Gautier Planning Commission

Regular Meeting Agenda

September 3, 2015

Comprehensive UDO Amendment

VII. NEW BUSINESS

B. LEGISLATIVE

1. REQUEST TO ADOPT AN AMENDED UNIFIED DEVELOPMENT ORDINANCE. (CITY INITIATED) (GPC #15-08-UDO)

CITY OF GAUTIER
STAFF REPORT

To: Chairman and Members, Planning Commission

From: Chandra Nicholson, Economic Development & Planning Director

Date: August 28, 2015

Subject: Consideration of an Amendment of the Unified Development Ordinance. (City Initiated) GPC #15-08-UDO

REQUEST:

The City Manager directed Staff to draft a comprehensive amendment to the Unified Development Ordinance (UDO) to incorporate changes to improve the usability of the document and to include any known errors/omissions.

BACKGROUND:

Amendments to the Unified Development Ordinance may be initiated by the City Council, the Gautier Planning Commission (GPC), the City Staff, or by a citizen. The process requires that the GPC review and forward a recommendation to the City Council on the proposed amending ordinance(s).

The City Council may consider approval after a public hearing conducted by the Planning Commission based on the application and the relevant support materials, testimony at the public hearing, the GPC recommendation, and the Staff Report.

Planning Commission first reviewed this case on July 2, 2015 and recommended approval with changes to the City Council. City Council reviewed the case on August 4, 2015 and remanded the case back to Planning Commission for further review.

DISCUSSION:

The City's Unified Development Ordinance was adopted in 2009. A comprehensive amendment is needed to correct miscellaneous errors/omissions that have been discovered and to make the document more user friendly.

STAFF FINDINGS:

Staff finds that the amendments are necessary for process clarity and to correct errors/omissions from the original document.

Staff further finds the amendments are consistent with the policies of the Comprehensive Plan.

RECOMMENDATIONS:

The Planning Commission may:

1. Recommend that City Council approve the UDO Amendment;
2. Recommend that City Council approve the UDO Amendment with changes; or
3. Recommend that City Council not approve the UDO Amendment.

ATTACHMENTS:

1. Draft Ordinance
2. Draft UDO Amendment

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF GAUTIER, MISSISSIPPI, PROVIDING AUTHORITY & INTENT; ADOPTING AN AMENDED UNIFIED DEVELOPMENT ORDINANCE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, THAT THE AMENDED UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GAUTIER BE ADOPTED AS FOLLOWS:

Section 1. Authority & Intent

A. The authority for enactment of this ordinance is contained in Mississippi Code Annotated, Section 17-1-11.

B. The Staff finds the need for comprehensive amendments to the Unified Development Ordinance.

C. The Gautier Planning Commission held a public hearing, after giving due public notice, and considered this ordinance on September 3, 2015. The City Council conducted a public hearing on October 6, 2015.

Section 2. Adoption of An Amended Unified Development Ordinance

The City of Gautier hereby adopts the attached Amended Unified Development Ordinance to be incorporated into the City of Gautier's Code of Ordinances.

Section 3. Conflicts

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

Section 4. Severability

If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. Effective Date

This Ordinance shall take effect immediately upon completion of the statutory requirements.

Adopted: _____ _____

Gordon Gollott, Mayor

Attest: Approved as to form and legal sufficiency:

_____ _____

Cindy Russell, City Clerk Josh Danos, City Attorney

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Added 8/28/15
Added After 8/6/15 Planning Commission
Proposed Changes

ARTICLE I: GENERAL PROVISIONS

SECTION 1.1: Short Title
This Ordinance shall be known as the "UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GAUTIER, MISSISSIPPI," and may be so cited, and further referenced elsewhere as "UDO," and herein as "the Ordinance" or "this Ordinance," shall imply the same wording and meaning as the full title.

SECTION 1.2: Authority
This Ordinance is adopted pursuant to authority granted to the City of Gautier by *Mississippi Code Annotated Section 17-1-1, et seq.*

SECTION 1.3: Jurisdiction
The provisions of this Ordinance shall apply to all properties within the jurisdiction of the City of Gautier and shall govern development and use of land.

SECTION 1.4: General Purpose and Intent

1.4.1 It is the purpose of this ordinance, to promote the health, safety and general welfare of the residents of Gautier, Mississippi.

1.4.2. In support of these purposes, this Ordinance has been formulated following a Comprehensive Plan for the future of the community and is designed to:

A. implement the adopted Comprehensive Plan;

B. promote the public health and general welfare;

C. lessen congestion in the streets;

D. secure safety from fire, panic, natural disasters and other dangers;

E. provide adequate light and air;

F. prevent overcrowding of land and avoid undue concentrations of population;

G. facilitate adequate transportation, water supplies, wastewater treatment, schools, parks, and other public facilities;

H. examine the most appropriate use of land;

I. conserve the value of buildings;

J. protect existing neighborhoods, preventing their decline and promoting their livability;

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K. conserve natural resources and the environmental quality of the City;

L. protect developments in, and residents of the community from flooding and other hazards; and,

M. establish specific procedures, minimum standards and requirements to be followed in the development or redevelopment of land; and

N. provide for the orderly, efficient and economic development of the City by providing for:

1. The coordination of streets, highways and other public facilities within proposed subdivisions with existing or planned streets and highways or other public facilities;

2. The dedication or reservation of rights-of-way, easements or sites for streets, utilities, open space, recreational areas, and other public facilities; and

3. The protection of historic resources and the natural environment.

SECTION 1.5: Minimum Requirements
The provisions of this Ordinance are intended to be minimum requirements. Where the provisions of this Ordinance impose greater restrictions than other ordinances, regulations, or any applicable state or federal law, the provisions of this Ordinance shall prevail. Where the provisions of other ordinances, regulations, or any applicable state or federal laws impose greater restrictions, the more restrictive provision shall prevail.

SECTION 1.6: Severability
Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 1.7: Clarity Provision
Before entering this Ordinance on the Minutes, the City Clerk is authorized to make any correction therein regarding spelling, punctuation and grammar in order to more clearly state the purpose thereof.

SECTION 1.8: Existing Approved Uses
Where a complete application for development approval is pending and being diligently pursued on the date of adoption of the UDO, the provisions of the regulations in effect on the date of filing the application shall govern the review and approval of the application for development approval, provided that the application is approved by city council within six months of the date of adoption of this revised UDO.

An existing use which is lawful on the date of adoption of the revised UDO, whether permitted as a "permitted use" or a "conditional use" in the zoning district in which it is located, shall remain a lawful use. If the use was approved subject to one or more conditions, those conditions shall continue in full force and effect unless a new approval is obtained.

SECTION 1.9: Previously Granted Variances

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All variances granted before the adoption of this UDO shall remain in full force and effect, including any conditions of that variance, and the property owner or agent with the variance may proceed to develop the property in accordance with the plans previously approved. However, if the recipient of the variance has failed to commence construction before the variance expires, or if the variance is not subject to a time frame for construction and six months have expired, the provisions of the UDO shall govern and the variance shall have no further force and effect.

SECTION 1.10: Conflicts and Abrogation

This UDO is not intended to repeal, abrogate or interfere with any existing public easements duly recorded in the public records of Jackson County or to repeal any lawful approval by official city action of any development agreement or development order, planned unit development, or subdivision, nor to negate any recorded agreement which the city has executed. However, if any ordinance or parts of ordinances of other volumes of the Code of Ordinances are in conflict with any other provision of this Unified Development Ordinance, the provisions of this ordinance and the amended Unified Development Ordinance shall prevail.

SECTION 1.11: Redevelopment

The city shall continue to promote a town center urban design plan which calls for unified redevelopment of the Town Center. Any such project to redevelop or renew the town center (Section 7.3 Comprehensive Plan) or any blighted or underutilized areas shall be considered for density and intensity bonuses in accordance with Article IV.

SECTION 1.12: Protection and Preservation of Archeological and Historic Resources

Any time a proposed development may impact a historic or archeological site within the city, the following subsections of this section shall apply.

A. Historic structures shall be exempted from the provisions of the International Code Council, if any modification, repair or restoration activity would jeopardize their historical integrity.

B. Land alteration or development of land where such would contribute to the destruction of historic resources shall be prohibited.

C. An archaeological and historic review summary shall be submitted to the city with applications seeking approvals or permits for the following activities: parking lots, grading, earth moving, excavation and fill, drainage, and utilities placement; permits for coastal zone dredge and fill activity and dock construction; permits for tree removal; park and recreation area construction; and subdivision and planned unit developments; site and development plan reviews and comprehensive plan amendments.

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ARTICLE II: DEFINITIONS

SECTION 2.1: Definitions

2.1.1 Rules for Words and Phrases

For the purpose of this Ordinance, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory; the word "may" is permissive; the word "used" includes "designed" and "intended or arranged to be used or occupied; the word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation, as well as an individual; the word "lot" includes "building lot" or "parcel."

2.1.2 Interpretation of Definitions

For the purpose of this Ordinance certain words, phrases, and terms used herein shall be interpreted as stated in this *Article II*. Any word, phrase, or term not defined herein shall be defined by the Economic Development Department, the interpretation based on its common and ordinary usage.

2.1.3. Definitions

A.A.S. H.T.O.: American Association of State Highway and Transportation Officials

A-FRAME SIGN: A double faced, back to back sign attached at the top and separated at the bottom to form an open triangle front and back.

ABANDONED SIGN: A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessee, owner, product or activity conducted or product available on or off the premises where such sign is displayed and which has existed as such for a period of six (6) months or more.

ABANDONED VEHICLE: Abandoned motor vehicle is defined as one that has remained on the same property for thirty (30) or more days, is in a state of disrepair and/or incapable of being moved under its own power, regardless of whether or not is has a current license or inspection sticker.

ACCESS MANAGEMENT: A technique to improve traffic operations and safety along a major roadway through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

ACCESSORY STRUCTURE: Any building or structure on the same lot with, and customarily incidental and secondary to the main structure.

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ACCESSORY USE: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same lot as the principal use to which it is related and zoned in the same manner as the principal use.

ACCESS WAY: Any area intended to provide an entrance or exit for vehicular traffic from a public right-of-way to an off-street parking or loading area. (See Driveway)

ADULT DAY CARE CENTER: A facility which provides care for more than five (5) adults for less than twenty-four (24) hours.

ADULT USES: Any establishment or use which is defined and regulated in the City of Gautier *Adult Entertainment, 3.5-21--3.5-42 Section* of the Code of Ordinances.

ADVERTISING BENCH: A bench, as a park bench, for the use of the public which bears a commercial message and is not located on the premises which is being advertised.

ALLEY: A public or private right-of-way primarily designed to serve as a secondary access to abutting properties and not intended for general traffic circulation such as alleys in residential areas for access to carports and garages and alleys in commercial and industrial areas for loading/unloading goods or bulk items.

AMBULANCE SERVICE: A non-profit or for-profit business, authorized by the local municipality and responds to emergency calls, offering acute medical care and rapid transportation in a special vehicle to medical facilities for care. Services are provided by trained and licensed paramedics and work in conjunction with the local Emergency Medical Service.

AMUSEMENT ARCADE: A building or part of a building in which any combination of five (5) or more pinball machines, pool tables, video games, or other similar player-operated amusement devices are maintained.

AMUSEMENT PARK, OUTDOOR: A facility engaged in providing amusements or entertainment as a commercial business for a fee or admission charge and includes such activities as games, rides on mechanical equipment or horses, mini-golf courses, and similar activities.

ANCHOR TENANT, MAJOR: Store or stores located within a shopping center exceeding fifteen thousand (15,000) square feet of floor space.

ANCHOR TENANT, MINOR: Store or stores located within a shopping center having fifteen thousand (15,000) square feet or less floor space.

ANIMAL SHELTER: A non-residential facility that houses homeless, lost or abandoned animals, primarily dogs and cats for the purpose of providing animals for adoption. Such facilities shall be staffed by full-time personnel and offers humane treatment of animals.

ANIMATED SIGN: Any sign which includes action or motion, either electronic, mechanical, or optical.

