

ARTICLE VI: SUPPLEMENTAL REGULATIONS

SECTION 6.1: General

This Chapter gives additional use, area and other standards for specific uses or situations which may be applicable to more than one district. The following sections within this Article specifically address requirements relative to:

Accessory Uses and Buildings (*SECTION 6.2*)

Retrofit of Existing Commercial Developments (*SECTION 6.3*)

Development Standards for Certain Uses (*SECTION 6.4*)

Specifications for Recreational Vehicle Travel Trailer Parks (*SECTION 6.5*)

Specification for Fish Camps and/or Commercial Marinas (*SECTION 6.6*)

Regulations for Home Occupation (*SECTION 6.7*)

Regulations for Temporary Uses (*SECTION 6.8*)

SECTION 6.2: Accessory Uses and Buildings

Accessory uses, buildings and structures, located on the same lot as the principal use, vary from district to district. The following general rules apply in all districts.

- A.** Accessory uses and buildings shall be incidental to the principal use established on the same lot.
- B.** They shall be subordinate to and serve said principal use.
- C.** They shall be subordinate in area, extent and purpose to such principal use.
- D.** In residentially zoned districts, all accessory uses shall be located in the side or rear yard areas and on the opposite side of the back yard if the principal use is on a corner lot.

6.2.1 Permitted Accessory Structures:

The use of land, buildings, and other structures permitted in each specific district are intended to follow the general guidelines listed above and all stipulated area, bulk and height regulations cited elsewhere in this Ordinance.

A. For single and two-family dwellings:

- 1. Children's playhouse and playground equipment
- 2. Decks, gazebos, trellises, and barbeques
- 3. Dog Houses for domestic pets, not to exceed two (2) shelters per dwelling
- 4. Private greenhouse for the growing of vegetables, fruit, or flowers from which no products are sold or offered for sale
- 5. Piers, boathouse, slips or similar structures as an accessory use
- 6. Private garage or carport
- 7. Private swimming pool and bath house
- 8. Structure for storage of household items and equipment used on the premises
- 9. Private workshop/woodworking equipment, from which no products are sold or offered for sale

B. For Places of Worship:

- 1. One (1) parish house or residence for clergyman
- 2. Non-profit counseling service
- 3. Maintenance equipment storage shed(s)
- 4. Youth Center including a Gymnasium
- 5. Education Building

C. For Educational Institutions:

- 1. Dormitories
- 2. Power or heating plant
- 3. Gymnasium, field house, game courts or field house

4. Maintenance equipment storage shed(s)

D. For Golf Courses, Tennis, Swim and Country Clubs:

1. Maintenance equipment storage shed(s)
2. Pro shop
3. Lounge and dining area

E. For Hospitals and Health Institutions:

1. Staff accommodations
2. Laundry, incidental to principal use only
3. Medical and nursing instruction classrooms
4. Maintenance equipment storage shed(s)
5. Chapel

F. For Industrial Uses in Industrial Districts:

1. Offices within the industrial use complex
2. Restaurant or cafeteria for employees
3. Watchman's guard station
4. Maintenance equipment storage shed(s)

G. For Automobile Dealerships (Does not include Use Car Lots)

1. Car Washes and Gas Pumps for use of business owned vehicles only
2. Vehicle Repair and Body Shop within an enclosed building

6.2.2 Limitations for Guest Houses in Residential Districts:

Guest houses or living quarters for family members, temporary guests, or domestic help are permitted in all residential districts as a conditional use except in R-2 and R-3 districts. The total square footage of such structures shall not exceed fifty (50) percent of the heated and cooled square footage area of the principal residence or seven hundred fifty (750) square feet, whichever is less.

The Applicant shall provide a restrictive covenant agreement which must be filed with the Jackson County Chancery Clerk's Land record Office which runs with the land that the accessory structure will never be made available for lease or rental.

All utilities shall be connected to and master metered from the principal residence.

SECTION 6.3: Retrofit of Existing Commercial Sites

The purpose of a commercial retrofit is to encourage the redevelopment of existing shopping centers, big-box retail sites, and other sites which are characterized by large expanses of surface parking. It is the intent of this provision to create new buildings between the existing building and the street which will help define and frame main entries onto the property and help provide an interesting edge to existing roads and highways.

6.3.1 Applicability

Properties with existing parking lots which are excessive or not being used due to the closure of a business or a change in the use of the principal building may have a portion of the parking lot replaced with buildings in accordance with the regulations of this section. New development sites are not eligible for this process, although new sites may utilize similar design principals.

6.3.2 Parking and Access Requirements

Owners and developers of commercial retrofit sites must agree that:

- A.** Both the new (infill) and existing uses on the site will participate in shared access and shared parking, **and**
- B.** If shared parking facilities are not adequate to meet the requirements of both the existing and proposed use, the use of the existing building must be changed to a less intensive use which requires fewer off-street parking spaces or auxiliary parking must be provided for.

6.3.3 General Processing Procedures

- A.** If new lots are to be created, a platting process may be required.
- B.** All projects are subject to site plan and architecture review.
- C.** If uses are proposed which are not in compliance with the zoning district, a public hearing for a rezoning action must be held in accordance with Article III and IV.

