the use it is intended to serve.

PARKING, ON-STREET

A location or area within the right-of-way of a street that is reserved for the parking of vehicles. Such areas may or may not be formally designated with signage, striping, or parking meters.

PARKING, SHARED

Off-street parking facilities shared by two or more uses that are in close proximity to one another and the parking area, and that have different operational characteristics such that use of the parking facilities by one use will not generally overlap with the use of the parking area by the other use(s).

PERFORMANCE GUARANTEE

Cash or other surety provided by an applicant in lieu of completing the construction or installation of public infrastructure or required private site features before application for Final Plat approval for a subdivision or issuance of a Building Permit or other development approval.

PERSON

For the purposes of enforcing this Ordinance in accordance with Article 9: Enforcement, “person” includes any individual, corporation, government agency, government official, business trust, partnership, two or more persons having a joint interest, or any other legal entity. Persons subject to the remedies and penalties established in Article 9: Enforcement, for violating this Ordinance shall include: an architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this Ordinance; or an owner, any tenant or occupant, or any other person who has control over, or responsibility for, the use or development of the land on which the violation occurs. For all other purposes, “person” means any individual, corporation, government agency, business trust, partnership, two or more persons having a joint interest, or any other legal entity.

PERSONAL AND HOUSEHOLD GOODS REPAIR ESTABLISHMENT

An establishment primarily engaged in the provision of repair services for TVs, bicycles, clocks, watches, shoes, guns, canvas products, appliances, and office equipment—including tailor, locksmith, and upholsterer services.

PERSONAL SERVICES ESTABLISHMENT

An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include; laundry and dry-cleaning drop-off establishments; photographic studios; hair, tanning, and personal care services; psychics and mediums; massage therapists; and taxidermists.

PIER

A general term including docks and similar structures consisting of a fixed or floating platform extending from the shore over the water.

PILASTER

A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Place of Worship

PLACE OF WORSHIP

A building or structure, together with its accessory buildings and uses, where people regularly assemble to conduct religious worship, ceremonies, rituals, and education. The building or structure and its accessory buildings and uses are maintained and controlled by a religious body. Places of worship include churches, mosques, synagogues, temples, and other similar religious places of assembly. Accessory uses may include child day care facilities, schools, recreational facilities, offices, and maintenance facilities.

PLANNING BOARD

The Planning Board of the City of Pascagoula.

PLANTING STRIP

Areas intended for the placement of vegetation within the interior of vehicular use areas or along street right-of-way edges, typically between the back of the curb and the inside edge of the sidewalk.

PLAT, FINAL

The final map of all or a portion of a subdivision that shows all boundaries of lots, rights-of-way, easements, and open space parcels, and that is reviewed and decided by the City Council in accordance with Section 2.5.E.4, Final Plat, and on approval, recorded in the Office of the Chancery Clerk of Jackson County.

PLAT, PRELIMINARY

A map of a major subdivision that shows the general layout and design of lots, streets, storm water management, utilities, open space, and other subdivision elements, and that is reviewed and decided by the City Council in accordance with Section 2.5.E.3, Preliminary Plat, and on approval, authorizes application for Zoning Compliance Permits, Final Plats, and other approvals of final or detailed plans for the subdivision.

POLICE STATION

A building or part of a building that is used as a police station and at which duly authorized officers perform law enforcement functions. Accessory uses may include offices, meeting areas, dining areas, storage, and maintenance facilities.

PORCH

A roofed structure not more than 75 percent enclosed by walls, attached to the main building, and not heated or cooled.

POST OFFICE

A facility designated or licensed by the federal government to sell U.S. postage stamps and U.S. postal products and accept mail and packages for delivery. Accessory uses include lobby areas, sorting areas, and loading/unloading areas.

PREMISES

A lot of record together with all improvements occupying the lot.

PRIMARY ENTRANCE

The place of pedestrian ingress and egress to a building, parcel, or development used most frequently by the public.

PRODUCE STAND

A building, structure, or land area used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts—but do not include the sale of commercially packaged handicrafts or commercially processed or packaged foodstuffs. Such uses also include “pick your own” establishments where customers gather their own produce from the fields for purchase and off-site consumption.

PROFESSIONAL SERVICES OFFICES

A room or group of rooms used for conducting the affairs of a business, profession, or service industry. Examples of professional services offices include offices for lawyers, accountants, engineers, architects, doctors, dentists, and similar professions.

PSYCHIATRIC TREATMENT FACILITY

Inpatient facility which provides care for persons with psychiatric problems and which may include outpatient follow-up care to the facility's patients.

PUBLIC BOAT LAUNCH OR RAMP

A public facility used to launch and retrieve recreational boats to and from the water. Launching and retrieval may be done manually or via motor-driven winches. Launches and ramps may include parking areas for users' motor vehicles and trailers, docks to assist in launching, restrooms, refuse containers, and breakwater protection structures.

PUBLIC HEARING

A hearing on a development application reviewed under this Ordinance held by the Planning Board or City Council that is advertised to the public and provides members of the public the opportunity to present information and testimony related to the application that will be considered as subsequent Planning Board recommendations and City Council decisions are made.

PUBLIC SQUARE OR PLAZA

A community space generally open and readily accessible to the public and used by pedestrians for passive recreation and as an outdoor meeting or gathering place. Such uses may be provided with amenities such as shelters, seating, fountains, art, and landscaping.

RADIO OR TELEVISION STUDIO

A facility for the staging and recording of audio or television productions.

RAINWATER CISTERN

A catchment device to capture rain water from a roof or other surface before it reaches the ground. Rainwater cisterns may be located underground or aboveground.

RECREATION/ENTERTAINMENT USES, INDOOR

A use category that includes private use types providing recreation or entertainment activities in an enclosed structure or structures. Accessory uses may include offices, concessions, snack bars, and maintenance facilities. Example use types include auditoriums, theaters, motion picture theaters, and other indoor commercial recreation/entertainment uses (including fitness centers, bowling alleys, game rooms, dancehalls, skating rinks, indoor swimming pools, and indoor tennis club facilities). This use category does not include banquet halls that are part of and accessory to a hotel (categorized as a visitor accommodation use) or restaurant (categorized as an eating and drinking establishment), or private clubs or lodges of community service organizations (categorized as community service uses), or recreational facilities reserved for use by a particular residential development's residents and their guests (and thus considered accessory to that household living or group living use).

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Recreation/Entertainment Uses, Outdoor

RECREATION/ENTERTAINMENT USES, OUTDOOR

A use category that includes large and generally commercial use types providing continuous recreation or entertainment-oriented activities that primarily take place outdoors. Such uses may take place in a number of structures that are arranged together in an outdoor setting. Accessory uses may include concessions, and maintenance facilities. Example use types include arenas, amphitheaters, or stadiums, athletic fields, golf courses, and other outdoor commercial recreation/entertainment uses (including privately-owned miniature golf facilities; go-cart racing, race-track, or dirt-track facilities; privately-owned outdoor commercial tourist attractions, water parks, and amusement parks; and privately-owned or membership sports and recreational facilities such as swim or tennis clubs, ball fields, courts, and archery ranges). This use category does not include outdoor recreational facilities that are part of and accessory to community services uses or places of worship, or outdoor recreational facilities reserved for use by a particular residential development's residents and their guests (and thus considered accessory to that household living or group living use).