ANNUAL PLANT: Seasonal flowering plants that must be replaced after blooming.

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ANTENNA: Any exterior apparatus designated for telephonic, radio, television, personal communications service, pager network, or any other communication through the sending and/or receiving of electromagnetic waves of any frequency and bandwidth.

APARTMENT BUILDING: A single structure divided into individual dwelling units having a common entrance.

ARBOR: A light open structure, self-supporting lattice framework, or closely planted trees and shrubs twined together.

ARBORETUMS OR BOTANICAL FACILITIES: Public Gardens or greenhouses displaying trees and flowers.

ARCADE: A line of arches on piers or columns, either freestanding or as part of a wall. Usually a covered walkway lined with shops or offices on one side.

ARCHES: Curved construction spanning an opening and supported by structural members. Arches vary in shape from horizontal flat through semicircular and semi-elliptical shapes to pointed arch shapes.

ART GALLERY: A commercial establishment which shows and offers for sale fine art, sculpture, and/or pottery.

ARTICULATION: A joining together of various elements to express an overall idea or concept. The use of detail to convey meaning. Offsets in flat walls to provide visual relief.

ARTISAN'S STUDIO: The workplace of an artist, craftsman, photographer, sculpture or potter where individually crafted artwork, jewelry, sculpture, pottery, leather craft, hand-woven and related items are produced, displayed and sold.

ASSEMBLY: The process of putting together or packaging.

ASSISTED LIVING FACILITY: A facility which offers non-convalescent nursing care to between five (5) and sixteen (16) individuals by providing a special combination of housing, personalized assistance and limited health care designed to respond to the needs of those requiring assistance with activities of daily living. Such facilities offer private rooms and may include communal dining halls, fitness centers, gift shops, barber/beauty salons, and medical examination rooms.

AUTOMOBILE DEALERSHIP: A retail establishment that is a franchised dealer for one or more automobile manufacturers, whose primary business is the sale and leasing of new cars, light passenger trucks, cargo vans and sport utility vehicles (SUVs). A limited number of used vehicles may be offered for sale. Auxiliary services include servicing of vehicles.

AUTOMOBILE GAS AND/OR SERVICE STATION: Any premises that is primarily used for retail sale of gasoline and other petroleum products or automobile accessories and incidental services including facilities for lubricating, washing (either automatic or by hand) and cleaning, or otherwise servicing automobiles and light trucks. This term shall not include premises where major vehicular repair such as engine overhauls, painting or body work are conducted. This does not include Truck Stops.

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AUTOMOBILE WRECKING YARD: An open area other than a street or alley or place used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked automobiles or their parts.

AUTOMOBILE RECOVERY BUSINESS: An enterprise that engages in the recovery of vehicles for lien holders by picking up vehicles offsite with a wrecker and storing such vehicles in an open fenced area for a limited time. This does not include wrecked or junk vehicles.

AUTOMOBILE REPAIR SHOP, MAJOR: Any premises that is primarily used for general repair, rebuilding, or recondition of engines, motor vehicles, trailers and trucks less than seven thousand (7,000) pounds gross weight to include the following services: rebuilding or reconditioning of engines, bodywork, framework, welding and major painting.

AUTOMOBILE SALES, USED: (See Used Car Sales)

AUTOMOBILE SERVICE CENTER, MINOR: Any premises used primarily for the servicing and minor repair of passenger automobiles and trucks less than seven thousand (7,000) pounds gross weight to include the following services: oil change, installation of shock absorbers, brake lining, muffler installation.

AWNING: A temporary shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

BACKGROUND AREA: The entire area of a sign on which copy could be placed as opposed to the copy area, when referred to in connection with wall signs.

BANK OR FINANCIAL INSTITUTION: A business chartered by the State authorized to accept deposits, clear checks, make loans, pay interest on savings and certificates of deposit, issue certified checks to customers and offer other financial services to its customers. Financial institutions shall include: Commercial banks, Savings and Loans, and Credit Unions but shall not include Check Cashing Businesses or other types of businesses which only loan money on personal possessions or titles held by the lender.

BANNER SIGN: Any sign possessing characters, letters, illustrations, or ornamentations, or designed so as to attract attention by scenic effect, including pennants, with or without characters, or other devices applied to cloth, paper, fabric, or like kind or material, either with or without frame, and which is not of permanent construction.

BAR OR TAVERN: An establishment whose primary business is the serving of alcoholic beverages for consumption on the premises and which may also provide pool tables and serve food.

BEAUTY AND BARBER SHOP: A commercial establishment where licensed barbers and/or beauticians cut and style hair and sell hair products.

BED AND BREAKFAST INN: An owner-occupied dwelling, which is the primary residence of the owner and where a portion of the dwelling is available for short-term lodging and where meals may be served to lodgers and guests of receptions and other private functions. A bed and breakfast inn is distinguished from a motel in that it only has one set of kitchen facilities, employees only living in the house and up to one additional employee, and has a façade style consistent with surrounding houses.

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BEDROOM: Any room used principally for sleeping purposes, provided that no room having less than seventy (70) square feet of floor area shall be considered a bedroom.

BERM: A man-made or natural mound of earth that is molded into a landform as a landscaped feature. When berms are used for screening, buffering or any other purpose, they shall be constructed in such a manner as to prevent soil erosion and shall be completely covered with landscape material so that bare soil is not visible.

BIG BOX RETAIL STORES: Retail facilities located in large, industrial-style buildings or stores with footprints that generally range from twenty thousand (20,000) square feet to two hundred thousand (200,000) square feet. Big-box retail stores may fall within any of the following subcategories:

A. Discount Department Stores offering a wide variety of merchandise including automotive parts and services, housewares, home furnishing, apparel, cosmetics, and groceries. Examples of such retailers include Wal-Mart and Target.

B. Category Killers which offer a large selection of merchandise and low prices in a particular type of product category and includes retailers such as Circuit City, Office Depot, Lowe's, Home Depot and Toys "R" Us.

C. Outlet Stores which are typically the discount arm of a major department store such as J. C. Penny, Nike, Bass Shoes, Burlington Coat Factory and J. Crew.

D. Warehouse Clubs which offer a limited variety of goods, in bulk to customers who join a club. Examples are Sam's Club and Costco Wholesale.

BILLBOARD: A free-standing, outdoor advertising, super structure sign with large panels designed to carry outdoor advertising of a use, product or service not found on the premises.

BINGO HALL: A facility used primarily for the conduct of bingo games, open to the public and operated in compliance with State Statute.

BLOCK: A piece or parcel of land surrounded by highways, streets, streams, railroad rights-of-way, parks, or any other barrier, or a combination thereof.

BOARDING HOUSE OR ROOMING HOUSE: Any building, or part thereof, containing two (2) or more guest rooms, other than a hotel, motel, or bed and breakfast establishment, that is kept as, used as, maintained as, advertised as, or held out to be a place where, for any type of compensation, sleeping accommodations are furnished for periods of one (1) week or more. A Boarding House may provide meals.

BOAT YARD: A premise or site used as an industrial establishment for the provision of all such facilities as are customary and necessary to the construction, reconstruction, repair, or maintenance and accessory sale of boats, marine engines, or marine equipment, supplies, or services of all kinds including, but not limited to, rental of covered or uncovered boat slips, or dock space or enclosed dry storage space, lifting or launching services.

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BODY PIERCING BUSINESS: Any business which predominantly specializes in the piercing of body parts and the retail sale of body jewelry.

BOILER WORKS: A heavy manufacturing plant that makes products by using a boiler during the manufacturing process.

BOND, MAINTENANCE: A surety bond for the purposes of guaranteeing the maintenance of all improvements required by the City.

BOND, PERFORMANCE: A surety bond in an amount that will provide for the improvements required by the City.

BOND, SURETY: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit.

BOOKSTORE: A retail establishment which engages in the sale of books, magazines, newspapers, greeting cards, movies, and musical compact disc and which may contain a coffee shop and conduct literary readings and book signings.

BORROW PIT: An area from which soil or other unconsolidated material are removed to be used without further processing as fill for activities such as landscaping, building construction or highway construction and maintenance.

BOWLING ALLEY: An establishment which devotes more than fifty (50) percent of its gross floor area to bowling lanes, equipment and playing areas.

BRACKET: A horizontally projecting support for an overhanging weight such as a cornice or eaves.

BUFFER YARD, LANDSCAPING: An area set aside as a non-buildable area, which may include landscaping, berms, walls, fences or any combination thereof that partially blocks, in a continuous manner, the view from one area to another, and which shall not be penetrated by vehicular access.

BUFFERING: The use of landscaping, berms, walls, fences or any combination thereof, that blocks in a continuous manner, the view from one (1) area to another.

BUILDABLE AREA: The space remaining on a lot after the minimum open space offset, and setback requirements have been complied with; excepting any floodplain wetland, or similarly designated unbuildable lands.

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

BUILDING: (ALSO SEE STRUCTURE) Any structure, excluding fences, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind. A building shall include barns, storage sheds, garages, greenhouses, pole barns, or similar structures.

BUILDING OFFICIAL: The administrative official responsible for enforcement of the City Building Codes and issuance of building permits.

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BUILDING CODE: The International Building Code adopted by the City of Gautier.

BUILDING ENVELOPE: The building envelope is the separation between the interior and exterior environments of a building.

BUILDING FACE: All window and wall area of a building in one plane or elevation.

BUILDING FRONTAGE: That side of a building which faces and is parallel to or most nearby parallel to a public street. The linear feet of the frontage is determined by measuring along the width of the outside wall of the building from side to side. There can be only one building frontage for each street upon which a building faces.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof surface. Except that for buildings in special flood hazard areas defined by the Federal Flood Insurance Rate Maps (FIRMS) as adopted by the City of Gautier the building height shall be defined as the vertical distance measured from the minimum building elevation established in chapter 10, sections 10-72 and [10-76] of the building to the highest point of the roof surface.

BUILDING MATERIAL AND SUPPLY ESTABLISHMENT: A retail/wholesale establishment which stocks and sells large quantities of material used in the construction of houses such as lumber, plywood, carpet, tile, bath and kitchen equipment. Such establishments have large outdoor storage areas within fenced and partially covered areas.

BUILDING PERMIT: A certificate issued by the Building Official and in some cases the Economic Development Director, permitting the construction, erection or placement of a dwelling unit upon a lot of an approved recorded development, or any other building or structure constructed, erected or placed for the support, enclosure, shelter or protection of a person or persons, animals, chattels or property of any kind.

BUILDING, PORTABLE: Any building that is portable in nature, without any wheels, and built on a chassis or frame designed and constructed to be used without a permanent foundation. Portable storage buildings are typically used on residential lots.

BUILDING, PRINCIPAL: A building which houses the main use or uses of the lot on which said building is located.

BUILDING SETBACK LINE: (SEE SETBACK).

BUILDING SIGN: A sign giving the name of a building itself, as opposed to the name of occupants or services.

BUILDING SITE: A single lot of land occupied or intended to be occupied by a building or structure, and appropriate accessory buildings or uses.

BUILT OUT: Development of land to its full potential or theoretical capacity as permitted under current zoning requirements. (i.e. A Subdivision is “built-out” when all platted lots contain a permitted structure.)

BULK STORAGE: (SEE WAREHOUSE)

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BULKY WASTE: means stoves, refrigerators, water heaters, automobile parts, washing machines, furniture and other waste materials other than construction debris, dead animals, or hazardous waste with weights or volumes greater than those allowed for containers.

BUSINESS IDENTIFICATION SIGN: A sign bearing the name, trademark, or symbol of a business situated on a particular parcel of land.

CALIPER: A horticultural method of measuring the diameter of nursery stock or trees. For trees less than four (4) inches in diameter, the measurement should be taken at six (6) inches above ground level. For trees greater than four (4) inches in diameter up to and including twelve (12) inches, the caliper measurement must be taken at twelve (12) inches above the ground level. For trees greater than twelve (12) inches in diameter, the trunk is measured at breast height (diameter at breast height or DBH), which is four and one half (4.5) feet above the ground.