6.3.4 Uses Permitted

Any use legally permitted in the zoning district of the property is allowed provided that:

- A.** Residential uses are located within a mixed use building which has retail spaces exclusively on the ground floor and office or residential uses on upper floors.
- B.** All new buildings and renovated parking facilities are built in accordance with the current requirements of this ordinance.

6.3.5 Required Site Layout

- A.** New buildings shall be constructed between the street right-of-way and the existing buildings on sites of one hundred (100) feet in depth.
- B.** The facade of any new buildings shall face the public right-of-way and if located on a corner lot shall have articulated construction features or an additional entrance on the both sides that face a street.

6.3.6 Parking and Access

Required Off-Street parking shall be in accordance with *Article VII* and the following additional standards shall apply:

- A.** No more than four (4) rows of parking may be placed between the new outparcel building and the street right-of-way.
- B.** Additional parking may be placed to side and rear of the new building except that buildings on corner lots shall have not more than four (4) rows of parking between the new building and the street right-of-way.
- C.** Parking areas may be connected to side or rear parking lots on adjoining properties in order to allow customers to drive to other locations without re-entering the major roadway network and adding to traffic volumes provided this does not allow cut through traffic in residential areas.
- D.** Service entrances and service yards shall be located only in the rear or side yard.
- E.** Cross access between adjacent uses shall be provided.

SECTION 6.4: Development Standards for Certain Uses

6.4.1 Regulation of Sale of Alcoholic Beverages

A. Minimum Distances between Certain Uses

In accordance with *Section 67-1-51(3), Mississippi Code of 1972*, as amended, no person shall sell or offer for sale any alcoholic beverages within four hundred (400) feet of any church, school, park, kindergarten or funeral home; however, if both the subject property and the church, school, kindergarten or funeral home are both zoned commercial or industrial such minimum distance shall not be less than one hundred (100) feet.

In instances in which a church, school, kindergarten or funeral home is located in a residential district and the place of sale of any alcoholic beverages is located in an adjacent commercial or industrial district, such minimum distance between the place of sale of the alcoholic beverages and the church, school, kindergarten or funeral home shall be four hundred (400) feet.

B. Waiver by Church or Funeral home

A church or funeral home may waive the distance restrictions in favor of allowing issuance by the Mississippi Alcoholic Beverage Commission of a permit authorizing the sale of alcoholic beverage that would otherwise be prohibited under the minimum distance requirements.

C. Measurement of Distance

Such distance shall be measured in a straight line, such as air line distance, rather than the usual route of pedestrian travel. Distances shall also be measured from building to building, rather than from property line to property line.

6.4.2 Bed and Breakfast Inn

A. Qualified Structures

Structures to be used as Bed and Breakfast Inns (B & B) must be listed on the National Register of Historic Places; or structure designated as a Gautier Landmark by the Gautier Historic Preservation Commission, and/or a Mississippi Landmark by the Department of Archives and History; or said structure must be deemed eligible for designation as a Gautier Landmark by the Gautier Historic Preservation Commission, and/or a Mississippi Landmark by the Department of Archives and History and is granted designation within one (1) year from the date of eligibility. A Bed and Breakfast may also be permitted in strategic areas of the community based on compatibility with the surrounding natural and built environment, if approved by the Planning Commission and City Council.

B. General Regulations

1. A Bed and Breakfast Inn may only be operated by an owner who also resides in the building.
2. No retail sale of goods or merchandise will be allowed on the premises.
3. A Bed and Breakfast Inn must be operated in the principal building on the site and not in accessory structures.

4. Off-street parking is regulated in *Article VII*. The maximum length of stay for a transient paying guest is limited to thirty (30) days within a twelve (12) month period, and the owner shall maintain a guest register.
5. No receptions, meetings or other functions shall be permitted unless otherwise approved by the City Council as a legitimate function of the facility.
6. At least one (1) bathroom for use exclusively by guests is required on each floor of the building.
7. All required off-street parking spaces shall be screened by landscaping or other suitable opaque barrier from adjacent residences. No required off-street parking shall be allowed in the front yard.

6.4.3 Cemeteries

A. Size, Suitable Location and Access

Any new commercial cemetery shall be located on a site containing not less than twenty (20) acres. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, the proposed site shall have direct access to a major arterial or collector street.

B. Required Setbacks

All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line. All other structures including, but not limited to mausoleum, permanent monument, or maintenance building shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line.

C. Perpetual Maintenance

A perpetual maintenance agreement shall be recorded that makes provisions for landscaping and maintenance of the cemetery.

6.4.4 Area and Setback Regulations for Churches or Places of Worship

The setback yard requirements for Churches and Places of Worship shall be based on the dimensions in Table No. 8 regardless of the zoning district within which the building is located.