RECREATIONAL VEHICLE

A vehicle that is built on a single chassis, contains an area 400 square feet or less when measured at the largest projection, is designed to be self-propelled or permanently towable by a light-duty truck, and is designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RECREATIONAL VEHICLE SALES OR RENTAL

Premises on which new or used recreational vehicles in operating condition are displayed for sale, lease, or rental.

RECYCLING AND SALVAGE CENTER

A facility engaged solely in the storage, processing, resale, or reuse of recyclable and recovered materials.

RECYCLING DROP-OFF CENTER

A small collection facility where recyclable materials are purchased or accepted from the public. Typical uses include neighborhood recycling stations.

RECYCLING DROP-OFF STATION

A container or set of containers used for the collection and temporary storage of recyclable materials generated on-site.

RELOCATION

The moving of a structure to a new location on its tax parcel or the relocation of a structure to a new tax parcel.

RENOVATION

The removal and replacement or covering of existing interior or exterior finish, trim, doors, windows, or other materials with new materials that serve the same purpose and do not change the configuration of space. Renovation includes the replacement of equipment or fixtures.

REPAIR

The restoration to a good or sound condition of materials, systems, or components of a structure that are worn, deteriorated, or broken, using materials or components identical to or closely similar to existing materials or components.

REPAIR OF SCIENTIFIC OR PROFESSIONAL INSTRUMENTS

An establishment primarily engaged in the provision of repair services for scientific or professional instruments for businesses.

RESEARCH AND DEVELOPMENT

A business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes may be associated with this use.

RESTAURANT, WITH DRIVE-THROUGH SERVICE

An establishment where provision is made on the premises for the ordering, selling, dispensing, or serving of food, refreshments, or beverages to persons driving by the structure in their motor vehicles.

RESTAURANT, WITH INDOOR OR OUTDOOR DINING

An establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on the premises. Such a facility may include indoor and outdoor seating, but no drive-through service.

RETAIL SALES AND SERVICE USES

A use category that includes use types involved in the sale, lease, or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, ATM machines, and outdoor display/sales areas. Example use types include specific retail sales establishments such as drug stores, book stores, grocery stores, convenience stores, liquor stores, home and building supply stores, farmers' markets, flea markets, and other retail sales uses. They also include retail service establishments such as banks or financial institutions, laundromats, dry cleaning and laundry drop-off establishments, personal services establishments, personal and household goods repair establishments, funeral homes, and crematories. This use category does not include sales or service establishments related to boats (categorized as boat sales and service uses) or other motor vehicles (categorized as motor vehicle sales and service uses), or entertainment establishments primarily engaged in selling food or beverages for on-site consumption (categorized as eating and drinking establishments), or establishments primarily selling building supplies to contractors or other goods to retailers (categorized as wholesale uses), or the provision of financial, professional, or business services in an office setting (categorized as office uses), or uses providing recreational or entertainment opportunities (categorized as indoor or outdoor recreation/entertainment uses), or uses involving the sales, distribution, or presentation of materials or activities emphasizing sexually explicit content (categorized as adult entertainment uses).

RETAIL SALES ESTABLISHMENT

Commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Examples include stores selling, leasing, or renting consumer, home, and business goods such as art, art supplies, bicycles, cameras, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries and food sales, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos.

RETAIL SALES ESTABLISHMENT, LARGE

Any retail sales establishment constituting a single business engaged in retail sales activities and located in a stand-alone single tenant building with a gross floor area of 60,000 square feet or more.

RETAIL SALES ESTABLISHMENT, OTHER

A retail sales establishment other than a large retail sales establishment or the specific use types listed in Table 4.2.B.2, Principal Use Table, as a retail sales and service use.

RIGHT-OF-WAY

A portion of land acquired by express or implied dedication or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, water line and other similar public uses.

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Roofline

ROOFLINE

The highest point of a flat roof and mansard roof and the lowest point of a pitched roof excluding any cupolas, chimneys, or other minor projections.

ROOMING OR BOARDING HOUSE

Any building or portion thereof that provides for lodging a maximum of ten rooms with sleeping facilities, either with meals (boarding house) or without meals (rooming house), where rent is paid to the owner or proprietor and lodgers generally stay for 30 days or longer. A rooming or boarding house does not include a tourist home, which provides lodging on an overnight or other short-term basis. It also does not include accessory dwelling units.

SALES OFFICES

A room or group of rooms used for conducting the affairs of a business engaged in the buying and/or selling of real or personal property, services, or other products, such as real estate sales, artwork, artifacts, or other specialized services.

SALVAGE YARD OR JUNKYARD

An establishment where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, and the like, are bought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, housewrecking yards, heavy equipment wrecking yards, and yards or places where salvaged house wrecking or structural steel materials are stored, handled, and sold. This use does not include automobile wrecker services and establishments for the sale, purchase, or storage of second-hand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor does it include the processing of used, discarded, or salvaged materials incident to manufacturing activity on the same site where such processing occurs.

SATELLITE DISH

A round or parabolic antenna and its supporting structure for the purposes of sending and/or receiving radio or electromagnetic signals.

SCHOOL

A public or private school offering general, technical, or alternative instruction at the elementary, middle, and/or high school levels that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

SELF STORAGE OR MINI-WAREHOUSE FACILITY

A building or group of buildings divided into separate compartments offered for rent and used to meet short-term or long-term off-site storage needs.

SELF-SERVICE STORAGE USES

A use category that includes use types providing individual, self-contained units or areas leased to individuals, organizations, or businesses for self-service storage of household and personal property. The storage units or areas are designed to allow private access by the tenant for storing or removing personal property. Accessory uses include leasing offices, outdoor storage of boats and campers, and living quarters for a resident manager or security guard. Use of the storage areas for sales, service, repair, or manufacturing operations is not considered accessory to self-service storage. The rental of trucks or equipment is also not considered accessory to the use. Example use types include self-service storage establishments, also called "mini-warehouses." This use category does not include a transfer and storage business not involving individual storage areas and where employees are the primary movers of property being stored or transferred (categorized as a warehousing and freight movement use).

SENIOR CENTER

A facility typically for use by citizens of 62 years of age, or older, dedicated to the provision of services, activities, or facilitation of interaction between older citizens and the community at large. Such centers may be publicly or privately-owned, but are not operated for a profit.

SHIPBUILDING

An establishment primarily engaged in operating a shipyard for the purposes of constructing, repairing, converting or altering ships (watercraft typically suitable or intended for other than personal or recreational use). The use also includes the production of prefabricated ship sections, and specialized services such as ship scaling. Shipyards include fixed facilities with dry docks and fabrication equipment capable of building a ship.

SHIPPING CONTAINER STORAGE YARD

An operation for storage of empty shipping containers conducted as the principal use of a property.

SHOPPING CENTER

A group of commercial establishments planned and designed with common parking or using a common name, or both.

SHORT-TERM RENTAL ACCOMMODATION

A dwelling unit that is rented or leased to individuals or families for transient accommodation for a period of less than 30 days, generally by the week or a two-week period. Short term rentals do not include motels, hotels, bed and breakfast inns, or tourist homes (which are generally rented on an overnight basis), or timeshares, or rooming or boarding houses.

SHRUB

A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

SIDEWALK

A hard-surfaced, all-weather pedestrian way, usually alongside a street roadway.

SIGHT TRIANGLE

A triangular area at each corner of intersecting roadways, or at the intersection of a roadway and driveway, within which the structures and vegetation are regulated to ensure safe sight distance for drivers of vehicles approaching the intersection.

SIGN

Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, numbers, designs, symbols, fixtures, colors, illumination or projected images.