CANOPY, BUILDING: A roof element, hood, or covering suspended over a door, window or niche. A covered area which extends from the wall of a building.

CANOPY FOR GASOLINE PUMPS: The structure covering the gasoline pumps at a convenience store, automobile gas station or anywhere fuel dispensing operations are conducted.

CANOPY SIGN: A sign which is mounted on a permanently roofed shelter covering a sidewalk, driveway, awning, mansard roof, or other similar area, which shelter may be wholly supported by a building or it may be wholly or partially supported by columns, poles or braces extended from the ground.

CANOPY TREE: Large deciduous shade trees with a mature height of thirty (30) feet or greater and a mature spread of thirty (30) feet or greater.

CAR WASH, AUTOMATED: An establishment containing facilities for washing automobiles using a chain conveyor or other method of moving the cars along and which uses automatic or semi-automatic application of cleaner, brushers, rinse water and heat for drying. Such facilities usually offer personalized services such as hand vacuuming and drying of vehicles and may contain gasoline pumps.

CAR WASH, SELF-SERVICE: A structure housing coin operated equipment used by the customer to spray wash automobiles and light trucks.

CATERING SERVICE: A commercial establishment that prepares, delivers and serves food for special events and off the premises, in accordance with Jackson County Office of the Mississippi State Department of Health.

CEMETARY: A lot of record, private or public, divided into plots for interment of the dead in compliance with applicable state statute and including a columbarium and/or a mausoleum when operated in conjunction with and within the boundaries of such cemetery.

CERTIFICATE OF OCCUPANCY: A document issued by the Building Official and in some cases the Economic Development Director, which acknowledges that such use, structure, or building complies with the provisions of duly adopted ordinances of the City and is habitable.

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CERTIFICATE OF ZONING COMPLIANCE: A document issued by the Economic Development Director indicating that the use of the building or land in question is in conformity with the Unified Development Ordinance or that there has been a legal variance granted, or that a legal non-conforming use exists which is allowed to continue.

CERTIFIED SURVEY: A survey, sketch, plan, map, or other exhibit containing a written statement regarding accuracy or conformity to specified standards certified and signed by the registered surveyor under whose supervision said survey was prepared.

CHANGEABLE COPY SIGN (MANUAL): A sign on which copy is changed manually in the field, i.e. reader boards, with changeable letters or changeable panels.

CHANGING SIGN (AUTOMATIC): A sign, such as an electronically or electrically controlled time, temperature, and date sign, or message center or reader board, where different copy changes are shown.

CHARACTER: The physical characteristics of a structure or area that set it apart from other areas and contributes to its individuality.

CHECK CASHING BUSINESS: Any person or entity engaged in the business of cashing checks for a fee, service charge or other consideration, including deferred deposit (post-dated checks); but not including federal or state chartered banks, savings and loan associations, credit unions, mortgage brokers, pawnbrokers or insurance companies.

CHILD CARE CENTER/COMMERCIAL: Any facility operated by a person, agency, corporation, institution or any other entity that is licensed by the state and where children under the age of 17 are offered personal care and/or after school activities on a regular basis.

CHURCH OR PLACE OF WORSHIP: An institution that people regularly attend to: participate in or hold religious services, meetings, and related activities. The term *church* shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

CIRCULATION: Systems, structures and physical improvements for the movement of people, goods, fuel, water, air, sewage or power by such means as streets, highway, railways, waterways, towers, airways, pipes and conduits.

CITY: The City of Gautier, Mississippi.

CITY CONSULTING ENGINEER: The person or firm, licensed by the State of Mississippi, that is selected by the City Council to provide certifications of physical conditions as may be applicable to this and other Ordinances of the City.

CITY COUNCIL: The legislative body of the City of Gautier comprised of duly elected members.

CLEAR CUTTING: Removal of an entire stand of trees and shrubs.

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CLEAR VISABILITY TRIANGLE: The area on either side of an access-way, at its junction with a street, forming a right-triangle shape, within which clear visibility of traffic and pedestrians shall be maintained.

CLEARING: The removal or material damage of landscape materials by disturbing, excavating or removing the underlying soil.

CLERK: Shall mean the City Clerk of Gautier.

CLINIC, MEDICAL OR DENTAL: A facility staffed by medically licensed professions who provide medical, psychiatric, surgical or dental services for sick or injured persons exclusively on an out-patient basis, including emergency treatment and diagnostic services. The term "clinic" includes immediate care facilities, where emergency treatment is the dominate form of care provided at the facility.

CLOCK TOWER: A tall slender structure, either independent or part of a building, which contains one (1) or more functional clocks.

CLUB PRIVATE: A corporation, association or group of individuals whose primary purpose is social, educational or recreational in nature, but not for profit or to render a service that is normally carried on as a business.

CLUBHOUSE OR LODGE: A facility not open to the general public, providing any or all of the following to members and their guests only: meeting rooms, recreational facilities, food and beverage services.

CLUSTER DEVELOPMENT: A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally-sensitive areas, or agriculture.

CO-LOCATION: The practice of placing communication attachments to any existing tower, building or structure that currently accommodates other communication attachments.

CODE ENFORCEMENT OFFICIAL: The official who is charged with the administration and enforcement of this ordinance, or any duly authorized representative.

COLLEGE OR UNIVERSITY: An institution of higher learning charted by the state which offers a two-year Associate Degree and/or a four-year Bachelor's Degree. Such institutions may be managed or owned by the state, a religious domination or a private entity.

COLUMBARIUM: A structure, building or designated area intended to be used for the interment of the cremated remains of a diseased person.

COMMERCIAL COMMUNICATION TOWER: A freestanding structure that is intended for transmitting or receiving television, radio, telephone, or similar communications, excluding STL's (Studio to Transmitter Link) transmitting devices which have the following characteristics: (a) line of sight transmission, (b) a height no greater than the minimum height above a tree line for a transmission to a taller tower, (c) transmission that is limited to radio or television broadcast

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purposes, and (d) the STL is located on appropriately zoned property in accordance with the Ordinance

COMMERCIAL USE: An occupation, employment or enterprise that is carried on for profit by the owner, lessee, or licensee for more than seven (7) days during a calendar year.

COMMERCIAL VEHICLE: Any vehicle bearing, or required to bear, commercial license plates and which falls into one or more of the categories listed below:

A. Truck tractor;

B. Semi-trailer, which shall include flat beds, stake beds, roll-off container, tanker bodies, dump bodies and full or partial box type enclosures;

C. Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply or delivery trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating and cooling, and other construction oriented containers;

D. Tow trucks;

E. Commercial hauling trucks;

F. Vehicle repair service trucks;

G. Any other vehicle with a commercial license plate having gross vehicle weight in excess of ten thousand (10,000) pounds and a total length in excess of twenty-two (22) feet.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES: Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public. Commercial wireless telecommunication service facilities shall not be considered public utility uses.

COMMERCIALLY DEVELOPED PREMISES: A premises on which there is at least one walled and roofed structure used, or designed to be used, for other than residential purposes.

COMMON AREAS: The elements of a real estate development or subdivision which are owned collectively by the homeowners or the Homeowners Association for the benefit of the residents of the development or neighborhood. These are usually recreational in nature including open spaces, parks, walking trails and/or lakes.

COMMON DEVELOPMENT: A commercial development, consisting of three (3) or more businesses, which is planned and built as a unit, shares common access and common parking areas; or a multi-family residential development, consisting of three (3) or more residences, which operates as a unit and shares common amenities.

COMMON GROUND: (See Open Space)

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COMMUNICATION ATTACHMENT: Any and all devices intended for transmitting and receiving telephone, television, radio or similar communication, but shall exclude attachments used for Studio to Transmitter Links (STLs).

COMMUNICATION TOWER: (**SEE WIRELESS COMMUNICATION FACILITY)**

COMMUNITY CENTER: A private facility where people living in the same community may schedule cultural, recreational or social activities and which may have the following outdoor recreational facilities: patios and decks, tennis courts, swimming pools, badminton and volleyball courts. All outdoor facilities must be fenced.

COMMUNITY SHOPPING CENTER: A group of retail and other commercial establishments that are planned, developed, owned and managed as a single property, with on-site parking provided. The community shopping center is larger and offers a wider range of stores and goods than the Neighborhood Shopping Center and has a market trade area of three (3) to five (5) miles.

COMPATABILITY: A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

COMPLEMENTARY LAND USES: These land uses allow a person to meet multiple daily needs by walking from one use to a second use within a small area, typically either on the same site or on adjacent sites with a direct pedestrian connection between the two sites. Complementary uses are categorized into the following six land uses: long-term residential (live), short-term residential/hotel/motel/bed and breakfast/other commercial transient living accommodations (stay), office/government/industrial (work), commercial (shop), civic/recreational (play), educational (learn).

COMPREHENSIVE PLAN: A compilation of policy statements, goals, standards, and maps for guiding the physical, social, and economic development, both public and private, of the City as adopted by the City Council pursuant to Section 17-1-1 and Section 17-1-11 of the revised Statutes of Mississippi, and includes any part of such plan separately adopted and any amendment to such plan or parts thereof.

CONDITIONAL USE: Specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated "Conditional Uses-Major" are transferable from one (1) owner of land to another. See subparagraphs below:

> **MAJOR CONDITIONAL USE:** These uses are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Economic Development Director agreeing to the current terms and conditions before a business license may be issued.
>
> **MINOR CONDITIONAL USE:** These uses are not allowed by right but require a "Finding of Compatibility". Upon review, the Economic Development Director may issue the FOC or require a recommendation by the Planning Commission and the approval of the City

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Council. These uses do not "run with the land" and may not be transferred from one owner to the next without application for an FOC.

CONDOMINIUM: An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on such real property, such as an apartment, office, or store. A condominium may include in addition a separate interest in other portions of such real property. Such estate may, with respect to the duration of its enjoyment, be in fee simple, leasehold or any other estate in real property recognized by law.

CONDOMINIUM PROJECT: The entire parcel of real property to be developed in accordance with *Mississippi Code Annotated Section 89-9 (1972*).

CONDOMINIUM, RESIDENTIAL: A condominium project which contains residential dwelling units.

CONDOMINIUM UNIT: That portion of the condominium which is not owned in common with the other owners.

CONFERENCE OR MEETING FACILITY: A privately owned building which is designed and built for the purpose of rental for limited time periods to small groups, associations, or neighborhood groups for the purpose of education, training or social functions.

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

CONSERVATION SUBDIVISION: A new home development that seeks to permanently preserve natural areas on the site such as wetlands, treed areas, historic sites and open fields by using a site plan design process which identifies areas to be preserved and then places residences around or in between these natural conservation areas.

CONSTRUCTION: On-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities.

CONSTRUCTION PLANS: The details, drawings and specifications showing the specific location and design of public improvements to be installed in accordance with the requirements of the City.

CONSTRUCTION SIGN: A sign identifying the architects, engineers, contractors, and other persons involved in a construction project as well as the project itself.

CONTRACTOR'S SHOP: A building or portion there of used by a contractor both as an office and for the storage of a limited quantity of materials inside a building.

CONTRACTOR'S STORAGE YARD: A fenced storage facility where building contractors store vehicles, equipment and/or building supplies.

CONVALESCENT OR NURSING HOME: A licensed facility, either governmental or private, profit or nonprofit, which provides group living arrangements for four (4) or more persons who are unrelated to the operator and who are provided food, shelter and personal care, and which employs at least one (1) registered nurse or licensed practical nurse. It does not include

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hospitals, clinics, personal care homes and other institutions devoted primarily to providing medical services.

CONVENIENCE STORE: A store of not more than three thousand (3,000) square feet of retail sales area, not counting storage, which sells convenience goods such as beverages, snacks, tobacco products and over-the counter pharmaceuticals. Also may have self-service gasoline pumps, an automated drive-through car wash, and less than one-third (1/3) of the indoor retail areas as a fast-food restaurant

CONVENTION CENTER: A public or civic use that is used for community meetings, conventions of groups or associations for the purpose of educational, training or social functions and which is managed by the County or City.