Table No. 8: Area Regulations for Places of Worship								
Lot Size	Maximum Lot Coverage (Percent)	Setback (Feet)					Maximum Height***	
		Front	Side		Rear		1	2**
			1*	2**	1*	2**		
Up to three acres	50	35	25	15	25	15	45	60
Three to five acres	30	35	25	15	25	15	45	60
Above five acres	10	45	35	15	35	15	45	60

* Adjacent to single-family residential use(s).
 **Not adjacent to single-family residential use(s).
 ***Height of Principal building only; does not include accessory uses such as youth buildings, schools gyms or other structures.

6.4.5 Day Care Centers, Commercial (Nurseries and Kindergartens)

All day care facilities shall meet all applicable State requirements for standards, licensing and inspections. Applications for a business license with the city shall include copies of a current State Permit stating the maximum number of children to be kept at the facility and a city permit.

A. Loading and Unloading of Children

1. No loading or unloading of children shall be permitted in the street.
2. A circular drive may be required to facilitate safe loading and unloading of children.

B. Play Area

1. A usable outdoor play area shall be provided and no portion of the fenced play area shall be located closer than thirty-five (35) feet to any public street. Parking and loading areas may not be counted toward play spaces.
2. All play areas for residential day care facilities shall be located in the rear yard, fenced and buffered in accordance with *Article XI*.

6.4.6 Dog Kennels and Dog Runs

Dog kennels and dog runs in commercial areas shall be for exercise of animals that are boarded by Veterinarian clinics. Such areas shall not be used for twenty-four (24) hour storage of animals except where expressly allowed. Any yards that contain dog kennels or runs shall be fenced with a solid wooden fence and additional landscaping to screen the area from neighboring property. All such areas shall be maintained in a good state of repair, kept clean and be odor-free.

6.4.7 Group Homes

Group Homes shall be operated in a manner that is compatible with the neighborhood and shall not be detrimental to adjacent properties as a result of traffic, noise, refuse, parking or other activities.

6.4.8 Junkyard

- A. A minimum of five (5) acres of land shall be required.
- B. Open storage business are referred to herein, junk cars or materials shall not be allowed within one-half (1/2) mile of any designated federal or state highway or within five hundred (500) feet of any other public road or street.
- C. Stacking of vehicle bodies, junk or salvage material shall not be stacked over six (6) feet in height.
- D. Storage of any immobile vehicles [and] of any immobile vehicles or parts, tires or accessories outside the screened area is prohibited

6.4.9 Nightclubs, Bars, Taverns and Similar uses

With the exception of nightclubs or bars located within mixed-use districts; the applicant shall demonstrate that no existing place of worship is located within two hundred fifty (250) feet of the proposed nightclub or similar establishment. Within mixed use districts, the applicant shall demonstrate that no existing place of worship is located within fifty (50) feet of the proposed nightclub or similar establishment. Measurements shall be made from the property line of the proposed night club or similar establishment and from the property line of any separate parking lots to be used by the nightclub or similar establishment.

6.4.10 Outdoor Recreational Facilities

Lighted facilities (such as tennis courts, ball fields, basketball courts) shall maintain a one hundred (100) foot setback from property lines adjacent to residentially, zoned or used property. This setback may be reduced at the time of site plan approval if the site plan depicts measures used to reduce light and glare onto adjacent residentially zoned or used property. Possible measures include, but are not limited to directional lighting, lower fixture heights, berms, vegetation, and fences. In addition, the site plan shall include documentation from a registered professional with experience in lighting certifying that the lighting does not exceed 0.5 foot candle at the property line of adjacent residentially zoned or used properties.

6.4.11 Outdoor Serving Areas for Restaurants, Coffee Shops and Similar Businesses

A. Location

Outdoor eating areas for restaurants, coffee shops or other facilities serving beverages or food may be located within a required yard area with permission from the Economic Development Director and the Chief of Police. If located within the public right-of-way, permission from the appropriate jurisdiction is required, and a six (6) foot clear space between the outdoor eating area and the curb must be provided for pedestrian movement. An adequate radial clear space must also be provided for outdoor eating areas located at the intersection of two (2) streets.

B. Barriers and Buffering

Temporary or permanent decorative walls or fencing must enclose an outdoor eating area. Such barriers must be no less than three (3) feet in height and in accordance with *Article XI*.

C. Enclosures

Awnings or umbrellas may be used in conjunction with an outdoor eating area, although permanent roofs or shelters may not be installed within a required yard. Awnings must be adequately secured, retractable, and must comply with the provisions of the building code.

D. Hours of Operation

The hours of operation for an outdoor eating area shall be limited to between 6:00 a.m. and 12:00 a.m. unless subject property has been approved as an “entertainment” district by the State of Mississippi in which case State regulations regarding hours of operations shall prevail.

6.4.12 Outdoor Storage in Conjunction with Commercial and Industrial Uses

A. Commercial Uses

Certain equipment and materials, lawn and garden items and building supplies and materials may be stored and sold in an adjunct covered structure which shall be attached or unattached to the main commercial store and which is similar in architectural character.

B. Industrial Uses

Lumber sales yards shall require a minimum site of three (3) acres or more. Open storage or storage of lumber under covered areas is permitted provided these items are not piled or stacked over twenty (20) feet in height above normal ground elevation.