SIGN AREA

The total area of the space enclosed by one continuous line connecting the extreme points or edges of a sign. This does not include the main supporting sign structure, but does include all other ornamental attachments, inner connecting links, and general background. Sign area for a back-to-back or V-type sign shall consist of only the area of one face of the sign.

SIGN PERMIT

A permit for a signage that is reviewed and decided by the City Manager in accordance with Section 2.5.H, Sign Permit.

SIGN, ABANDONED

A sign that identifies, advertises, or otherwise pertains to a business, lessee, owner, product, or activity that has not operated or existed on the premises where such sign is displayed for a period of six months or more.

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Sign, Animated

SIGN, ANIMATED

A sign that use flashing, blinking, or traveling lights to create the appearance of motion or action. Animated signs do not include automatic changing signs or public signs.

SIGN, AUTOMATIC CHANGING

A sign that displays an electronically or electrically controlled changing message, such as a time, temperature, and date sign, or a message center or reader board.

SIGN, BENCH

A sign painted on or attached to a bench for the use of the public (e.g., park bench) and bearing a commercial message.

SIGN, BILLBOARD

An outdoor sign that advertises or otherwise pertains to a business, person, commodity, good, service, activity, entertainment, or attraction that is not located on, operated, offered, or otherwise related to the premises on which the sign is located.

SIGN, CANOPY

An on-site sign mounted on a permanently roofed shelter that covers a sidewalk, driveway, or similar area and is wholly supported by a building or wholly or partially supported by columns, poles, or braces extending from the ground.

SIGN, CONSTRUCTION

An on-site sign that identifies a construction project and/or the architects, contractors, and other firms or persons involved in the project.

SIGN, DIRECTIONAL

An on-site sign that serves solely to designate the location or direction of a place or area.

SIGN, FREESTANDING

An on-site sign erected on a permanently set pole or poles, mast, or framework that is not attached to any building.

SIGN, GARAGE SALE

A temporary on-site sign announcing a garage, yard, rummage, or like sale.

SIGN, INSTITUTIONAL BULLETIN BOARD

An on-site sign that displays the name of a school, library, community center, or religious institution, and an announcement of activities or services conducted therein.

SIGN, INTEGRAL

An on-site sign that is carved into a masonry surface of a building or consisting of a tablet made of bronze, aluminum, or other permanent material that is inlaid or otherwise attached as an integral part of a building, and that displays the name of a building, the date of its erection, memorial citations, or other commemorative matter relating to the building.

SIGN, NAMEPLATE

An on-site nonelectric sign that identifies only the name and occupation or profession of the occupant of the site. If the site includes more than one occupant, a nameplate sign may identify the name and occupation or profession of all occupants, as well as the name of the building and directional information.

SIGN, NONELECTRICAL

A sign that does not contain electrical wiring or is not attached or intended to be attached to an electrical energy source.

SIGN, ON-SITE

A sign that pertains to the site on which it is located.

SIGN, POLITICAL

Any sign that displays the name, cause, affiliation, or message of anyone seeking election to a public office, or that displays a message about an issue on which a public election or referendum is scheduled.

SIGN, PORTABLE

Any sign that is designed or constructed to be easily moved from one location to another, including signs mounted on or designed to be mounted on a trailer, wheeled carriage, or other nonmotorized mobile structure. A portable sign mounted on a mobile structure that has its wheels removed is still considered a portable sign.

SIGN, PROJECTING

A sign, other than a wall sign, that is attached to and projects from a building facade. The sign area of a double-faced projecting sign is calculated for only one face of the sign (which shall be the larger face if they vary in area).

SIGN, PUBLIC

A sign of a noncommercial nature and in the public interest that is erected by or on the order of a public officer in the performance of his duty. Such signs include safety signs, memorial plaques, signs of historical interest, and signs designating hospitals, libraries, schools, airports, and other institutions or places of public interest and concern.

SIGN, PUBLIC WARNING

A sign that warns the public of possible danger or informs the public of certain restrictions, such as signs reading "Beware of the Dog" or "No Trespassing" or "No Dumping."

SIGN, REAL ESTATE

An on-site sign pertaining to the sale, lease, or rental of land or buildings.

SIGN, ROOF

An on-site sign erected on, against, or directly above the roof of a building or on top of or above the parapet of a building.

SIGN, SEASONAL OR HOLIDAY

Signs used for a holiday and installed for a limited period of time, such as Christmas decorations.

SIGN, SPECIAL EVENT

A temporary on-site sign or display that advertises an event, such as a fair, grand opening, anniversary, or special citywide or annual event, church revival, open under new management, fundraising event of a charitable or civic organization, or the like. The advertising of a product shall not constitute a special event.

SIGN, SUBDIVISION OR MULTIFAMILY DEVELOPMENT

A permanent on-site sign that identifies a subdivision or multifamily development, usually located at entrances to the subdivision or development.

SIGN, TEMPORARY

A sign that is not permanently affixed to the ground or a building—including, but not limited to, banners, pennants, flags (but not the flags of any nation or state), searchlights, sandwich signs, "A"-frame signs, sidewalk signs, curb signs, balloons or other air/gas-filled figures, posters stapled to posts, and posters or the like that are posted, nailed, or stapled to an object.

SIGN, UNDERCANOPY

A sign that is situated beneath a permanently roofed shelter that covers a sidewalk, driveway, or similar area and is wholly supported by a building or by columns, poles, or braces extending from the ground.

SIGN, UNLAWFUL

A sign that is in violation of this Ordinance at the time erected and does not have the status of a nonconforming sign.

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Sign, Unsafe

SIGN, UNSAFE

A sign that because of its location, coloring,, illumination, or animation, interferes with a motorist's view of general vehicular traffic, pedestrian traffic, intersectional traffic, official traffic control devices, or traffic directional signs, or any sign that, because of its construction or state of disrepair, is likely to fall or be blown down or cause possible injury to passersby.

SIGN, WALL

An on-site sign painted or printed on, or attached to and parallel with, the wall of a building.

SITE

Any lot or lots of record, or contiguous combination thereof, under the same ownership.

SITE

A lot or parcel of land, or any combination of contiguous lots or parcels of land, including buildings and appurtenances located thereon, having a unity of use and ownership or control.

SITE PLAN

A plan (to scale) showing uses and structures proposed for a legal lot or lots of record as required by Section 2.5.D, Site Plan Approval.

SMALL ENGINE REPAIR SHOP

An establishment primarily engaged in repairing and servicing low-power internal combustion engines (gasoline/petrol) or electric engines—including outboard motors and engines for equipment such as chain saws, string trimmers, leaf blowers, lawn mowers, wood chippers, hand-held power tools, and go-karts.

SMALL WIND ENERGY SYSTEM

A wind energy conversion system consisting of a rotating wind turbine and related control or conversion equipment that converts the kinetic energy in wind into mechanical energy, has a rated capacity of not more than 100 kilowatts (kW), and is intended to primarily reduce on-site consumption of utility power for homes or businesses.

SOLAR ENERGY COLLECTION SYSTEM

A system consisting of solar panels and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for on-site use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity for direct on-site use and transfer of excess electricity to an electric utility grid. Solar panels and equipment are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures, or on the ground.

SPECIAL USE

A use that may be appropriate in a particular zoning district, but because of its nature, extent, and external effects, requires special use-specific standards and special consideration of its location, design, and methods of operation before it is allowed in the district.