COPY: The wording or other message of a sign, either in permanent or removable form.

COPY AREA: The total area encompassing the actual copy of a sign. For wall sign, the copy area limits refer to the message, not to the illuminated background.

CORNICE: Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line to throw rainwater clear of the structure as used as a decorative architectural element.

CORRECTIONAL FACILITY: Any jail, prison, detention center, or work release site operated by an authorized governmental agency, where the treatment and rehabilitation of adult and/or juvenile offenders through a program involving penal custody, occurs.

CORRIDOR, WILDLIFE: A strip of land having vegetation that provides habitat and safe passageway for wildlife from one area to another.

COUNTRY CLUB: A private facility providing recreational and related services to members and their guests only, characterized by substantial land and improvements committed to such facilities as golf courses, tennis courts, swimming pools, clubhouses, and the like.

COURTYARD, EXTERIOR: An open space without a roof surrounded on three (3) sides by a building or structure and with an end open.

COURTYARD, INTERIOR: An open space without a roof surrounded on four (4) sides by a building or structure.

COVERAGE: The percentage of the lot area covered by the building area.

CROWN: The main point of branching or foliage of a tree or plant, or the upper portion of a tree or plant.

CROWN SPREAD: The distance measured across the greatest diameter of the crown.

CUL-DE-SAC: A street having only one end open to traffic and being permanently terminated by a vehicle turnaround.

CUPOLA: Small tower on roof.

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CURB CUT: The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

DAY SPA: A facility offering personalized beautification and relaxation treatment by professional licensed personnel and therapists or staff which is open ten (10) or less hours during the daytime. Examples of treatment which may be offered include: body packs and wraps, exfoliation, heat treatments, body toning, waxing, aromatherapy, cleansing facial non-surgical face lift, electrolysis, hydrotherapy, steam and sauna treatment, manicures, and pedicures and make-up consultation and application.

DBH: See definition of "Diameter At Breast Height".

DECELERATION LANE: An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

DENSITY: The intensity of land use and also the maximum intensity of land use possible on a minimum lot observing all yard, height, and lot coverage provisions of the Unified Development Ordinance.

DEPARTMENT STORE: A retail establishment that sells a wide range of products in individualized departments such as apparel, appliances, jewelry, cosmetics, housewares and home accessories.

DETENTION AREA: An area that is designed to capture specific qualities of stormwater and to gradually release the stormwater at a sufficiently slow rate to avert flooding or excessive runoff from impervious surfaces.

DEVELOPED AREA: That portion of a parcel of land, excluding public rights-of-way, upon which any manmade change or improvement is proposed, built or in the process of being built.

DEVELOPMENT: Including but not limited to buildings, pavement, landscape material, mining, dredging, filling, grading and/or excavation. Also (a) any manmade change to improved or unimproved lands, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling. (b) the act, process or result of developing; and (c) a developed site.

DEVELOPMENT ORDER: An order granting, denying, or granting with conditions an application for approval of a development permit. A distinction is made between the two distinct types of development permits: final development order and development permit. See subparagraphs below.

> **DEVELOPMENT PERMIT:** For purposes of this code a development permit is that official City document which authorizes the commencement of construction or land alteration without need for further application and approval. Development permits include: all types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, permits, tree removal permits, sign permits, development order, zoning permit, subdivision approval, rezoning, certification, conditional use, variance, or any other official City action having the effect of permitting the development of land.

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FINAL DEVELOPMENT ORDER: The final authorization of a development project; the authorization which must be granted prior to issuance of a development permit as defined for purposes of this code. (The final development order authorizes the project, whereas the development permit authorizes specific components of the project, such as building construction, parking lot installation, landscaping, and the like.) For purposes of this code the final development plan approval is the final development order.

DEVELOPMENT PLAN: (SEE SITE PLAN.)

DIAMETER AT BREAST HEIGHT (DBH): the diameter of a tree trunk measured in inches at a height of four and one-half (4.5) feet above the ground. If a tree splits into multiple trunks below four and one-half feet (4.5) feet, then the trunk is measured at its most narrow point beneath the split.

DIRECTIONAL SIGN: Any sign which serves solely to designate the location or direction of a place or area.

DISK ANTENNA: A round, parabolic antenna intended to receive signals from orbiting satellites and other sources, commercial dish antennas for the purposes of this ordinance is defined as being less than four (4) meters in diameter, while the commercial dish antennas are usually those larger than four (4) meters in diameter and typically used by broadcasting stations.

DISPLAY WINDOW: Window used for merchandising goods or services, typically lit from the interior and with exterior architectural detailing.

DISTRICT: Any parcel of land within the City of Gautier, Mississippi, for which zoning regulations governing the use of building and premises, the height of buildings, the size of yards, and the intensity of use are established.

DRIP LINE: The outer perimeter of the crown or outer extent of limb growth of a tree or plant projected vertically to the ground.

DRIVEWAY: A private roadway or area which provides access to a public right-of-way.

DRUG STORE: A retail establishment which sells pharmaceutical goods, cosmetics, magazines, limited household goods, and fills prescriptions.

DRY CLEANING PICK-UP STATION: A facility where retail customers drop off or pick up laundry or dry cleaning.

DRY CLEANING PLANT: A building or premises used or intended to be used for the large volume cleaning of fabrics, textiles or wearing apparel.

DUMP, SOLID WASTE: A tract or portion of tract of land which is used primarily for the disposal, by abandonment, dumping, burial, burning, or any other means of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind.

DUMPSTER: A container that is designed for temporary storage of trash or garbage and which has a housing mechanism that permits it to be raised and dumped into a garbage or sanitation truck.

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DWELLING, MEMA COTTAGE: (See MEMA Cottage).

DWELLING, MOBILE/MANUFACTURED HOME: A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the National Manufactured Housing Construction and Safety Standards Act and is a movable residential dwelling designed for year-round occupancy with no foundation other than wheels, jacks, or skirting, and capable of being moved, towed, or transported by another vehicle. Minimum width shall be fourteen (14) feet. Minimum length shall be sixty (60) feet. Mobile and/or Manufactured Homes are classified as a separate type of dwelling and not considered the same as a conventional single family dwelling. Removal of the wheels and placement upon a permanent foundation shall not warrant re-classification to a conventional single-family dwelling.

DWELLING, MODULAR HOME: A modular home is a factory fabricated dwelling over thirty-two (32) feet in length and at least twenty-four (24) feet wide. It is a residential dwelling manufactured in whole or in part in an off-site manufacturing facility designed to be transported to a building site by a trailer or other similar carrier which is not designed to be permanently attached to the dwelling or remain with it after the structure is placed on its permanent foundation. Modular homes are not constructed with an integral chassis, permanent hitch, wheels, axles, or other device allowing transportation. Modular homes must meet International Code Council (ICC) standards and be inspected and approved by the Building Official.

DWELLING, MULTI-FAMILY: A detached residential building containing three (3) or more separate dwelling units, sharing either a common entrance, stairs, elevators, and/or other essential facilities, including what is commonly known as an apartment building.

DWELLING, PATIO HOME: (SEE PATIO HOME)

DWELLING, SINGLE-FAMILY, ATTACHED (ALSO SEE TOWNHOUSE): Two (2) or more residential buildings, each with a separate entrance, having a common or party wall separating dwelling units.

DWELLING, SINGLE-FAMILY, DETACHED (SEE DWELLING, ZERO LOT LINE): A residential building containing not more than one dwelling unit entirely surrounded by open space.

DWELLING, TOWNHOUSE: (SEE TOWNHOUSE)

DWELLING, TWO-FAMILY: A residential building designed with two (2) separate dwelling units, but located on an undivided lot.

DWELLING UNIT: A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

DWELLING, ZERO LOT LINE: A detached single-family dwelling unit which is constructed against the lot line on one side of the lot provided however, that there shall be no windows, doors, or other openings of any kind on this side. This type of dwelling is also sometimes referred to as a court-garden house or patio house. Such dwellings shall meet current code requirements for all construction methods.

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EASEMENT: A right-of-way granted, but not dedicated for limited use of private land for private, public or quasi-public purpose, such as for franchised utilities, a conservation easement or an access easement for a private road of service drive, and within which the owner of the property shall not erect any permanent structures.

ECONOMIC DEVELOPMENT DIRECTOR: The City of Gautier Department Director responsible for all planning, building code and City ordinance enforcement activity within the City. *May also be known as the Planning Director or Planning and Economic Development Director.*

ELECTRICAL SIGN: Any sign containing electrical wiring which is attached to or intended to be attached to an electrical energy source.

EMERGENCY SHELTER/MISSION: A facility operated by a non-profit, charitable organization, or governmental agency which provides single night, temporary lodging, with or without meals, at no charge for people with no regular home or residential address.

EMPLOYEE: This word includes any individual who is regularly on the premises of a business or industrial establishment for productive use on a part-time or full-time basis. For the purpose of this Ordinance, the maximum number of employees at an establishment at one time constitutes its number of employees.

ENCROACHMENT: The act of illegally trespassing upon the domain of another such as the building of a structure across the legal property line of a lot or tract of land or extending beyond the normal limits such as parking vehicles on landscaped areas. Used in a non-legal sense to indicate the partial or gradual displacement of an existing use by another use; as locating commercial or industrial improvements in a residential district where they may become intrusive or disruptive to residential uses.

ENCROACHMENT BARRIER: The protective barriers which shall be provided, positioned, and secured to prevent any part of an automobile or other vehicle from extending into live landscaping, fences, or walls. Protection for all landscaping from vehicular encroachment shall be provided by curbing, wheel stops, landscape timbers, railroad ties or bumper rails.

ENGINEER: means a registered professional engineer, licensed in the State of Mississippi, whose seal shall appear on all subdivision construction drawings.

ERECTED: Means attached, altered, built, constructed, reconstructed, enlarged, or moved and shall include the painting of wall signs, but does not include copy changes on any sign equipped for changeable copy.

EVERGREEN TREE: Trees that have green foliage throughout all seasons of the year. Large evergreen trees mature to a height of at least twenty (20) feet tall.

EXCAVATE: To dig out, scoop out, hollow out, or otherwise make a hole or cavity by removing soil, sand, gravel, or other material from any property so as to change the grade of such property.

EXEMPT SIGN: Any sign designated as exempt from the permit requirements of this ordinance.

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EXTERIOR FEATURES: The color, kind, texture of the building material and the type and style of all windows, doors and appurtenances.

EXTERMINATION: The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food; by poison spraying, fumigating, and trapping or by any other approved pest elimination methods.

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

FACADE: Principal face or exterior walls of a building.

FACE OF SIGN: The entire area of a sign on which copy could be placed.

FAMILY: A group of two (2) or more persons related by blood, marriage, or adoption. Only for the purposes of defining "single-family", "two-family", and "multi-family" residences in this Ordinance, the term "family" may also mean a household of not more than four (4) persons, excluding domestic help, who need not be related by blood, marriage, or adoption, living together in a single housekeeping unit. Individuals not related by blood, marriage, or adoption occupying a group home for the handicapped, boarding house, lodging house, hotel, club, fraternity or sorority house, or other similar business type establishments requiring membership dues, transfer payments, rent, or other compensation, in exchange for lodging, do not constitute a household for purposes of this Ordinance.

FARM: Any parcel of land two (2) acres or larger in size which is used for the raising of agricultural products, livestock, poultry and dairy products. It may include the domicile of the property owner, necessary farm structures and storage of equipment used on the farm. It does not include riding academies, livery or board stables or dog kennels.

FARMERS MARKET: An area which is used on a temporary basis by one (1) or more operators of bona fide farms for the sale of agricultural products which are not grown or raised on the same premises as the market.

FASCIA: The finishing board used to conceal the ends of the rafters.

FENCE: A wooden, masonry or metal barrier intended to mark a boundary, screen a view or prevent intrusion. All fences shall be able to withstand normal wear, function as a barrier and keep an attractive appearance, and shall be built in a sound workmanlike manner, with adequate footings and in compliance with the provisions of this Ordinance.