6.4.13 Rooming and Boarding Houses

Rooming and boarding houses shall be located on an arterial or collector street. All required off-street parking shall be located at the side or rear of the structure and screened by landscaping as a barrier from adjacent residences in accordance with *Articles XI*.

6.4.14 Satellite Dish Antennae

Non-Residential Districts

Satellite dish antennas accessory to a permitted use may be located in any non-residential district under the following opacity.

- A.** The satellite dish antenna shall not be located in any required front or side yard.
- B.** Roof-mounted antennas may be erected on the roof of the principal building to a maximum height of fifteen (15) feet above the roof of the existing building. However, roof-mounted satellite dish antennas shall not be visible between ground level and ten (10) feet above ground level from any street or from residentially zoned property adjoining the lot.
- C.** Satellite dish antennas with a diameter less than one (1) meter may be installed in a manner consistent with typical television antennas.

- D. Ground mounted satellite dish antennas shall be screened from the street and from any adjacent residentially zoned property by a six (6) foot high wood or masonry fence or by natural plants or trees of equal minimum height so planted as to provide maximum opacity.

6.4.15 Swimming Pools

A. Accessory Use in Residential Districts.

A private swimming pool shall include any pool or open tank having a depth of more than thirty (30) inches which is designed and built for swimming and bathing; however, this definition shall not include spas and hot tubs which are securely covered when not in use by a sturdy insulated top capable of restricting access by children. Private swimming pools are permitted in any Residential District provided:

1. It is used solely for enjoyment of the occupants of the property on which it is located and their guests.
2. No swimming pool area or part thereof, including aprons, walks and equipment rooms, shall protrude into any required front or side yard (without City approval).
3. Swimming pools shall be maintained in a clean and sanitary condition and in good repair. Pools may be drained or covered to maintain a sanitary condition.
4. The swimming pool area is enclosed by a wall or gate fence with a self-latching gate to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height, shall not have opening that would allow a four (4) inch diameter sphere to pass through it, and shall be maintained in good condition.

B. Private Club Swimming Pool

A swimming pool owned by a private association or club shall comply with the following conditions and requirements:

1. The swimming pool and all of the area used by the bathers shall be enclosed by a wall or fence with a self latching gate to prevent uncontrolled access by children from the street or adjacent properties. Said fence or wall shall not have openings that would allow a four (4) inch diameter sphere to pass through it, shall be at least four (4) feet in height and shall be maintained in good condition. The area surrounding the enclosure, except for parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees, and maintained in good condition.
2. The pool and accessory structures thereto, including the areas used by bathers, shall not be closer than fifty (50) feet to any property line of the property on which located.

6.4.16 Community Tennis Courts

A community tennis club not open to the general public shall be any tennis court constructed by an association of property owners or by a private club for use by members, their families and guests. Community and club tennis courts shall comply with

the following conditions and regulations:

- A. The tennis court(s) is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the tennis court is operated.
- B. The tennis court and appurtenances shall not be closer than twenty-five (25) feet to any property line of the property on which located.

6.4.17 Mini-Warehouse (Self-Service) Storage Facilities

The following regulations shall apply to self- service storage facilities:

A. Accessibility and Off-Street Parking

- 1. Access to the site shall be from a street identified as a major collector or arterial on the City of Gautier Thoroughfare Plan.
- 2. Paved, off-street parking, access and driveways must be provided, as regulated in *Article VII*. In addition, a minimum twenty-six (26) foot parking-driveway lane shall be provided adjacent to all buildings when the buildings open only to one side of the lane and a minimum thirty (30) feet when buildings open to both sides of the lane.

B. Size of Units and Development

- 1. Maximum size for each individual storage unit shall be six hundred (600) square feet.
- 2. Total lot area shall not be less than two (2) acres.

C. Lighting and Screening

- 1. All outdoor lights shall be shielded to direct light and glare only onto the self service storage premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.
- 2. Self Service Storage facilities shall be subject to landscaped buffers as outlined in *Article XI*.

D. Outdoor storage areas

Outside storage of RVs, Boats and similar vehicles may be included as a part of the site if such outdoor storage facilities are fenced and screened. Parking areas or driveways shall not be used for storage.

E. Prohibited Uses

The following uses shall be prohibited in mini-warehouse facilities:

- 1. Auctions, wholesale and retail sales, miscellaneous or garage sales
- 2. Servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn movers, appliances, or other similar equipment
- 3. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment, except for purposes of construction and repair of the self service storage facility

4. Transfer and storage business
5. Any use that is noxious or offensive because of odors, dust, fumes, or vibrations
6. The storage of hazardous materials

6.4.18 Vehicle Sales, Leasing and Rentals

Vehicle sales, leasing, and rentals in all districts shall be subject to the following:

- A. No junked or inoperable vehicles or equipment shall be permitted except for limited periods of time in order for repairs to be made and such vehicles shall be kept within a completely enclosed building.
- B. Adequate on-site area shall exist for the loading and unloading of vehicles from car carriers to ensure that no such loading or unloading occurs in any public right-of-way.