SPECIAL USE PERMIT

A permit for development of a special use that is reviewed and decided by the City Council in accordance with Section 2.5.C, Special Use Permit.

SPECIALTY EATING/DRINKING ESTABLISHMENT

Establishments selling specialty food items that normally do not constitute a full meal, including, but not limited to: ice cream parlors, dessert cafes, snack shops, juice and coffee houses, and bakeries.

SPECIFIED ANATOMICAL AREAS

Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or less than 50 percent of the female breast below a point immediately above the top of the areolae; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITY

Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast; flagellation or torture in the context of a sexual relationship; masochism, erotic or sexually oriented torture, beating or the infliction of physical pain; erotic touching, fondling or other such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in this definition.

STACKING SPACE/LANE

A portion of the vehicular use area within a development that is dedicated to the temporary storage or “standing” of a vehicle engaged in using a drive-through facility or waiting to access a parking bay. Parking or storage of vehicles is not permitted within required stacking spaces/lanes.

STAFF

Employees of the City of Pascagoula.

STATE

The state of Mississippi.

STOP WORK ORDER

An order issued by the City Manager or other authorized city staff that directs the person responsible for a development activity or other act in violation of this Ordinance to cease and desist such activity or act.

STORM WATER RUNOFF

The flow of water resulting from precipitation that flows over the surface or as concentrated flow in ditches, channels, storm sewers, or watercourses.

STREET

A public thoroughfare that affords the principal means of access to abutting property. The term includes all facilities that normally occur within the right-of-way, such as roadways, on-street parking lanes, sidewalks, curbs and gutters, drainage facilities, and utility lines and facilities. Streets are classified as principal arterial streets, minor arterial streets, collector streets, and local streets, but may be known as highways, parkways, throughways, roads, avenues, boulevards, lanes, places and courts. Streets do not include public alleys.

STREET JOG

An offset of two or more streets at their intersection where the centerlines of at least two of the street segments are not in alignment with one another on opposing sides of the intersection.

STREET STUBOUT

A nonpermanent dead end street intended to be extended in conjunction with future development of adjacent parcels.

STREET, COLLECTOR

A street, designated on the city’s Street Plan, that is designed and intended both to provide vehicular access to and from abutting development, particularly in commercial and industrial areas, and to provide both travel mobility among neighborhoods and activity centers by connecting local streets and other collector streets with arterial streets. Collector streets also provide bicycle and pedestrian access and circulation.

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Street, Local

STREET, LOCAL

A street, designated on the city's Street Plan, that is designed and intended primarily to provide direct vehicular access to and from abutting development, or part of a large development, as well as provide travel mobility by connecting driveways and other local streets with collector streets and arterial streets. Local streets generally handle low to medium vehicular travel speeds and traffic volumes, but may handle relatively high traffic volumes within large commercial and mixed-use developments and in urbanized areas such as the downtown. Local streets serve as primary providers of bicycle and pedestrian access and circulation.

STREET, MINOR ARTERIAL

A street, designated on the city's Street Plan, that is designed and intended primarily to provide traffic mobility among the city's major activity centers by connecting local streets, collector streets, and other minor arterial streets with principal arterial streets. Minor arterial streets generally handle moderate vehicular travel speeds and traffic volumes, and may provide some direct vehicular access to and from abutting development, particularly in commercial and industrial areas. Minor arterial streets may also provide bicycle and pedestrian access and circulation where potential conflicts with vehicular traffic can be minimized.

STREET, PRINCIPAL ARTERIAL

A street, designated on the city's Street Plan, that is designed and intended primarily to channel inter-city vehicular traffic to and through the city and to provide travel mobility among the city's major activity centers, by connecting minor arterial streets with each other and with collector streets. Principal arterial streets generally handle moderate to high vehicular travel speeds and traffic volumes over relatively long distances, and provide very limited direct vehicular access to and from abutting development.

STRUCTURE

Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

SUBDIVIDER

Any person who subdivides land deemed to be a subdivision as defined by this Ordinance.

SUBDIVISION

Any division of a tract or parcel of land into two or more lots, parcels, building sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development; and including any division of land involving the dedication of a new street or a change to or encroachment on an existing street—provided, however, that the following do not constitute a subdivision:

1. A division of land where each lot, parcel, building site, or other division is greater than five acres in area
2. The combination or recombination of portions of previously subdivided and recorded lots or parcels, where:
 - a. The total number of lots is not increased;
 - b. Each of the resulting lots comply with the lot standards in Section 7.4, Lots; and
 - c. No nonconformities are created
3. The public acquisition of land for the purpose of establishment, opening, or widening of streets, public transportation corridors, parks, or greenways
4. The division of a tract or parcel in single ownership into not more than two lots, where:
 - a. No street right-of-way dedication, or significant change to or encroachment on the public street system, is required; and
 - b. Each of the resulting lots complies with the lot standards in Section 7.4, Lots.

SUBSTANTIAL ALTERATION

Any work on a structure that reduces the load bearing capacity of, or imposes additional loads on, a primary structural component, and which may include the rearrangement of spaces through the construction of walls or partitions or a change in ceiling height, the addition or elimination of doors or windows, the extension or rearrangement of systems, or the installation of additional equipment or fixtures.

SURFACE TRANSPORTATION PASSENGER TERMINAL

A facility that receives and discharges passengers and at which facilities and equipment required for their operation are provided. Examples include terminals for bus, trolley, taxi, railroad, shuttle van, or other similar vehicular services.

SWIMMING POOL OR HOT TUB

An above- or below-ground structure that is filled with water and used for swimming (swimming pool) or for soaking, relaxation, massage, or hydrotherapy (hot tub).

TATTOO PARLOR OR BODY PIERCING ESTABLISHMENT

An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) making indelible marks or designs on or visible through the skin of a human by puncturing or pricking the skin with a needle or other instrument and inserting ink or other pigments; or (2) creating an opening in any part of the human body, other than the outer perimeter or lobe of the ear, for the purpose of inserting jewelry or other decorative object for a non-medical purpose.

TAXI SERVICE FACILITY

A service that offers transportation in passenger automobiles and vans to persons including those who are handicapped in return for remuneration. The business may include facilities for servicing, repairing, and fueling the taxicabs or vans.

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Telephone Call Center

TELEPHONE CALL CENTER

An establishment primarily engaged in answering telephone calls and relaying messages to clients or in initiating or receiving communications for telemarketing purpose, such as promoting clients' products or services, taking orders for clients, or soliciting contributions or providing information for clients.

TEMPORARY USE

A use established for a temporary period of time with the intent to discontinue such use upon the expiration of the time period.

TEMPORARY USE PERMIT

A permit authorizing the operation of a temporary use or special event that is reviewed and decided by the City Manager in accordance with Section 2.5.G, Temporary Use Permit.

TEXT AMENDMENT

An amendment to the language of this Ordinance that is reviewed and decided by the City Council in accordance with Section 2.5.A, Text Amendment.

TIMESHARE

A dwelling unit in which the exclusive right of use, possession, or occupancy circulates among various owners or lessees thereof in accordance with a fixed or floating time schedule on a periodically recurring basis, whether by membership agreement, use agreement, license, or other means. Timeshares do not include short-term rentals or hotels or motels.

TIRE DISPOSAL OR RECYCLING FACILITY

A facility that disposes of or recycles waste tires or waste tire residuals. A tire sales use requiring a waste tire collection site permit under state regulations (i.e., that holds 500 or more waste tires at any one time, or 110 or more for over 90 days) is considered a tire disposal or recycling facility.