FIRE CHIEF: The person appointed or hired in the legally permitted manner having line responsibility and being in charge of the fire department.

FIRE MARSHAL: The person designated as fire marshal of the City of Gautier. When no person has been formally given that title, any reference to the fire marshal shall be deemed a reference to the Fire Chief of the City of Gautier.

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FISH CAMP: A facility adjacent to a body of water which may provide fishing facilities such as boats for rent, marinas and piers and may also offer cabins for rent on a daily or weekly basis but does not offer permanent residential dwellings other than that of the owner or operator.

FLAGS: A piece of fabric or distinctive design that is used as a symbol, with or without characters, or, as a signaling device and is displayed hanging free from a staff or halyard to which it is attached by one edge.

FLAMMABLE LIQUIDS: Any liquid which gives off flammable vapors, as determined by the flash point from an open-cup tester as used for test of burning oils, at or below, a temperature of one hundred (100) degrees Fahrenheit, is flammable.

FLASHING SIGN: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs, such as time, temperature, and date signs or electronically controlled message centers area classified as "changing signs" not "flashing signs."

FLOOD, BASE*:* Base flood means the flood having a one-percent (1) chance of being equaled or exceeded in any given year (also called the "one hundred-year flood").

FLOOD DAMAGE PREVENTION & CONTROL ORDINANCE: An overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and land use and control measures.

FLOODPLAIN: Lands at a specified elevation subject to periodic flooding that have been defined by the Federal Emergency Management Agency (FEMA) as flood hazard areas.

FLOODPROOFING: Structural and/or nonstructural adjustments to a building which make it watertight below the base flood level and which enable the building to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood level. Said adjustments to be certified by a registered professional engineer, licensed by the State of Mississippi.

FLOODWAY: The channel of a river, bayou, or other water course, and the adjacent land areas that must be reserved to carry and discharge the high tidal water, or land areas that are inundated by the base flood of the water course, including marsh land.

FLOOR AREA, RESIDENTIAL: The sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls. The floor area excludes unfinished basements, attics, attached garages, breezeways, and enclosed or unclosed porches. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

FOOT CANDLE: A unit of luminance on a surface that is everywhere one (1) foot from a uniform point source of light of one (1) candle and equal to one (1) lumen per square foot.

FOUNDATION PLANTING: Plant materials placed in close proximity to building base, located in planting beds arranged to complement the building elevations and visually connect the building to the landscape.

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FREE-STANDING SIGN: A ground sign or a sign erected on a permanently set pole or poles, mast, or framework that is not attached to any building.

FRIEZE: A visually rectangle or square "tablet," often bearing a figure or ornament in relief and affixed to a structure.

FRONT BUILDING LINE: A building wall fronting on the street. Such building wall line shall follow and include the irregular indentations of the building.

FRONT YARD (SEE YARD)

FRONTAGE, STREET: The linear dimension of a lot measured along the street right-of-way line.

FUNERAL HOME (OR MORTUARY): A building or part thereof used for human funeral services. The building shall not contain facilities for cremation; but may contain space and facilities for: (a) Embalming and the performance of other services used in preparing the dead for burial; (b) The performance of autopsies and other surgical procedures; (c) The storage of caskets, funeral urns, and other related funeral supplies; (d) The storage of funeral vehicles, and (e) a funeral chapel.

GABLE: A vertical triangular wall shape at the end of a structure.

GARAGE, PRIVATE: An accessory building or portion of a principal building designed or used solely for the storage of motor vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is an accessory.

GARAGE APARTMENT: An accessory dwelling unit built above a private garage.

GARAGE SALE SIGN: A temporary sign announcing a garage, yard, rummage, or like sale.

GATED COMMUNITY: A residential area in which access to the subdivision streets is restricted by the use of a guard house or electronic arms, and in which residents may gain entry by using electronic cards, identification stickers, codes, or remote control devices.

GOLF COURSE: A professional designed outdoor recreational use consisting of a series of holes, each consisting of a teeing ground, fairway, rough or other hazards and a green with a flagstick (pin) and cup all designed for the game of golf. Golf courses may include a clubhouse and maintenance sheds for equipment.

GOLF DRIVING RANGE: An area equipped with distance markers, clubs, balls and tees for practicing golf drives and putting and which may include a snack-bar and pro-shop, but excludes miniature golf courses.

GOVERNING AUTHORITY: The Gautier City Council.

GRADE OR GRADE LEVEL: The average finished elevation of land, either horizontal or sloping, after completion of site preparations for the construction of structures.

GRASS, TURF: Low growing plants which creep along the earth surface to form a solid mat or lawn. Only perennial grasses (those which live for more than one (1) growing season) shall

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qualify to satisfy the requirements of this Ordinance.

GREEN SPACE: That area that is reserved for the purpose of establishing lawns or landscape planting.

GROUND AREA: The total geometric area of a lot as defined within its boundaries.

GROUNDCOVER: Low growing plants which grow in a spreading fashion to form a more or less solid mat of vegetation, and which are generally included in landscaped areas to prevent soil erosion by providing permeable cover for bare earth.

GROUP HOME FOR THE HANDICAPPED: A dwelling shared by four (4) or more handicapped persons, excluding resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling them to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: (1) a physical or mental impairment that may substantially limit one (1) or more of such person's major life activities so that such person is incapable of living independently; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. However, "handicapped" shall not include any person currently using, or involved in any program of recovery from, the use of or addiction to alcohol or a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the handicapped" shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

GUEST HOUSE: A secondary residential structure which is detached from and incidental to the primary residence and which is designed and built to provide temporary living quarters for guests and relatives of the occupants of the principal residence.

GUN SHOP: An establishment where the principal activity involves the sale and/or repair of firearms and related supplies.

GUYED TOWER: A telecommunications tower that is supported in whole or in part by guy wires and ground.

HALF-WAY HOUSE: An establishment of four (4) or more persons primarily engaged in the provision of residential, social and personal care for individuals wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently, but where medical care is not a major element. This includes establishments for persons involved in a program of recovery from addiction to alcohol or a controlled substance and those establishments engaged in parole and/or probation programs.

HARDSHIP: Hardship means the exceptional hardship that would result from a failure to grant the requested variance. The City requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HEALTH CLUB OR FITNESS CENTER: A commercial use with interior spaces designed and used for physical exercise and sports which shall include private athletic clubs or recreational clubs and/or fitness centers offering exercise rooms, locker rooms, sauna and whirlpool facilities, weight training facilities, gymnasiums, racquetball and basketball courts and swimming facilities.

HEALTH DEPARTMENT: The State of Mississippi Department of Health or its successor agency such as the Jackson County Office of the Mississippi State Department of Health.

HEAVY EQUIPMENT SALES AND RENTAL: An establishment which rents and/or sells apparatus used in construction of commercial and industrial building, or roadways, such as but not limited to, trucks, trailers, loaders, cranes, backhoes, rollers, loaders, lifts, having a gross weight of 2.5 tons or more.

HEDGE: Shrubs planted in a continuous line which will block at least eighty (80) percent of a view in a maximum of two (2) growing seasons after installation.

HEIGHT: (SEE BUILDING HEIGHT, SIGN HEIGHT OR TOWER HEIGHT)

HEIGHT CLEARANCE/STREETS: A completely open clearance suitable for the passage of vehicles, height specified by signs, at least from grade to twelve (12) feet above grade.

HIP: The inclined ridge formed by the intersection of two (2) sloping roof surfaces, whose eaves lines are not parallel.

HIP ROOF: A roof whose sides and ends both slope. Distinguished from a pyramid roof in that the end slopes are connected by a ridge, the length of which is commonly referred to as a “run” while all slopes of a pyramid roof meet so that virtually no ridge remains.

HOBBY: An accessory use carried on by the occupant of the premises in a shop, studio or other work room, purely for personal enjoyment, amusement or recreation, provided that the items produced or constructed in said shop, studio or work room are not sold on the premises, and provided such use will not permit the storage of materials outdoors and will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.

HOME OCCUPATION: An occupation carried on in a residential dwelling unit by the resident thereof; provided that the use is limited, incidental and secondary to the residential use of the building. A Home Occupation permit is non-transferable to future residents.

HOMELESS SHELTER: (SEE EMERGENCY SHELTER/MISSION).

HOMEOWNERS ASSOCIATION: A non-profit organization (corporate or otherwise) operating under recorded land agreements through which each property owner is automatically subject to a charge for a proportionate share of expenses for maintaining common open space, parks and other activities and facilities.

HOSPICE: A non-profit or for-profit facility which offers specialized inpatient care for the terminally ill patient and family as a unit, and which employs a medically-directed interdisciplinary team, providing relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social and

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economic stresses which are experienced during the final stages of illness and during dying and bereavement.

HOSPITAL: A facility designed and used to provide primary health services or surgical care to inpatients in need of medical care. This shall include related facilities such as laboratories, outpatient clinics and medical offices. **HOTEL OR MOTEL:** A facility built as a cohesive unit and containing twenty (20) or more individual sleeping rooms or suites, off-street parking and indoor and outdoor recreational facilities with each sleeping room having a private bathroom attached thereto. Hotels and Motels provide overnight lodging facilities to the general public for compensation and shall not be rented for less than a twenty-four (24) hour period. Ingress and egress to and from all rooms is made through an inside lobby or individual access off of a private parking lot. Hotels and Motels shall provide an office supervised by a person in charge at all hours.

HOUSEHOLD GARBAGE: The accumulation of waste from the household, primarily in home kitchens, and also may originate in restaurants, hotels, markets, and other places where food is prepared. It consists of animal and vegetable waste resulting from the preparation, cooking and serving of food. Also paper and other kitchen type wastes generated from normal household activities.

HOUSEHOLD PET: An animal that is customarily kept for personal enjoyment within the home. Household pets shall include, but not necessarily be limited to, domestic dogs, domestic cats, domestic tropical birds, and rodents.

IDENTIFICATION SIGN: An on-site sign that displays no more than the name, street address, crest, insignia, or trademark, occupation or profession of an occupant of the site or the name of any building on the site.

ILLUMINATED SIGN: Any sign which emanates light either by means of exposed tubing or lamp on its surface or by means of illumination transmitted through its face or faces.

IMPERVIOUS SURFACE: Any hard-surfaced, man-made area that is more impervious than the natural surface, including, but not limited to, buildings, structures, decks and porches, parking and driveway areas, sidewalks and paved recreation areas.

IMPROVEMENT, LAND: To increase the productivity or value of land by land clearing, grading, filling, or excavation and/or installation of sewer, gas, water, or electrical service (underground) or the placement or erection of retaining walls, bulkheads, and drainage ways.

IMPROVEMENT, SUBSTANTIAL: Shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "repetitive loss" or "substantial damage," regardless of the actual repair work performed. This includes any combination of repairs, reconstruction, alteration, or improvements to a building taking place during a ten-year (10) period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the building either:

A. Before the improvement or repair is started; or

B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is

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considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

C. This term includes structures that have incurred "substantial damage" or "repetitive loss," regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:

1. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified prior to permit issuance by the Code Enforcement Official and which are solely necessary to assure safe living conditions; or

2. Routine maintenance such as painting, replacement of roof shingles, replacement of appliance, fixtures, carpeting or other non-structural items;

3. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure. "Substantially improved existing manufactured home parks or subdivision is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

IMPROVEMENTS, OFFSITE: Improvements made off the development site to mitigate the effect of development such as installation of utilities, turn lanes or de-escalation lanes or traffic lights.

IMPROVEMENTS TO THE SITE: Street pavements with curbs, sanitary and storm sewers, permanent street monuments, water mains, survey monuments, sidewalks, street name signs, traffic control signs, fire hydrants, street lights, and other utility lines.

INDEXING: Turning and stopping action of the triangular vertical sections of a multi-prism sign designed to show three (3) messages in the same area.