6.4.19 Junk Yards, Vehicle and Boat Wrecking Yards

Because of the nature and character of their operations, automobile wrecking, junk, or salvage yards, and similar uses of land can have a detrimental effect upon surrounding properties. These uses tend to create problems of noise, dust, traffic, and health hazards, and may adversely affect property values by their general appearance.

A. Location

No junk or salvage yard may be permitted closer than three hundred (300) feet from any established residential district.

B. Screening

All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall in accordance with *Article XI*. Storage, either temporary or permanent, between such fence or wall and any property line is expressly prohibited.

C. Ingress and Egress

The number of vehicular access driveways permitted on any single street frontage should be limited to:

1. One (1) driveway where the parcel to be used has a maximum street frontage of one hundred (100) feet or less
2. Two (2) driveways where the street frontage exceeds one hundred (100) feet
3. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width, exclusive of curb returns

SECTION 6.5: Specifications for Recreational Vehicle (RV) Travel Trailer Parks.

6.5.1 General Regulations:

The purpose of Recreational Vehicle (RV) campgrounds is to provide areas where travelers may park recreational vehicles and have access to campground type facilities while in the City of Gautier. In addition to other regulations in this Ordinance, such facilities shall conform to the requirements of this section and any other conditions and safeguards the Planning Commission or City Council may require for the public health and welfare of the public.

A. Temporary in Nature

1. RV parks are intended for use on a temporary basis by campers, vacationers and travelers and are not intended as a place for permanent abode dwelling or business or for an indefinite period of time.
2. Any action toward removal of wheels of a recreational vehicle except for temporary purposes or to attach the vehicle to the ground for stabilizing purposes is hereby prohibited.

B. Permit Required

Pursuant to *Mississippi State Statute Section 41-25-13*, the Mississippi State Department of Health has provided regulations governing recreational campgrounds.

1. It shall be unlawful for any person to construct, maintain or operate any RV campground within the City of Gautier unless they hold a valid permit issued by the Mississippi State Department of Health.
2. Satisfactory evidence of such permit shall be provided to the Building and Zoning Administrator prior to the issuance of a Certificate of Occupancy (CO) to the campground.
3. Such permit shall be posted in a conspicuous place on the premises and shall be available for review by any interested persons.
4. In the event of a conflict between those regulations and this section, the higher standard shall govern.

6.5.2 Permitted Uses and Accessory Uses

A. The following uses are permitted as a part of the RV Park:

1. Management headquarters
2. One (1) permanent residential dwelling for on-site occupancy by management.

B. The following Accessory Uses are permitted provided the total area including parking areas do not occupy more than five (5) percent of the gross area of the park and are restricted in use to occupants of the park:

1. Buildings for toilets, showers, coin-operated laundry facilities
2. Dumping stations
3. Piers and Boat Docking Facilities

6.5.3 Conditional Uses

In addition to the uses listed in 6.5.2, the following uses are permitted provided they are established in accordance with the procedures and provisions contained in *Articles III and IV*.

- A.** Marina, Commercial or for the Use of RV Park visitors
- B.** Conference or Meeting Facility
- C.** Restaurant, Neighborhood for the use of RV Park visitors and the general public

6.5.4 Area requirements For RV Park:

- A.** Minimum size of park: Five (5) acres
- B.** Maximum density: Twenty-four (24) recreational vehicles per acre
- C.** Minimum setbacks for Campground Perimeter: The campground perimeter shall be an unoccupied landscaped open space fifty (50) feet in width with no encroachments permitted, including parking lots, patios, or other structures except for entrance/exits driveways which may be within the inside twenty (20) feet. The outside twenty (20) feet shall be a buffer area in accordance with *Article XI*.

6.5.5 Streets, Driveways and Access

- A.** All access points to public streets and highways shall be approved by the City of Gautier including the City Consulting Engineer, department heads, and, if applicable, the Mississippi Department of Transportation.
- B.** Streets in recreational vehicle campgrounds shall be private and shall be composed of a minimum four (4) inch sub-base with shell or gravel surface. Regular and adequate maintenance required to afford circulation of traffic and suitable surface for travel. Roads shall be constructed to support a minimum of seventy-five thousand (75,000) pounds.
- C.** Driveways and streets shall have the following minimum stabilized travel-way requirements:
 - 1.** Twenty (20) feet two-way traffic
 - 2.** Twelve (12) feet one-way traffic
 - 3.** Maximum grade of six (6) percent
 - 4.** Minimum curve radius shall be fifty (50) feet.
 - 5.** Turnarounds shall be provided for all dead-end roads. The minimum radius shall be adequate for fire equipment to maneuver.

6.5.6 Open space and recreational area.

A minimum of five (5) percent of the gross recreational vehicle park area shall be set aside and developed as common use areas for open or enclosed recreation facilities such as playgrounds, badminton or tennis, parks or similar facilities which shall be in addition to any land or marine facilities such as piers, marinas, conference or meeting facilities or restaurants. No required buffer strip, street, storage area, recreational vehicle site or utility site shall be placed within the area set aside for recreational purposes.