TIRE OR MUFFLER SALES AND MOUNTING/INSTALLATION

This use includes the on-site sale and subsequent installation of automobile parts and accessories limited to tires and mufflers. Such uses do not include the sale of gasoline or other fuels.

TOOL REPAIR SHOP

An establishment primarily engaged in repairing and servicing commercial and industrial machine tools and equipment (such as punching, shearing, bending, forming, pressing, forging, and die-casting machines).

TOURIST HOME

An establishment in a private dwelling that supplies overnight or other short-term lodging accommodations to not more than five overnight guests for a fee.

TRANSMISSION SHOP

An establishment engaged in the repair and installation of transmissions for automobiles, trucks, and similar vehicles.

TRANSPORTATION USES

A use category that includes use types providing for the landing and takeoff of helicopters and passenger terminals for surface transportation. Accessory uses may include freight handling areas, concessions, offices, maintenance, limited storage, and fueling facilities. Example use types include helicopter landing facilities and passenger terminals for ground transportation services (e.g., buses, trains). This use category does not include transit-related infrastructure such as bus stops, bus shelters, and park-and-ride facilities (categorized as utility and communication uses).

TRAVEL AGENCY

An establishment primarily engaged in providing travel arrangement and reservation services to the general public and commercial clients.

TREE

An evergreen or deciduous upright woody perennial plant having a single main stem or trunk, or several main stems or trunks, and usually a distinct crown of foliage and few or no branches on its lower part, and ordinarily growing to a considerable height (i.e., at least 13 feet).

TREE REMOVAL

The actual removal of a tree by digging up or cutting down, or the effective removal through damage or neglect.

TREE REMOVAL PERMIT

A permit authorizing the removal of trees that is reviewed and decided by the City Manager in accordance with Section 2.5.F, Tree Removal Permit.

TREE, CANOPY

A tree that has an expected height at maturity greater than 30 feet and produces significant shade because it has a crown that is oval , round, vase-shaped, or umbrella-shaped.

TREE, HERITAGE

Any species or category of tree listed in Table 6.4.C.1, Heritage Trees Identified, with a DBH (Diameter at Breast Height) equal to or greater than the minimum DBH shown in Table 6.4.C.1 for the particular species or category of tree.

TREE, UNDERSTORY

A tree that has an expected height at maturity of not greater than 30 feet.

TRUCK OR FREIGHT TERMINAL

A use where buses, trucks, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.

TRUCK OR TRACTOR SALES OR RENTAL

An establishment where new or used trucks are displayed for sale, lease, or rental.

TRUCK STOP

A facility providing services to the trucking industry, including but not limited to the dispensing of fuel, repair shops, sale of accessories or equipment for trucks and similar commercial vehicles, automated and self-serve automotive wash facilities, restaurants, gift shops, sale of convenience goods, business service centers, restrooms and shower facilities, scales, and overnight parking facilities.

TRUE VALUE

The monetary value that a parcel of land, portion of land, improvement on land, or other commodity is assigned by the Jackson County Tax Assessor’s office for the purposes of taxation.

UNIFORM STANDARDS CODE FOR THE FACTORY-BUILT HOMES LAW, REGULATION MH-5

A set of regulations promulgated by the Mississippi Commissioner of Insurance pursuant to Miss. Code Ann. 1972, §§75-49-1 - 75-49-21.

UTILITY AND COMMUNICATION USES

A use category that includes both major utilities, which are infrastructure services that provide regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near where the service is provided. The category also includes uses and facilities providing regional or community-wide communications services, such as wireless communications, radio and television broadcasting, and newspapers. Services may be publicly or privately provided and may include on-site personnel. Accessory uses may include offices, monitoring, storage areas, or data transmission equipment. Example use types include major utilities, minor utilities, wireless communication towers and antennas, radio and television broadcasting studios, and newspaper printing facilities.

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Utility, Major

UTILITY, MAJOR

Infrastructure services providing community-or region-wide service that normally involve the construction of new buildings or structures, such as water towers, wastewater treatment plants, potable water treatment plants, solid waste facilities, and electrical substations.

UTILITY, MINOR

Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of minor utilities include water and sewage pump stations, storm water retention and detention facilities, telephone exchanges, and surface transportation stops such as bus stops and park-and-ride facilities.

VALID PROTEST PETITION

A petition that clearly states a protest against an application for a Map Amendment (Rezoning), is submitted to the City Clerk at least two business days before the date of the public hearing on the application held by the City Council, and is signed by the owners of at least 20 percent of:

1. The area within property subject to the application; or
2. The area within lots immediately adjacent to the rear of the property subject to the application, extending 160 feet from the subject property; or
3. The area within lots directly opposite the property subject to the application, extending 160 feet from the street frontage of the opposite lots.

A valid protest petition triggers a super-majority vote requirement for approval of a Map Amendment (Rezoning).

VARIANCE

A permit authorizing a deviation from this Ordinance's dimensional standards and certain development standards where strict application of the standard creates a hardship due to circumstances particular to a parcel, and that is reviewed and decided by the City Council in accordance with Section 2.5.L Variance.

VEHICULAR USE AREA

That portion of a development site used or proposed to be used for vehicular ingress and egress, off-street parking, parking aisles, internal vehicular accessways, fire lanes, loading areas, and other areas dedicated to vehicular use, but not necessarily including vehicular storage and display areas.

VETERINARY CLINIC, WITH BOARDING

A facility for the medical care and treatment of animals, including household pets and larger domesticated animals, and that also boards animals not receiving medical treatment. Such facilities may be entirely indoors or may have both indoor and outdoor components.

VETERINARY CLINIC, WITHOUT BOARDING

A facility for the medical care and treatment of animals, including household pets and larger domesticated animals. Such facilities may be entirely indoors or may have both indoor and outdoor components, but do not board animals not receiving medical treatment.

VISITOR ACCOMMODATION USES

A use category that includes use types providing lodging units or rooms for short-term stays of less than 30 days for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, restaurants, bars, limited storage, laundry facilities, gift shops, administrative offices, meeting facilities, and other supporting commercial facilities. Example use types include hotels, motels, bed and breakfast inns, tourist homes, timeshares and short-term rental accommodations, and campgrounds and recreational vehicle parks. This use category does not include rooming or boarding houses, which, unlike tourist homes, are generally occupied for tenancies of a month or longer, and thus categorized as group living uses.

VOCATIONAL OR TRADE SCHOOL

A public or private school offering vocational or trade instruction to students and that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes and meets the state requirements for a vocational training facility. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

WALL PACK

An exterior lighting device that is flush-mounted on a vertical wall surface.

WAREHOUSE, DISTRIBUTION

A use engaged in distribution of manufactured products, supplies, and equipment.

WAREHOUSE, STORAGE

A use engaged in storage of manufactured products, supplies, and equipment excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

WAREHOUSING AND FREIGHT MOVEMENT USES

A use category that includes use types involving the storage or movement of goods for firms or businesses. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas. Example use types include separate storage warehouses (used for storage by retail stores such as furniture and appliance stores); distribution warehouses (used for distribution by trucking companies; cold storage plants, including frozen food lockers; and outdoor storage (as a principal use). This use category does not include contractor's yards (categorized as an industrial services use) or uses involving the transfer or storage of solid or liquid wastes (categorized as a waste-related services use).

WASTE COMPOSTING

Uses where solid wastes are composted using composting technology. Accessory uses may include offices and repackaging and transshipment of by-products.