INDIRECTLY ILLUMINATED SIGN: Any sign which reflects light from a source externally directed upon it, for example, by means of floodlights, gooseneck reflectors, or externally mounted fluorescent light fixtures.

INDIVIDUAL LETTER SIGN: Any sign made of self-contained letters that are mounted on the face of a building, top of a parapet, roof edge of a building or on top of or below a marquee.

INDUSTRIAL PARK: A planned industrial development with individually platted lots of considerable acreage that is accessible to major highways or arterial streets and which contains transportation facilities such as interior roads, railroad spurs, and/or airports. Such facilities may contain light industrial, manufacturing, wholesale facilities and auxiliary uses such as guard houses, daycare, or private automobile service and gasoline pumping facilities.

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INDUSTRY, HEAVY: (SEE MANUFACTURING, HEAVY)

INDUSTRY, LIGHT: (SEE MANUFACTURING, LIGHT)

INFESTATION: The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INFILL DEVELOPMENT: A type of development occurring in developed areas of the city. Infill can occur on long-time vacant lots or on pieces of land with dilapidated buildings, or can involve changing the land use of a property from a less to a more intensive one—i.e. from a parking lot to an office building.

INSTITUTIONAL BULLETIN BOARD: An on-site sign containing a surface upon which is displayed the name of a religious institution, school, library, or community center, and the announcement of its services or activities.

INSTRUCTIONAL STUDIO, PRIVATE: A permitted Home Occupation which involves teaching, tutoring, or one-on-one instruction to students in musical or artistic or academic functions such as piano lessons, dance, drawing or art. Such functions shall be limited to one (1) pupil per teacher at any given time.

INSTRUCTIONAL STUDIO, PUBLIC: Any facility where licensed teachers provide instructions to individuals or groups in dance such as ballet, line dancing, tap dancing; aerobics; swimming, or other artistic or athletic activities but not to include health clubs or gymnasiums where sports skills are taught.

INTEGRAL SIGN: Signs as for churches, temples, or names of public buildings, dates of erection, monument citations, commemorative tablets and other similar signs when carved into stone, concrete or other building material, or which are made of bronze, aluminum, or other permanent material of construction and made an integral part of the structure to which they are attached.

INTERIOR LOT LINE: A lot line other than one fronting on a public street.

IRRIGATION SYSTEM: The water supply system to support the landscaping which may be an underground sprinkler system or outlets for manual watering.

ISLAND, PLANTING: An area dedicated for landscaping in the interior parking lot of a development which is curbed. Landscaped islands divide continuous rows of parking spaces.

JUNKYARD: A place where waste and discharge of salvaged materials including inoperable vehicles, boats and other small engines are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for storage of salvaged inoperable vehicles, house wrecking and structural steel materials, and equipment.

KENNEL, COMMERCIAL: An enclosed building with outdoor dog runs where domestic animals such as dogs, cats, or similar pets (at least eight (8) weeks of age) are boarded for compensation.

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KENNEL, PRIVATE: Any building or buildings, or land designed or arranged for the care of three (3) or more dogs and cats, or a combination thereof, six (6) months of age or older, belonging to the owner of the principal use, kept for purposes of show, hunting, or as pets.

KINDERGARTEN: A school for children of preschool age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum and is operating in conjunction with a state approved education program public, private, or parochial. (*Classified with Child Care Center, Commercial*)

LABORATORY, DENTAL: An establishment which makes and repair dentures, crowns, bridges and dental implants as a specialized service to licensed dentists.

LABORATORY, RESEARCH: An establishment devoted to research and experimental studies, including testing and analyzing, but not including manufacturing of any nature.

LAND USE CONTROL ORDINANCES: Official Ordinances such as Zoning Ordinances, Subdivision Ordinances, Unified Development Ordinances and other adopted ordinances which provide standards and effective enforcement provisions for the prudent use and development of land.

LAND SURVEYOR, LICENSED: A land surveyor certified and registered by the State Board of Registration for Professional Engineers and Land Surveyors pursuant to *Title 73. Article 13, Sections 1-99 inclusive of the Mississippi Code 1972, Annotated*, to practice in Mississippi.

LANDSCAPE ARCHITECT: A person qualified and licensed as a landscape architect under the laws of the State of Mississippi.

LANDSCAPE MATERIAL: Plant materials such as live trees, shrubs, groundcovers, grass, flowers, and native landscape material. Artificial plants do not qualify as landscape material.

LANDSCAPING SERVICE: An establishment which provides moving and plant maintenance off-site but which stores light equipment at the landscaping service business location.

LAUNDROMAT: A commercial business equipped with self-service clothes washing and drying machines for use by retail customers.

LAWN GRASS: Lawn grass shall be planted in species normally grown as permanent lawns in Gautier. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales or other areas subject to erosion, and providing that in areas where other than solid sod or grass seed is used, nurse grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

LIGHT EMITTING DIODE (LED) SIGN: Any sign, which uses light emitting diodes to display information or images.

LIGHT MANUFACTURING: (SEE MANUFACTURING, LIGHT)

LINTEL: A horizontal beam used as a finishing piece over a door or window.

LIVING AREA: That area of a residential structure that is protected from the elements and is normally heated and cooled. Living area does not include patios, porches, garages, carports or

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accessory structures that are normally not heated and cooled. Calculations of living area will be taken from inside wall to inside wall about the parameter of the living area.

LOGGIA: An arcade or colonnade structure, open on one or more sides.

LOT: A parcel of land that may be occupied by a building and accessory buildings, together with such open spaces and parking spaces or areas as are required under this Ordinance and having principal frontage upon a public or private street or right-of-way.

LOT, FLAG: A lot or parcel not fronting a public roadway or which has less lot frontage than is normally required, and where vehicular and pedestrian access is provided by means of a narrow corridor which is usually considered a part of the Flag lot itself. Flag lots allow buildings to be built behind one another on separate lots.

LOT, INTERIOR: A lot other than a corner lot.

LOT, NON-CONFORMING (SUBSTANDARD): A lot or parcel of land that has less than the required minimum area or width as established by the zoning district in which it is located and provided that such lot or parcel was of record as a legally created lot on the effective date of the Ordinance codified in this title.

LOT, THROUGH (*DOUBLE FRONTAGE*): A lot having its front and rear yards each abutting on a street.

LOT AREA: The total area included within the front, side and rear lot lines.

LOT AVERAGING: The design of individual adjoining lots within a residential subdivision in which the average lot equals the minimum prescribed area for the zoning district. To maintain an average, some lots may be reduced to a maximum of ten (10) percent below the minimum lot size while a corresponding number of lots shall each maintain a lot area of at least ten (10) percent above the minimum lot size. Allowable density shall be within the prescribed maximums.

LOT CONSOLIDATION: The combining of one (1) or more existing parcels of land into a single new parcel with one (1) legal description.

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

LOT COVERAGE: A measure of intensity of land used that represents the portion of a site that is impervious including but not limited to: all areas covered by buildings, driveways, roads, sidewalks and any area of concrete asphalt as well as portions of the lot that are covered by open sided buildings

LOT DEPTH: The average horizontal distance between the front and rear lot lines.

LOT LINE ADJUSTMENT: The sale or exchange of parcels of land between owners or adjoining properties for the purpose of adjustments in boundaries or of adjusting building lines, wherein no new lots are created.

LOT LINES: The lines bounding a lot as such parcel of land is defined herein.

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LOT OF RECORD: A lot that has been legally recorded or registered in a deed or on a plat at the Jackson County Chancery Courthouse and subdivided according to City regulations.

LOT WIDTH: The horizontal distance between side lot lines, measured at the required front setback line.

LUMBERYARD: An area used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products, or firewood.

MACHINE SALES AND SERVICES: A commercial establishment that sells various types of mechanical or electronic machines and which offers repair services either onsite or at customer's place of business or residence.

MACHINE SHOP: A shop or part of a factory where power-driven tools are used for making, finishing or repairing machines or machine parts.

MACHINING: A series of processes in which power driven tools such as lathes, milling machines and drill presses are used in the manufacturing process of metal products.

MAINTAIN: To permit a sign, sign structure, or any part of either to continue to exist at a particular place, or to repair or refurbish a sign, sign structure, or any part of either.

MAJOR DEVIATION(S): A deviation from a final development plan, including any change to a condition in the final development order that was expressly imposed by the City Council; or any change that adversely affects the compatibility of the proposed project; or any change that the City Manager, or his designee, determines should be reviewed by the City Council due to the community impact of the proposed change.

MALL, REGIONAL: A self-contained shopping center where stores front an interior hallway and which serves a regional market area.

MANSARD ROOF: A roof with two (2) slopes or pitches on all four (4) sides, the lower slopes steeper than the upper.

MANUFACTURED HOME: (SEE DWELLING, MOBILE/MANUFACTURED HOME)

MANUFACTURED HOME SUBDIVISION: A planned subdivision where lots for mobile/manufactured homes are for sale and in which the purchaser receives fee simple title to the lot.

MANUFACTURING, HEAVY: (Heavy Industry) A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials or a use engaged in storage of raw materials used in manufacturing. The following uses are considered Heavy Manufacturing or Industrial uses:

A. Manufacture of chemicals such as alcohol, ammonia, bleaching powder or chlorine

B. Manufacture of concrete or cement products, brick, tile, or terra cotta

C. Asphalt manufacture of refining; and/or

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D. Any other industrial or manufacturing facility which has the potential of negatively impacting surrounding uses as determined by the City Council.

MANUFACTURING, LIGHT: (Light Industry) The manufacture or assembly predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. Light industrial or manufacturing uses should be capable of operating in such a manner as to control the external effects of the manufacturing process.

MANUFACTURING, "WET-TYPE": Those heavy industrial uses which require the discharge of byproducts or processed waste water through the sewer system. Such industrial uses shall be permitted as a Conditional Use only in the Industrial District.

MARINA: A facility that provides storage, servicing, fueling, berthing and securing of pleasure boats and yachts.

MARINA, COMMERCIAL: A facility that provides storage, servicing, fueling, berthing and securing of pleasure boats and yachts and which may offer ancillary services such as servicing, pumping-out, chartering, launching, and dry storage of boats and boating equipment.

MARINA, PUBLIC: A Marina that is owned by a public entity such as the city, county or state.

MARINE SALES AND SERVICES: A commercial use that sells and services pleasure boats, yachts, personal water crafts and other marine vessels.

MARQUEE SIGN: Any sign attached to or constructed in or on a marquee.

MASTER PLAN: The general layout plan of a master-planned development or phased subdivision.

MASTER PLANNED COMMUNITY: A mixed use development, by one (1) or more developers, or real estate consisting of residential, commercial, industrial, educational, health care, open space, employment-based and recreational land use components that is developed pursuant to a Master Plan as defined in this Ordinance.

MEDICAL CLINIC: A facility for diagnosis and treatment of medical, chiropractic, dental or psychological outpatients, provided that patients are not kept overnight, and which may be used by one or a group of medical or dental practitioners.

MEMA COTTAGE: A manufactured single or multi-bedroom structure provided by the State of Mississippi to victims of Hurricane Katrina.

MESSAGE: The copy of a sign.

METES AND BOUNDS DESCRIPTION: A description of real property described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property or described by delineation of a fractional portion of a section, lot, or area by described lines or portions thereof, and not described by reference to a lot or a block.

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MILLWORK, CABINET OR WOODWORKING SHOP: A facility where finished wood products such as doors, windows, blinds, mantels, stairway components (balusters and rails), moldings and interior trim is produced.

MINI-WAREHOUSE OR SELF-STORAGE FACILITY: A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of personal property.

MINI-WAREHOUSE (CONTROLLED AIR): A building with one (1) to two (2) floors which is built in the style of an office building but with limited windows, common access (front door) and which is air-conditioned and heated with varying sizes of individual stalls or rooms for the storage of personal property.

MINOR DEVIATION(S): A deviation from a final development plan that does not meet the definition of a major deviation.