6.5.7 Utilities and Drainage

Utilities (electrical power, natural gas, water, and sanitary sewerage and storm drainage) shall be provided and connected according to all applicable codes and ordinances of the City of Gautier. On-site utilities shall be underground.

A. Electrical Requirements and Lighting

- 1.** Electrical outlets shall meet the minimum standards of the National Electrical Code.
- 2.** Adequate lighting shall be provided for all streets, walkways, buildings and other facilities subject to nighttime use.
- 3.** Outdoor lighting is required along pathways to restrooms at a maximum of fifty (50) feet apart, not exceeding three (3) feet above ground and reflected

downward, or as may be approved by the Building and Zoning Administrator to provide adequate visibility.

4. Washrooms or toilet facilities shall remain lighted at night.

B. Refuse disposal

1. The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.
2. 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 three hundred (300) feet from any camp or picnic site unless provided at the campsite.
3. For parks exceeding thirty (30) spaces, dumpsters will be required at a rate of four (4) cubic yards per thirty (30) spaces; otherwise, refuse containers shall be provided at the rate of eight (8) cubic feet (sixty (60) gallons) for each five (5) campsites or the equivalent thereof if containers are provided at individual campsites. Refuse shall be picked up not less than twice weekly.
4. All solid waste generated by a recreational vehicle park shall be stored and disposed of in accordance with the State Board of Health regulations governing solid waste management and the codes and ordinances of the city governing solid waste.

SECTION 6.6: Specifications for Fish Camps and/or Commercial Marinas

6.6.1 General Regulations

The purpose of Fish Camps and/or Commercial Marinas is to provide areas where recreational fishermen and families can access waterways and temporary housing. In addition to other regulations in the Ordinance such facilities shall conform to the requirements of this section and any other conditions and safeguards the Planning Commission or the City Council may require for the public health and welfare of the public.

A. Overnight Accommodations Temporary in Nature

1. Overnight accommodations in Fish Camps and Commercial Marinas are intended for use on a temporary or seasonal basis by recreational fishermen, vacationers and travelers and are not intended as a place for permanent dwelling.
2. Temporary lodging facilities shall be rented on a daily, weekly, monthly or seasonal basis not to exceed a three (3) month continuous stay within any twelve (12) month period and shall not be used as a permanent year-round residence. Continuous occupancy of lodging facilities extending beyond this period shall be presumed to be permanent occupancy and shall be prohibited.
3. Any existing fish camp which was established prior to the adoption of this Ordinance and which has permanent residential lodging shall be considered exempt from this regulation provided such lodging is used as a single-family dwelling house by either the owner or his/her family.

B. Permit Required

Pursuant to *Mississippi State Statute Section 41-25-13*, the Mississippi State Department of Health has provided regulations governing recreational campgrounds.

1. It shall be unlawful for any person to construct, maintain or operate any recreational campground within the City of Gautier unless they hold a valid permit issued by the Mississippi State Department of Health.
2. Satisfactory evidence of such permit shall be provided to the Building and Zoning Administrator prior to the issuance of a certificate of occupancy of the campground.
2. Such permit shall be posted in a conspicuous place on the premises and shall be available for review by any interested persons.
3. In the event of a conflict between those regulations and this section, the higher standard shall govern.

6.6.2 Permitted Uses and Accessory Uses

- #### **A.**
- The following uses are permitted as a part of the Marina and/or Fish Camp:
1. Management Headquarters
 2. One (1) permanent residential dwelling for on-site occupancy by management

3. Facilities for the sale of bait, tackle, equipment rental, snacks, beverages and other similar services
 4. Boat ramps and launching facilities
 5. Boat storage
 6. Boat Rental Facilities
 7. Cabins for rental to guests on a temporary or seasonal basis
 8. Commercial boat slips
 9. Docks, Piers and Board walks
 10. Boat Lifts
- B.** The following Accessory Uses are permitted
1. Buildings for toilets, showers, coin-operated laundry facilities
 2. Parking Areas
 3. Dumping stations
 4. Other uses and structures customarily incidental to operation of a marina or fish camp

6.6.3 Conditional Uses

In addition to the uses listed in 6.6.2, the following uses are permitted provided they are approved by the City Council in accordance with the procedures and provisions of *Articles III and IV*.

- A.** Restaurants for the use of the general public and guests of the marina or fish camp
- B.** Boat Charter services
- C.** Repair and maintenance areas for recreational watercraft
- D.** Boat Servicing Facilities for recreational watercraft
- E.** Areas for Recreational Vehicle Parking

6.6.4 Prohibited Uses

The following uses are not permitted in Marinas or Fish Camps:

- A.** Mobile Homes
- B.** Boats used as permanent residences

6.6.5 Area Requirements for Fish Camp or Commercial Marina

- A.** Minimum size of park: None
- B.** Minimum setbacks for Fish Camp and/or Commercial Marina Perimeter:
 1. When located adjacent to or AG, RE, R-1, R-1-A, R-2, R-3 or PUD district, the campground perimeter shall be an unoccupied open space fifty (50) feet in width with no encroachments permitted, including parking lots, permanent buildings or RV pads, except for entrance/exits. The outside twenty (20) feet shall be a buffer area in accordance with *Article XI*.