WASTE-RELATED SERVICES USES

A use category that includes use types receiving solid or liquid wastes from others for on-site disposal or transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. This use category also includes use types that receive hazardous wastes from others. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products. Example use types include recycling and salvage centers, landfills, tire disposal or recycling facilities, waste composting, incinerators, energy recovery plants, salvage yards and junkyards, hazardous waste collection sites, and recycling drop-off centers. This use category does not include wastewater treatment plants and potable water treatment plants (classified as major utilities in the utility and communication uses category) or facilities for the drop-off or collection, and temporary holding, of household or business recyclables (classified as minor utilities in the utility and communication uses category).

Article 10: Definitions and Interpretation

Section 10.2: Terms and Uses Defined

Wholesale Uses

WHOLESALE USES

A use category that includes use types involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, and repackaging of goods. Example use types include: sale or rental of machinery, equipment, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail-order houses; and wholesalers of food, clothing, plants and landscaping materials, auto parts, and building hardware. This use category does not include uses primarily involving sales to the general public or on a membership basis (categorized as retail sales and service uses), or uses primarily involving storage of goods with little on-site business activity (categorized as warehousing and freight movement uses).

WIRELESS COMMUNICATION ANTENNA, COLLOCATION ON EXISTING TOWER

Placement of wireless communication antenna(s) and/or other wireless communications equipment by two or more different wireless communication service providers on a common antenna-supporting freestanding wireless communication tower.

WIRELESS COMMUNICATION ANTENNA, PLACEMENT ON EXISTING STRUCTURE

Placement of wireless communication antenna(s) and/or other wireless communications equipment by one or more wireless communication service providers on an existing nonresidential or multifamily building or other structure.

WIRELESS COMMUNICATION TOWER, FREESTANDING

A structure erected on the ground and used primarily for the support of antennas for wireless telephone, and similar communication purposes and utilized by commercial, governmental, or other public or quasi-public users. The term includes microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the FCC.

YARD

An area within a lot that lies between the principal structure(s) on the lot and the nearest lot lines. Yards are further classified as front, rear, and side yards.

YARD, FRONT

The yard between the front façade of the principal structure(s) on a lot and the front lot line, and extending the full width of a lot.

YARD, REAR

The yard between the rear façade of the principal structure(s) on a lot and the rear lot line, and extending the full width of the lot.

YARD, REQUIRED

The area within a lot that extends inward from front, rear, and side lot lines for the minimum front yard, rear yard, and side yard depths required for the zoning district within which the lot is located, and that is required to remain unoccupied and unobstructed from the ground upward except as may be specifically provided otherwise in this Ordinance (e.g., Section 5.4.D, Allowable Minimum Yard Encroachments).

YARD, SIDE

The yard between the side façade of the principal structure(s) on a lot and the nearest side lot line, and extending between the front yard and rear yard of the lot.

YOUTH CENTER

A facility that is not a school that provides youth-oriented activities and recreation for minors, including but not limited to facilities operated by Boys' and Girls' Clubs and other similar non-profit organizations.

ZONING COMPLIANCE PERMIT

A permit that serves as one of the city's final approvals of the compliance of detailed development plans with this Ordinance and authorizes changes in use and construction, and that is reviewed and decided by the City Manager in accordance with Section 2.5.I, Zoning Compliance Permit.

ZONING DISTRICT

An area delineated on the Official Zoning Map within which a prescribed set of development standards are applied to various types of development.

ZONING DISTRICT, BASE

A zoning district within which a single set of use, intensity, dimensional, and development standards are applied.

ZONING DISTRICT, OVERLAY

A zoning district that is superimposed over one or more underlying base zoning districts and that imposes standards and requirements in addition to those required by the underlying base zoning district.

ZONING MAP

The Official Zoning Map of the City of Pascagoula, upon which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance.

INDEX

A

Access and Circulation

- Pedestrian, 5-1, 6-8, 6-15, 6-18, 6-32
- Vehicular, 4-14, 5-1, 6-2, 6-3, 6-4, 7-3

Accessory Uses and Structures, i, 3-1, 3-2, 4-1, 4-22, 4-26, 4-29, 4-31, 4-35, 4-36, 4-37, 4-38, 4-45, 5-5, 5-6, 6-80, 10-21

Administrative Adjustment, 1-3, 2-1, 2-3, 2-33, 2-34, 2-35, 6-42, 10-3

Administrative Appeal, 1-4, 1-1, 2-1, 2-2, 2-3, 2-9, 2-13, 2-15, 2-17, 2-18, 2-20, 2-22, 2-25, 2-27, 2-28, 2-29, 2-30, 2-32, 2-35, 2-37, 2-38, 2-39, 9-3, 10-3

Adult Entertainment Uses, 3-1, 4-5, 4-20, 6-24, 10-3

Animal Care Uses, 3-1, 4-5, 4-21, 6-24, 10-4

Applications

- Submittal, 1-1, 2-5, 2-6, 2-14, 2-16, 2-17, 2-20, 2-22, 2-24, 2-26, 2-27, 2-28, 2-29, 2-31, 2-34, 2-36, 2-38

Applications

- Completeness, 1-1, 2-6
- Fees, 1-1, 2-6
- Pre-Application Conference, 1-1, 2-4, 2-5
- Revision, 1-1, 2-7
- Staff Decision, 1-1, 2-10, 2-27
- Staff Review and Report, 1-1, 2-7, 2-14, 2-16, 2-17, 2-20, 2-22, 2-24, 2-26, 2-27, 2-28, 2-29, 2-31, 2-34, 2-36, 2-38
- Withdrawal, 1-1, 1-2, 2-7, 2-14

B

Boat and Marine Sales and Service Uses, 3-1, 4-5, 4-21, 6-24, 10-7

Building Coverage, 5-2

Building Permit, 1-3, 2-1, 2-3, 2-21, 2-28, 2-29, 2-30, 4-49, 5-6, 6-56, 6-80, 7-5, 7-6, 8-3, 8-6, 10-8, 10-29

Business Support Services Uses, 3-1, 4-5, 4-22, 6-24, 10-9

C

Certificate of Occupancy, 1-3, 2-1, 2-3, 2-21, 2-30, 2-31, 6-22, 6-34, 6-46, 7-5, 7-6, 10-9

Circulation Plan, 5-1, 6-1

City Council, 1-3, 1-4, 1-6, 1-1, 2-1, 2-2, 2-3, 2-5, 2-6, 2-7, 2-8, 2-10, 2-12, 2-13, 2-14, 2-15, 2-16, 2-18, 2-20, 2-22, 2-24, 2-25, 2-26, 2-32, 2-36, 2-37, 2-38, 2-39, 3-20, 3-21, 6-57, 7-6, 7-8, 9-3, 10-3, 10-10, 10-11, 10-24, 10-29, 10-30, 10-37, 10-40, 10-42

Commercial Zoning Districts

CC Community Commercial, 1-5, 2-1, 3-1, 3-10, 4-3, 4-35, 5-1, 6-34, 6-42, 6-54, 6-84

DT Downtown, 1-5, 2-33, 2-1, 3-1, 3-12, 4-3, 4-25, 4-35, 5-1, 6-3, 6-8, 6-14, 6-17, 6-22, 6-35, 6-37, 6-39, 6-40, 6-42, 6-54, 6-55, 6-58, 6-59, 6-63, 6-68, 6-76, 6-77, 6-83