MINOR REPLAT: The re-subdivision of two lots into two lots or parcels or the subdivision of a parcel into two or more lots solely for the purpose of increasing the area of two or more adjacent lots or parcels of land, and where the resultant lots comply with the standards of this Ordinance.

MIXED USE BUILDING: A single building containing more than one type of permitted use including but not limited to: residential, retail and office space.

MIXED USE DEVELOPMENT: A real estate project with planned integration of some combination of retail, office, residential, hotel, recreation or other functions. Such developments maximize space usage, have amenities and architectural expression and tend to mitigate traffic and sprawl with pedestrian-oriented destinations.

MOBILE HOME: (SEE DWELLING, MOBILE/MANUFACTURED HOME)

MOBILE HOME PARK: A parcel of land that has been planned and improved for the rent or lease of sites for the placement of mobile homes for dwelling purposes.

MOBILE HOME SALES: A commercial establishment which stocks and sells mobile homes.

MODULAR HOME: (SEE DWELLING, MODULAR HOME)

MORATORIUM: A legally enacted and temporary halting or severe restriction on specified development activities, pending the completion, adoption, or revision of a revised plan, ordinance or regulation.

MORTUARY: (**SEE FUNERAL HOME**)

MOTORCYCLE SALES AND REPAIR SHOP: An establishment which stocks, sells and performs minor repairs motorcycles within an enclosed area.

MOVING SERVICES: A commercial business which leases or rents dollies, vans, and/or light trucks to individuals to move personal chattels. May also define a commercial moving service which offers moving services. Both uses are characterized by large outdoor storage of trucks and vans.

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MULTI-PRISM SIGN: A sign made with a series of triangular vertical sections that turn and stop, or index, to show three (3) pictures or messages in the same area.

MULTIFAMILY RESIDENTIAL DEVELOPMENT: A planned development which contains multifamily units, common ground, off-street parking, internal streets, and recreational facilities for the use of residents.

MUSEUM: A permanent institution, usually non-profit, which is open to the public and which acquires, conserves, researches, communicates and exhibits, for purposes of study, education and enjoyment, cultural, historical or historical artifacts such as fine art, sculpture, artistic compositions, pottery, personal possessions of famous persons, or graphic depictions of nature, people or historic events.

NAMEPLATE SIGN: A non-electric sign identifying only the name and occupation or profession of the occupant of the site on which the sign is situated. If the site includes more than one occupant, nameplate refers to all names and occupations or professions as well as the name of the building and directional information.

NEIGHBORHOOD RETAIL COMMERCIAL GOODS AND SERVICE ESTABLISHMENTS: Establishments primarily engaged in the provision of: 1) frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages and limited household supplies; and 2) frequently or recurrently needed services, such as laundromats, cleaners, alterations, banking, drug stores and other personal services. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles.

NEIGHBORHOOD SHOPPING CENTER: A group of retail and other commercial establishments that is planned, developed, owned and managed as a single property, with on-site parking provided. The neighborhood shopping center is architecturally designed and landscaped as one (1) unit and contains uses which provide convenience shopping for the day-to-day needs of consumers in the immediate neighborhood or within a mile radius.

NEW CONSTRUCTION: The first placement of permanent construction on a site, such as the pouring of slabs or footings, or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof or its pilings or foundation, and the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading and filling.

NIGHTCLUB: An establishment which sells or allows customers to bring alcoholic beverages for consumption on the premises, provides space for customers to dance and which provides live or recorded entertainment.

NON-CONFORMING BUILDING: A building or structure lawfully existing at the time of the adoption, revision, or amendment of this Ordinance which, by reason of such adoption, revision, or amendment, does not conform to the regulations of the zoning district in which it is located.

NON-CONFORMING LOT: (SEE LOT, NON-CONFORMING)

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NON-CONFORMING SIGN: Any sign that had been lawfully erected and maintained prior to the effective date of this section and which does not conform to the applicable regulations of this section.

NON-CONFORMING USE: A use of land lawfully existing at the time of the adoption, revision, or amendment of this Ordinance, which by reason of such adoption, revision, or amendment, does not comply with the regulations for its zoning district.

NON-ELECTRICAL SIGN: Any sign that does not contain electrical wiring or is not attached or intended to be attached to an electrical source.

OCCUPANT: Any individual living or sleeping in a building, or having possession of a space within a building.

OFF-SITE SIGN: A sign which relates to a product, service, place, activity, person, institution or solicitation conducted or located on premises other than those on which the sign is located.

OFF-STREET PARKING: A parking lot or facility either controlled or uncontrolled, provided for the use of occupants, employees, visitors, patients, patrons or students, without charging for its use.

OFFICE, ANCILLARY: A room or group of rooms used for conducting the affairs of the business of which it is a part.

OFFICE PARK: A development on a tract of land, either subdivided or on a single large lot, containing a number of separate office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis.

ON-SITE SIGN: A sign which pertains to the property on which it is situated.

OPAQUE: Not transparent; dull; obscure.

OPAQUE LANDSCAPING OR BUFFERING: Placement of trees, shrubs and possibly a wall which is non-transparent and obscures the view from the development onto adjacent property.

OPEN SPACE: A parcel or parcels of land not occupied by dwellings or other buildings, which is permanently maintained in a suitable state for the shared use and enjoyment by the owners and/or occupants of individual dwelling units within a particular development.

OPEN SPACE, COMMON: A parcel or parcels of land not occupied by dwellings or other buildings, which is permanently maintained in a suitable state for the shared use and enjoyment by the owners and/or occupants of individual dwelling units within a particular development.

OUTDOOR EATING AND/OR DRINKING AREA: A secondary serving area, usually on a deck, patio or concrete area which may be covered or uncovered; used by customers of an establishment serving food or beverages to have food served or where they may consume food or beverages outside the main dining area. In certain circumstances, such areas may require buffering from adjacent uses.

OUTDOOR SEATING AREA: An outdoor service area with seats and tables located outside of a restaurant, coffee shop, bookstore, or other type of food establishment.

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OUTDOOR STORAGE: The keeping or storage of goods related to the establishment on the same premises but not within the enclosed area of a building.

A. Bulk: Goods for sale or display that have a large size, mass, or volume and are not easily moved or carried, and which may require mechanical lifting devices or assistance from store personnel to move to the customer's vehicle such as large bags of feed, concrete blocks, etc.

B. Non-bulk: Goods for sale, storage or display that are moved to the inside of the business during the time the business is not open but which may be more effectively displayed outdoors such as bikes, outdoor furniture, lawn accessories and outdoor grills.

C. Seasonal: Goods for retail sale that are by their nature sold during peak season, including fruit, vegetables, Christmas trees, pumpkins, and bedding plants.

OVERLAY DISTRICT (ZONE): A district to be applied to a site in combination with the underlying base district, intended to create a special sense of place and established by ordinance to prescribe special regulations and/or lessen certain planning standards and otherwise apply redevelopment strategies.

OWNER OCCUPIED: A dwelling is "owner-occupied" when it is the primary residence of the owner or the owner's assignee or designee.

OWNER OR OWNER OF RECORD: An "owner" is an individual who has twenty-five (25) percent or more legal title to the property in question, or twenty-five (25) percent or more equity interest in a corporation, partnership, or other legal entity owning such dwelling. For the purpose of the sign ordinance, an "owner" is any person who holds fee simple title to, is lessee of, or who lawfully occupies and uses a parcel of real property.

OWNER'S REPRESENTATIVE: A person, legal entity, or employee with legal written authority to act on behalf of the titleholder or lessee.

PACKAGE LIQUOR STORE: Any retail establishment licensed by the state which sells, and advertises for sale, pre-packaged alcoholic beverages containing more than four (4) percent alcohol by weight, to the general public.

PALMS: Single-trunk palms that are planted to meet the requirements of this article shall be planted in a ratio of three (3) single-trunk palms to one (1) tree under this article and with the exception of large species, they shall be planted in a cluster. Each palm shall have a minimum of five (5) feet of clear trunk at the time of installation.

PARAPET: That portion of a building wall that rises above the roof level.

PARCEL: A lot or continuous group of lots in single ownership or under single control, considered a unit for purposes of development.

PARK: Any public or private land which is predominately landscaped open space used principally for active or passive recreational, scenic or leisure activity.

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PARK, PRIVATE: Land owned or controlled by private persons or groups of persons used for active and/or passive recreational, scenic or leisure activity.

PARK, PUBLIC: Land owned by a public entity which is predominately open space and is used principally for active or passive recreational, scenic or leisure activity.

PARK MODEL HOME: Movable resort homes that are designed exclusively for part-time recreational use. Park models are built on a single chassis and mounted on wheels. Typically upscale in appearance, they can include electric range, frost-free refrigerator, bay windows, hardwood floors or carpeting, cathedral ceilings, window treatments, and covered patios.

PARKING, OFF-STREET: Parking places not located on a public street which offers parking to customers, clients, employees and/or persons using the facility on the site.

PARKING, SHARED: The development and use of parking areas for the joint use by the businesses located on those properties.

PARKING, SURFACE: A parking lot or area for motor vehicles where there is no building area below or above the parking area.

PARKING GARAGE: A structure or portion thereof composed of one (1) or more levels or floors used exclusively for the parking or storage of motor vehicles.

PARKING LOT, ANCILLARY (OR OFF-SITE): A surface parking lot which is built or is used specifically for the use of a church or civic use which is either not immediately adjacent to the use it serves, or is zoned in a residential classification. Ancillary parking lots for churches and places of worship located in residentially zoned districts are considered a Conditional Use and require a public hearing.

PARKING LOT, COMMERCIAL: A lot or structure designed and primarily used for the parking and storage of automotive vehicles, operated as a business enterprise, with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

A. Parking facilities that are accessory to a principal use, but that charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.

B. Parking facilities that are accessory to a principal use are not considered Commercial Parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.

PARKING SPACE: An area within or outside of a building sufficient in size to store one (1) automobile and which meets the dimensional requirements of the City and Federal standards.

PARTY WALL: A wall common to but dividing contiguous buildings.

PATIO: A level surface area directly adjacent to a principal building used for outdoor lounging, dining and the like.

PATIO HOME: A Single-family detached dwellings located on reduced lots which have outdoor living areas, such as decks and/or patios within the side or rear yards.

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PAWN SHOP: A regulated business engaged in the business of lending money on the security of tangible personal property where such property is deposited with the lender; or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

PEAKED ROOF: A roof with two (2) or more slopes that rises to a single ridge or point.

PEDESTRIAN ACCESS: A right-of-way dedicated to public use to facilitate pedestrian access to adjacent streets, properties, or public areas.

PEDESTRIAN-ORIENTED DEVELOPMENT: Development designed with an emphasis on pedestrian access and connectivity between uses, containing an abundance of landscaped sidewalks, controlled vehicular traffic and areas where shoppers may sit in outdoor areas.

PEDESTRIAN WAY: A right-of-way dedicated to public use to facilitate pedestrian access to adjacent streets, properties, or public areas.

PERENNIAL PLANT: A plant whose root remains alive more than two (2) years.

PERIMETER: The aggregate of the lines of the lot or lots comprising the development.

PERMITTED USE: That legally permitted use which is among those itemized within applicable sections of this ordinance in accordance to the zoning of the property.

PERSON: An individual, firm, partnership, limited partnership, corporation, company, limited liability company, association, joint stock association, or similar organization, and includes a trustee, a receiver, an assignee, or a similar representative, and includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PITCHED ROOF: A single sloped roof with a pitch greater than ten (10) degrees.

PLANNING COMMISSION: The duly constituted Gautier Planning Commission herewith cited as being the Advisory Committee to the City Council on planning and zoning matters.

PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR: (See Economic Development Director.)

PLANNED UNIT DEVELOPMENT (PUD): An area for which a unitary development plan has been prepared indicating, but not being limited to, the following land uses; open space, on-site circulation for both pedestrians and vehicles, parking, setbacks, housing, densities, building spacing, land coverage, landscaping, relationships, streets, building heights, accessory uses, and architectural treatment. A planned unit development also includes "cluster developments," which are development design techniques that concentrates buildings in a specified area on a site to allow the remaining land to be used for recreation, common open space, or preservation of environmentally sensitive areas.