2. When located adjacent to single-family residential uses, the campground perimeter shall be an unoccupied open space twenty-five (25) feet in width with no encroachments permitted, including parking lots, permanent buildings or RV pads, except for entrance/exits. The outside fifteen (15) feet shall be a buffer area in accordance with *Article XI*.
3. If located adjacent to any other district or use not previously enumerated the campground perimeter shall be unoccupied open space fifteen (15) feet in width with no encroachments permitted, including parking lots, permanent buildings or RV pads, except for entrance/exits. The outside five (5) feet shall be a buffer area in accordance with *Article XI*.

6.6.6 Streets, Driveways, Access and Boat Launches

A. Access to Public Street and Highways.

All access points to public streets and highways shall be approved by the City of Gautier including the City Consulting Engineer, department heads and, if applicable, the Mississippi State Department of Transportation.

B. Private Streets (driveways) within the Fish Camps and Commercial Marinas.

Streets in fish camps and commercial marinas shall be private and shall be composed of a minimum four (4) inch sub-base with shell or gravel surface. Regular and adequate maintenance required to afford circulation of traffic and suitable surface for travel.

C. Driveways and Private Street:

Driveways and streets shall have the following minimum stabilized travel-way requirements:

1. Twenty (20) feet two-way traffic
2. Twelve (12) one way traffic
3. Maximum grade of six (6) percent
4. Minimum curve radius shall be fifty (50) feet

D. Turnarounds.

Turnarounds shall be provided for all dead-end roads. The minimum radius shall be adequate for fire equipment to maneuver.

E. Boat Launches

Launches may be hard surface and sufficient in width and depth to accommodate boats up to twenty-four (24) feet in length. All boat launch plans must be approved by the Economic Development/Planning Department and other applicable regulatory agencies.

F. Utilities

Utilities (electrical power, natural gas, water, and sanitary sewerage and storm drainage) shall be provided and connected according to all applicable codes and ordinances of the City of Gautier.

- 1. Electrical Requirements and Lighting.**
 - a. Electrical outlets shall meet the minimum standards of the National Electrical Code.
 - b. Adequate lighting shall be provided for all streets, walkways, buildings and other facilities subject to nighttime use.
 - c. Outdoor lighting is required along pathways to restrooms at a maximum of fifty (50) apart, not exceeding three (3) feet above ground and reflected downward, or as may be approved by the Building and Zoning Administrator to provide adequate visibility.
 - d. Washrooms or toilet facilities shall remain lighted at night.
- 2. Refuse disposal:**
 - a. The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.
 - 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 three hundred (300) feet from any camp or picnic site unless provided at the campsite.
 - c. For fish camps and marina exceeding thirty (30) spaces, dumpsters will be required at a rate of four (4) cubic yards per thirty (30) spaces; otherwise, refuse containers shall be provided at the rate of eight (8) cubic feet (sixty (60) gallons) for each five (5) campsites or the equivalent thereof if containers are provided at individual campsites. Refuse shall be picked up not less than twice weekly.
 - d. All solid waste generated by a fish camp or marina shall be stored and disposed of in accordance with the State Board of Health regulations governing solid waste management and the codes and ordinances of the city governing solid waste.

SECTION 6.7 Regulations for Home Occupations

6.7.1 General Regulations

A home occupation is a gainful occupation conducted in a dwelling unit, for which an annual privilege license must be issued and that:

- A.** No stock in trade or commodity shall be sold on the premises.
- B.** There shall be no employment of help other than members of the resident family.
- C.** Not more than twenty (20) percent of the heated and cooled square footage area of the dwelling unit not to exceed five hundred (500) square feet shall be used in conducting the home occupation.
- D.** There shall be no change in the outside appearance of the building or premises, no outdoor storage of anything, or any other visible evidence of the conduct of such home occupation other than one (1) sign in accordance with regulations of Article XII not exceeding one (1) non-illuminated sign no larger than one (1) square foot, mounted flush against the principal building.
- E.** No home occupation shall be conducted in any accessory building.
- F.** No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be off the street and other than in the required front yard.
- G.** No equipment or process shall be used in such home occupation which increases noise, vibration, glare, fumes, odors, or electrical interference to adjoining properties.
- H.** The Economic Development Director shall periodically examine all businesses operating under a home occupation permit to determine if they are maintained in compliance with regulations set forth herein. The Economic Development Director is authorized to notify any business found to not be in compliance to cease operations and to revoke said permits.

6.7.2 Home Occupations Permitted

The following occupations, subject to the requirements of the above section, may be permitted as home occupations:

- A.** Artist, sculptor, author
- B.** Catering Service when they are a part of operator's residence
- C.** Computer programming and word processing
- D.** Cooking and preserving
- E.** Dressmaker, seamstress, tailor, interior decorator
- F.** Home office
- G.** Instructional Studio, Private. Teaching, including tutoring, musical instruction or dancing, but limited to one pupil per teacher at any given time
- H.** Private Professional Office
- I.** Telephone answering service

- J. Any other similar use which the Economic Development Director determines is compatible. The Economic Development Director may elect to take any Home Occupation request to the Planning Commission for consideration.