GC Gateway Commercial, 1-5, 2-1, 3-1, 3-13, 4-3, 4-35, 5-1, 6-34, 6-40, 6-42, 6-54, 6-59, 6-63, 6-76, 6-83

NC Neighborhood Commercial, 1-5, 2-1, 3-1, 3-9, 4-3, 4-15, 4-25, 4-27, 4-35, 5-1, 6-34, 6-42, 6-54, 6-63, 6-76, 6-84

RC Regional Commercial, 1-5, 2-1, 3-1, 3-11, 4-3, 4-35, 5-1, 6-42, 6-54, 6-84

WMU Waterfront Mixed-Use, 1-5, 2-1, 3-1, 3-14, 4-3, 4-15, 4-35, 5-1, 6-34, 6-40, 6-42, 6-51, 6-54, 6-59, 6-63, 6-76, 6-83

Community Services Uses, 4-3, 6-23, 10-11

Conceptual Drawings, 1-1, 2-5

Connectivity, 5-1, 6-6, 10-11

Pedestrian, 5-1, 6-16, 6-18

Cross Access, 6-8, 6-17, 10-12

D

Day Care Uses, 3-1, 4-3, 4-14, 6-23

Definitions, iii, 2-16, 2-22, 2-36, 4-2, 4-36, 4-37, 4-40, 4-41, 5-3, 9-1, 10-2

Design Standards

Commercial and Mixed-Use, ii, 4-27, 5-5, 6-20, 6-72

Multifamily and Townhouse, ii, 5-5, 6-20, 6-67, 6-68

Residential Compatibility, ii, 5-6, 6-20, 6-76

E

Eating and Drinking Establishments, 3-1, 4-5, 4-22, 6-24, 10-14

Education Uses, 4-3, 6-23, 10-15

Enforcement, ii, iii, 1-3, 1-6, 2-3, 2-4, 2-8, 2-11, 2-27, 9, 9-1, 9-2, 9-3, 9-4, 10-29

Environmental Protection, ii, 5-3, 6-50

Exterior Lighting, ii, 2-31, 4-22, 4-28, 4-39, 5-1, 5-4, 5-5, 6-21, 6-62, 6-63, 6-79

Extractive Industry Uses, 3-1, 4-8, 4-31, 6-26, 10-15

F

Fences and Walls, ii, 2-31, 4-16, 4-21, 4-23, 4-24, 4-25, 4-32, 4-33, 4-34, 4-35, 5-6, 5-4, 6-40, 6-42, 6-44, 6-58, 6-59, 6-60, 6-61

Final Plat, 1-2, 2-1, 2-2, 2-4, 2-22, 2-23, 2-24, 2-25, 2-26, 6-7, 6-51, 6-52, 6-57, 7-4, 7-5, 7-6, 10-29, 10-30
Flood Damage Prevention, 2-3, 5-3, 6-53
Floor Area, 5-2
Foundation Plantings, 5-3, 6-44

G

Government Uses, 3-1, 4-3, 4-15, 6-23, 10-18
Group Living Uses, 3-1, 4-3, 4-13, 6-22, 10-19

H

Health Care Uses, 3-1, 4-4, 4-15, 6-23, 10-19
Height, 3-12, 3-19, 4-17, 4-19, 4-20, 4-44, 4-45, 4-1, 5-1, 5-3, 5-4, 5-5, 5-6, 6-48, 6-59, 6-63, 6-78, 6-83, 6-84, 10-13, 10-41
Household Living Uses, 3-1, 4-3, 4-11, 6-22, 10-21

I

Industrial Services Uses, 3-1, 4-8, 4-31, 6-26, 10-21
Industrial Zoning Districts
 HI Heavy Industrial, 1-5, 3-1, 3-17, 4-3, 4-35, 5-1, 6-42, 6-84
 LI Light Industrial, 1-5, 2-1, 3-1, 3-16, 4-3, 4-35, 5-1, 6-42, 6-84
 P Port, 1-5, 3-1, 3-18, 4-2, 4-3, 4-4, 4-5, 4-6, 4-7, 4-8, 4-9, 4-14, 4-21, 4-23, 4-28, 4-35, 4-36, 4-53, 5-1, 6-63, 6-79, 6-80, 6-83, 6-84
Institutional Uses, 3-1, 4-4, 4-15, 6-23, 10-27
Intensity and Dimensional Standards, i, 3-1, 3-2, 3-4, 3-5, 3-6, 3-7, 3-9, 3-10, 3-11, 3-12, 3-13, 3-14, 3-16, 3-17, 3-18, 4-2, 4-36, 4-38, 4-1, 5-1, 5-4, 5-5, 6-49, 6-83, 6-84, 7-2, 7-3
Interpretation, iii, i, 1-4, 2-1, 2-3, 2-35, 2-36, 2-37, 3-1, 3-2, 4-9, 4-10, 4-37, 5-3, 6-22, 9-1, 10-1, 10-21

L

Landscaping Standards, ii, 2-31, 5-2, 5-3, 6-36, 6-39, 6-45, 6-46, 6-59, 7-6, 7-8, 8-7, 9-5
 Alternative Landscape Plan, 5-3, 6-45, 6-49
Lot Area, 5-2, 7-3
Lot Width, 5-2

M

Manufacturing and Production Uses, 3-1, 4-8, 4-32, 6-26, 10-23
Map Amendment (Rezoning), 1-4, 1-2, 2-1, 2-2, 2-3, 2-4, 2-5, 2-9, 2-15, 2-16, 2-17, 3-1, 3-19, 3-20, 10-24, 10-42
Measurement, ii, 3-19, 4-1, 5-2, 5-3, 5-5, 6-5, 6-31
Minimum Lot Area, 4-1, 5-4

Motor Vehicle Sales and Service Uses, 3-1, 4-6, 4-23, 6-24, 10-25

N

Nonconformities, ii, 1-6, 7-1, 8-1, 10-26
Nonconforming Lots of Record, ii, 7-1, 8-4
Nonconforming Signs, ii, 7-1, 8-5
Nonconforming Site Features, ii, 6-19, 6-37, 6-46, 7-1, 8-5
Nonconforming Structures, ii, 7-1, 8-2, 8-3, 8-4, 8-5
Nonconforming Uses, ii, 7-1, 8-2

O

Office Uses, 4-6, 6-25, 10-26
Open Space Set-Aside, ii, 5-4, 6-53, 6-54, 6-55, 6-56, 6-57, 6-79, 7-1, 10-26
In-Lieu Payments, 5-4, 6-57
Overlay Zoning Districts
 FPO Floodplain Overlay, 1-5, 3-1, 3-4, 3-5, 3-6, 3-7, 3-9, 3-10, 3-11, 3-12, 3-13, 3-14, 3-16, 3-17, 3-19, 5-3
 NCO Neighborhood Conservation Overlay, 1-5, 3-1, 3-19, 3-20, 3-21

P

Park and Open Area Uses, 4-4, 6-23, 10-28
Parking
 Dimensional Standards, 5-2, 6-30
 Parking and Loading, ii, 2-31, 4-50, 4-51, 5-1, 6-18, 6-19
 Reduction Incentives, 5-2, 6-35
 Space Requirements, 5-1, 6-22, 6-27
Perimeter Buffers, 4-18, 4-26, 4-30, 4-33, 4-34, 5-3, 6-41, 6-55
Planning Board, 1-1, 2-1, 2-2, 2-3, 2-4, 2-5, 2-7, 2-8, 2-10, 2-11, 2-12, 2-14, 2-15, 2-16, 2-18, 2-20, 2-22, 2-24, 2-32, 2-36, 2-38, 10-3, 10-29, 10-30
Pre-Application Conference, 1-1, 2-4, 2-5
Preliminary Plat, 1-2, 2-1, 2-2, 2-3, 2-4, 2-5, 2-9, 2-22, 2-23, 2-24, 2-25, 2-26, 6-1, 6-7, 6-51, 6-53, 6-57, 6-62, 7-5, 7-8, 10-30
Principal Uses
 Multiple, 3-1, 4-9
 Unlisted, 3-1, 4-9
Public Hearings, 1-1, 2-1, 2-8, 2-9, 2-11, 2-12, 2-15, 2-16, 2-17, 2-20, 2-22, 2-24, 2-26, 2-27, 2-28, 2-29, 2-31, 2-34, 2-36, 2-38, 10-30

R

Remedies and Penalties, iii, 9, 9-3, 9-4, 9-5
Residential Zoning Districts
 MR 3 Mixed Residential 3, 1-5, 2-1, 3-1, 3-7, 5-1

SFR 10 Single-Family Residential, 1-5, 2-1, 3-1, 3-4, 5-1, 6-42
SFR 6 Single-Family Residential 6, 1-5, 2-1, 3-1, 3-6, 4-11, 5-1, 6-42
SFR 8 Single-Family Residential 8, 1-5, 2-1, 3-1, 3-5, 5-1, 6-42
Retail Sales and Service Uses, 3-1, 4-7, 4-26, 6-25, 10-32
Riparian Buffer, 5-3, 6-50, 6-51, 6-52, 7-1

S

Screening, 4-18, 4-20, 4-30, 5-4, 5-3, 5-4, 6-43, 6-58, 6-59, 6-61
Self-Service Storage Uses, 3-1, 4-7, 4-27, 6-25, 10-34
Sign Permit, 1-2, 2-1, 2-3, 2-28, 2-29, 2-30, 2-31, 2-33, 2-35, 4-40, 4-41, 6-80, 6-82, 6-83, 6-84, 6-85, 10-35
Signage, ii, 2-28, 2-31, 4-16, 4-40, 4-41, 4-43, 4-45, 4-48, 4-51, 4-52, 5-6, 5-2, 6-29, 6-32, 6-50, 6-79, 6-80
Site Plan, 1-2, 2-1, 2-2, 2-3, 2-4, 2-5, 2-9, 2-19, 2-20, 2-21, 2-26, 2-29, 2-33, 4-49, 6-1, 6-7, 6-19, 6-32, 6-37, 6-45, 6-53, 6-57, 6-62, 6-68, 6-73, 6-77, 7-5, 7-8, 10-37
Sketch Plan, 1-1, 2-5
Special Use Permit, 1-2, 2-1, 2-2, 2-3, 2-4, 2-5, 2-9, 2-17, 2-18, 2-19, 2-20, 2-22, 2-26, 3-4, 3-5, 3-6, 4-2, 4-21, 4-40, 6-37, 6-45, 6-68, 6-73, 6-77, 8-4, 10-37
Storm Water Management, 5-3, 6-52, 6-1, 7-3
Street Improvements, 5-1, 6-2
Subdivision Approval, 1-2, 2-21, 4-49
 Final Plat, 1-2, 2-1, 2-2, 2-4, 2-22, 2-23, 2-24, 2-25, 2-26, 6-7, 6-51, 6-52, 6-57, 7-4, 7-5, 7-6, 10-29, 10-30
 Preliminary Plat, 1-2, 2-1, 2-2, 2-3, 2-4, 2-5, 2-9, 2-22, 2-23, 2-24, 2-25, 2-26, 6-1, 6-7, 6-51, 6-53, 6-57, 6-62, 7-5, 7-8, 10-30
Subdivisions
 Corner Markers and Subdivision Monuments, ii, 6-1, 7-4
 General Standards, ii, 2-21, 2-22, 2-25, 3-1, 6-49, 6-1, 7-1
 Infrastructure, ii, 2-23, 2-24, 6-1, 7-3, 7-5, 10-42
 Lots, ii, 6-56, 6-1, 7-2, 7-3, 7-1, 8-4, 8-5, 10-39
 Performance and Maintenance Guarantees, ii, 2-21, 2-23, 6-47, 6-1, 7-5
 Phasing, ii, 2-20, 2-22, 6-1, 7-5

T

Temporary Use Permit, 1-2, 2-1, 2-3, 2-27, 2-28, 2-29, 2-30, 2-31, 4-1, 4-25, 4-47, 4-48, 4-50, 4-52, 4-53, 4-54, 10-40

Temporary Uses and Structures, i, 2-27, 2-28, 3-2, 4-1, 4-46, 4-47, 4-48, 4-50, 4-52, 4-53, 6-58
Text Amendment, 1-2, 2-1, 2-2, 2-3, 2-4, 2-9, 2-14, 2-15, 3-20, 4-10, 4-37, 10-40
Transportation Uses, 3-1, 4-4, 4-16, 6-23, 10-41
Tree Protection, ii, 2-26, 2-27, 5-3, 6-45, 6-47, 6-50, 7-8, 9-5
 Heritage Trees, 5-3, 6-48, 6-49, 10-41
 Tree and Vegetation Protection During Construction, 5-3, 6-38, 6-49
Tree Removal Permit, 1-2, 2-1, 2-3, 2-26, 2-27, 2-29, 2-33, 2-35, 9-5, 10-41

U

Utilities, ii, 4-30, 5-5, 6-65, 6-67, 6-1, 7-4
Utility and Communication Uses, 3-1, 4-4, 4-16, 6-23, 10-42

V

Variance, 1-3, 2-1, 2-2, 2-3, 2-4, 2-9, 2-31, 2-32, 2-33, 10-42
Vehicular Use Area Landscaping, 5-2, 6-21, 6-34, 6-39, 6-74
Violations, iii, i, 1-6, 9, 9-1, 9-2, 9-4
Visitor Accommodation Uses, 3-1, 4-7, 4-29, 6-26, 10-43

W

Warehousing and Freight Movement Uses, 3-1, 4-8, 4-32, 6-26, 10-43
Waste-Related Services Uses, 3-1, 4-8, 4-33, 6-26, 10-44
Wholesale Uses, 3-1, 4-9, 4-35, 6-26, 10-44

Y

Yard Depth, 4-1, 5-1, 5-3, 5-4, 5-5
Yard Encroachments, 4-1, 5-5, 10-45

Z

Zoning Compliance Permit, 1-3, 2-1, 2-3, 2-19, 2-20, 2-21, 2-23, 2-26, 2-29, 2-30, 2-31, 2-33, 4-53, 6-6, 6-8, 6-17, 6-32, 6-33, 6-37, 6-45, 6-52, 6-57, 6-68, 6-73, 6-77, 7-5, 10-9, 10-30, 10-45
Zoning Districts
 Base, i, 2-1, 3-2, 3-8, 3-15
 Commercial, 1-5, 3-1, 5-1, 6-19
 Industrial, 1-5, 3-1, 5-1, 6-84
 New, i, 1-5
 Overlay, 1-5, 3-1
 Residential, 1-5, 3-1, 5-1, 6-19, 6-83
Zoning Map
 Official Zoning Map, i, 1-2, 1-3, 1-4, 2-4, 2-15, 2-16, 2-17, 2-36, 10-45