6.7.3 Prohibited Home Occupations

The following are not permitted as home occupations:

- A. Animal hospitals or animal rescue operations
- B. Child Care Facilities including kindergartens
- C. Convalescent homes
- D. Repair Shops requiring outside or major repair to equipment and/or vehicles
- E. Coffee Shops, restaurants or any facility serving beverages or food to the public.
- F. Boarding House

SECTION 6.8: Regulations for Temporary Uses

6.8.1 General Regulations

A temporary Use permit may be issued for any of the uses itemized in *Section 6.8.2* subject to the stipulations and regulations given for each use and in addition:

- A.** The temporary permit shall be for a specific period of time and at the end of such time, all activities shall cease.
- B.** The permission of the property owner shall be required signifying their permission to place the temporary use on the property in question.
- C.** Upon expiration or revocation of a temporary use permit, the applicant shall clean the site of all debris, whether generated by the temporary use or not.
- D.** Adequate off-street parking shall be provided if needed.
- E.** Such uses and preparation shall meet any and all health standards as defined applicable and certified to by the State Board of Health.
- F.** Suitable safety precautions are taken in accordance with conditions approved by the Economic Development Director to insure that human health and welfare are not jeopardized.

6.8.2 Temporary Uses Permitted

A. Christmas Tree Sales Lot

The sale of Christmas Trees at Christmas is permitted in Commercial Districts or on the campus of Churches or Places of Worship only as an open-lot sale situation. Such permits shall not be issued for a period of longer than thirty (30) days.

B. Contractor's Temporary Office and Equipment Sheds

In any district, a permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such facilities shall not contain sleeping or cooking accommodations. Such permits shall be valid for not more than one (1) year but may be renewed for a maximum of one (1) year if needed. Such facilities shall be removed upon completion of the project or the expiration of the permit whichever occurs first.

C. Garage or Rummage Sales

Temporary permits for garage or rummage sales may be granted provided:

- 1.** The Permit period does not exceed three (3) days.
- 2.** Suitable safety precautions are taken in accordance with conditions approved by the Economic Development Director to insure that human health and welfare are not jeopardized.
- 3.** No more than three (3) such permits are issued to any applicant or to any one (1) address during any single year.

D. Portable Storage Container (POD)

In any residential district, a Temporary Use Permit may be issued for a POD subject to the following regulations:

1. The use of one (1) container shall be limited to no more than thirty (30) consecutive days in any year. In the event of a catastrophic loss of property due to fire, flood or other physical calamity occurring on the property in question, the permit may be extended for two (2) additional thirty (30) day periods.
2. The container shall be placed on a hard surface such as a driveway on the lot it serves, and shall not be placed on a street right-of-way or in the rear of the property.

E. Real Estate Sales Office

In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision. The permit shall be valid for one (1) year but may be renewed a maximum of three (3) one (1) year extensions. Such office shall be removed upon completion of the development of the subdivision or upon expiration of the permit whichever occurs sooner.

F. Seasonal Sale of Farm Produce Outdoors

Farm produce and seafood which is in its harvested form, may be sold from vehicles which are mobile in Commercial Districts, but shall be placed no earlier than 6:00 a.m. and shall be removed daily no later than 9:00 p.m. Such uses shall be limited to the preparation and sale of human food stuffs only.

G. Outdoor Sale of Non-Perishable Goods or Items

Outdoor sale of goods other than farm produce or seafood may be granted a Temporary Use Permit by the Economic Development Director provided that:

1. The Permit Period does not exceed ten (10) days
2. No more than three (3) such permits are issued to any applicant during any single calendar year
3. All requirements of *Section 6.8.1 General Regulations* are met

H. Special Events

A Special Event may be granted a Temporary Use Permit by the Economic Development Director provided that:

1. A permit application is submitted to the Economic Development Director at least thirty (30) days prior to the event. The following information will be required on the application:
 - a. Event details with timeline
 - b. Number of people expected
 - c. Organization name, type and Federal Tax ID number
 - d. Detailed map of proposed route/event area along with request for possible street closures.
 - e. Requested City services such as trash receptacles, barricades, etc.
2. The applicant shall submit a hold harmless agreement in a form approved by the City agreeing to hold the City of Gautier free and harmless of any

liability which may result from said event, and accept full responsibility for any liability.

3. The applicant must provide a Certificate of Commercial General Liability Insurance listing the City of Gautier as an additional named insured in the amount prescribed by the Economic Development Director or designee.
4. An applicant for a permit to hold an event where alcohol is to be sold must provide a Certificate of Insurance in the amount of \$1,000,000 as liquor liability insurance, in addition to the general liability insurance requirements.
5. All requirements of *Section 6.8.1 General Regulations* are met.