PLANT NURSERY, RETAIL: A commercial business that sells products related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities directly to the consumer. Also known as a “garden center.”

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PLANT NURSERY, WHOLESALE: A non-retail facility that is engaged in the business of growing, storage and sale of garden plants, shrubs, trees or vines for resale to a retail or commercial outlet.

PLAT: (SEE SUBDIVISION PLAT).

PLAYGROUND: An area developed for active play and has appropriate facilities for use by children.

PLAZA: A hard surface outdoor area which serves adjacent commercial uses and may contain fountains, landscaping or tables for consumption of beverages or food.

PLINTH COURSE: a projecting course of stones at the base of a wall; earth table.

POCKET PARK: A relatively small green area which may be a vacant residential or commercial lot.

PONDS FOR LIVESTOCK OR FISHING: A relatively small body of water which is man-made, privately owned and created for the purpose of providing water to livestock. Such ponds may be stocked with fresh-water fish.

PORTABLE SIGN: Any sign not permanently attached to the ground or a building and which is designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be moved on a trailer, wheeled carriage or other non-motorized mobile structure, and is not a temporary sign as defined herein below. A portable sign which has its wheels removed shall still be considered a portable sign.

PORTICO: A covered drop-off, porch, or covered walkway supported by columns on at least three sides.

PRELIMINARY PLAT: (SEE SUBDIVISION PLAT, PRELIMINARY).

PREMISES: Land together with structures or structures occupying it.

PRIMARY CONSERVATION AREA: Land which must be set aside due to environmental, cultural and regulatory constraints within Conservation Subdivisions.

PRIMARY RESIDENCE: The residence of an "owner" who spends a majority of nights at such dwelling.

PRINCIPAL BUILDING: A single structure or, where the context so indicates, a group of structures in which is conducted the principal use of the lot on which such structure is located.

PRINCIPAL USE (ACTIVITY): The primary use and chief purpose of a lot or structure, or the major activity occurring within such a structure.

PRINT SHOP/BLUEPRINT PRINTING SHOP: A retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment and includes collating services, facsimile, transfer and shipping services as well as limited supplies for same.

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PRIVATE CLUB SWIMMING POOL: A pool owned by a private association or club which is not open to the general public but to an association of property owners or by members of the private club for use and enjoyment by members, their families and guests.

PRIVATE PROFESSIONAL OFFICE: A home office maintained by the occupant as an ancillary work place which does not involve the sale or transfer of goods on the premises and which does not involve visits by clients. A Private Professional Office is considered a permitted Home Occupation and must be granted approval as such.

PRIVATE ROAD: Any road which is to be privately maintained and has not been accepted for maintenance by the City, but which meets the requirements of this Ordinance and has been approved as a private road by the City.

PRIVATE TRAFFIC DIRECTIONAL SIGN: A sign that directs vehicular or pedestrian traffic onto a site or within a site.

PRODUCE STAND: A retail establishment which sells seasonal produce and blooming plants with indoor and outdoor sales display areas.

PROFESSIONAL OCCUPATION: A recognized occupation requiring specialized skill and knowledge and often long and intensive academic preparation, such as engineers, architects, planners, artists, attorneys, ministers, counselors and similar professions.

PROFESSIONAL OCCUPATION OFFICE: A building or a portion of a building where the offices are located for the use of professional occupations and which does not involve the sale or transfer of goods by the business to the customer, but where clients visiting the office receive professional assistance. For the purpose of this Ordinance, Doctors and Dentists are not included in this category, but are considered a “Medical Clinic.”

PROJECTING SIGN: A sign, other than a wall sign, which is attached to and projects from a building face. The area of double-faced projecting signs is calculated on one face of the sign only, which shall be the larger if different in size.

PROTECTED TREES: (See Tree, Protected)

PUBLIC HEARING: A meeting which is announced and advertised in accordance with State Statute and conducted by a commission or board of the City or the City Council, in which members of the public have an opportunity to give comments.

PUBLIC MEETING: An informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project or plan.

PUBLIC RIGHT-OF-WAY WIDTH: The perpendicular distance across a public street, measured from property line to property line.

PUBLIC SERVICE INFORMATION SIGN: Any sign intended primarily to promote items of general interest to the community, such as time, temperature, and date, atmospheric conditions and the like.

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PUBLIC SIGNS: Signs of a noncommercial nature and in the public interest erected by or upon the order of a public officer in the performance of his duty, such as safety signs, memorial plaques, signs of historic interest, signs designating hospitals, libraries, schools, airports, and other institutions or places of public interest and concern.

PUBLIC UTILITIES AND FACILITIES: Any City approved water and/or sanitary sewer system, including collection and distribution lines, which is constructed to City standards, sizes, and specifications, conforms to the requirements of this Ordinance, and has been dedicated to and accepted by the City for operation and maintenance and the facilities, other than a utility substation or transportation facility, which house or contain facilities for the operation of publicly owned or publicly licensed water, wastewater, waste disposal, gas or electricity services. This does not include recycling and salvage operations.

PUBLIC 'WARNING SIGNS: Any sign which warns the public of possible danger or informs the public of certain restrictions such as "Beware of the Dog" or "No trespassing" or "No Dumping".

QUASI-PUBLIC YOUTH CENTER: A permanent facility run by a qualified staff with indoor and outdoor facilities which provides organized youth-oriented activities and recreation, after-school and during the summer months including but not limited to Boys' and Girls' Clubs.

RADIO AND T. V. BROADCASTING STUDIO: A facility where radio or television programs are recorded and/or broadcast from and which offer limited access to the public. Such facilities may have outdoor equipment such as satellite dishes.

REAL ESTATE SIGN: Any sign pertaining to the sale, lease, or rental of land or buildings.

REAR YARD: (SEE SETBACK, REAR)

RECREATIONAL FACILITIES FOR USE OF RESIDENTS: A facility which is approved by the city or is permitted within a development or subdivision which is privately owned but offers facilities for the exclusive use of residents of that particular neighborhood or development. Examples are: Tennis or basketball courts; paved walking trails, swimming pools or community meeting facilities.

RECREATIONAL VEHICLE (RV): A self-contained or towable vehicle designed to provide temporary shelter for persons who are traveling or on vacation. Various types of "Recreational Vehicles" include:

A. Travel trailer: A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" or a "fifth wheel" by the manufacturer. Travel trailers generally include self-contained sanitary, water, and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.

B. Pickup camper: A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.

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C. Motor home: A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.

RECREATIONAL VEHICLE (RV) PARK: A parcel of land upon which sites are rented or leased for the temporary or periodic placement of recreational vehicles as temporary living quarters for recreational or vacation purposes.

RECREATIONAL VEHICLE (RV) SITE: A plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle on a temporary basis.

RECYCLING CENTER: A facility that is not a junkyard and in which recoverable resources, such as newspapers, plastic, glassware, and metal cans are collected, stored, flattened, crushed, or bundled, essentially by hand. The term "recycling" as used herein shall not include the speculative accumulation of materials in anticipation of recycling opportunities and shall not include the recovery of materials unless the materials recovered have a commercial value.

REFUSE STORAGE: Any area used for the storage of trash or garbage. No refuse storage shall be permitted as part of the landscaped area, but refuse storage is otherwise permitted adjacent to vehicular use areas.

REHABILITATION CENTER: A medical facility where temporary inpatient treatment is given by licensed and trained professional health care counselors, doctors and other staff to persons seeking rehabilitation from addictive behavior and use of alcohol, drugs and/or controlled substances, but not including facilities where such persons are committed for an inestimable length of time.

REMODELING: The act of reconstructing a building or site for the purpose of making improvements. Any change or modification in existing exterior construction.

REPLATTED LOTS: Lots which are consolidated and re-subdivided with different size and/or number of lots from that shown on the original plat.

RESIDENTIAL STRUCTURE: A building or portion thereof designed or used exclusively for residential occupancy but not including hotels, motels, and motor lodges.

RESTAURANT, CARRY-OUT: An establishment such as a pizza delivery service whose method of operation involves sale of prepared food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off of the premises. The establishment may deliver food to the customer, or the customer may pick the food up. A Carry-out Restaurant does not contain areas where food may be consumed on the premises.

RESTAURANT, DRIVE-IN OR FAST FOOD: An establishment whose principle business is the sale of foods, frozen desserts, or beverages in paper, plastic, or other disposable containers for consumption either on or off the premises. Food or beverages may be served directly to the customer in the restaurant building or in a motor vehicle either by a carhop or by a drive-through facility which eliminates the need for the customer to exit the motor vehicle.

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RESTAURANT, NEIGHBORHOOD: A commercial establishment where food and beverages are prepared, served and consumed primarily within the restaurant and ancillary outdoor eating areas, but does not provide a “drive-through window” or deliver food to patrons in their car. “Carry-out” service may be provided.

RESTAURANT, SPECIALTY: An establishment with a limited menu that specializes in certain food items such as coffee, baked goods, delicatessen food, ice-cream or frozen desserts. Limited food preparation occurs at the facility. Food may be consumed on the premises or carried out.

RIGHT-OF-WAY: A portion of land used or intended to be used for a street, crosswalk, railroad, road, or other public use not included within the dimensions or areas of lots or parcels

ROCK, SAND, GRAVEL OR EARTH EXCAVATION, CRUSHING, OR DISTRIBUTION: An industrial use that mines, crushes, stores and/or distributes natural materials such as rock, sand, gravel or dirt.

ROOF SIGN: Any on-site sign erected upon, against or directly above a roof or on top of or above the parapet of a building and which are not canopy signs.

ROOFLINE: The top edge of the roof or the top of a parapet, whichever forms the top line of the building silhouette.

ROOMING HOUSE: (SEE BOARDING HOUSE)

ROTATING SIGN: Any sign or portion of a sign that revolves, but not including multi-prism indexing signs.

RUBBISH TRASH: A variety of both combustible and noncombustible solid waste from materials from homes, stores, and institutions. Normally, trash consists of general yard waste, small tree branches, grass clippings, leaves, small appliances and other residential rubbish, and any or all other waste materials not included in the definition of bulky waste, construction debris, dead animals, garbage or hazardous waste.

RUG CLEANING PLANT: A commercial enterprise which picks up rugs at residential and/or commercial businesses, takes rugs to a centralized cleaning facility, cleans and dries the rug and then delivers the rug back to the customer. Such cleaning facilities shall be conducted indoors.

SATELLITE DISH ANTENNA: A device incorporating a reflective surface of any configuration. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based transmitters. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

SCHOOL: A facility, whether public or private, that provides a curriculum of elementary, secondary, and post-secondary academic instruction, including kindergartens, day care centers, elementary schools, junior high schools, high schools, and accredited two (2) and four-year (4) degree granting institutions of higher learning. For purposes of this Ordinance, the term "school" shall include accessory student athletic facilities when located on the same or adjacent

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parcels. The term "school" shall not include vocational schools for instruction in business, beauty or barber, technical or trades.

SCHOOL, ELEMENTARY: A facility whether public or private, that provides a curriculum of instruction of children in any or all of the grades between first and sixth grade.

SCHOOL, MIDDLE: A facility whether public or private, that provides a curriculum of instruction of youth in any or all of the grades between elementary and secondary school grades.

SCHOOL, SECONDARY OR HIGH SCHOOL: A facility whether public or private, that provides a curriculum of instruction of youth in any or all of the grades following the middle school grades up to the 12th grade.

SCINTILLATING SIGN: A sign with moving parts and/or lights, except a message center sign. A scintillating sign shall also include a sign which has "chasing action" or "scintillating action". "Chasing action" is the action of a row of lights commonly used to create the appearance of motion, the effect of which is obtained by turning a sequence of lights off at timed intervals so that a group of shadows appear to flow in one direction. "Scintillating action" is that effect which gives the appearance of twinkling lights with such lights blinking on and off in a random manner.

SCREENING: Landscaping, berms, fences, walls, or any combination thereof, used to block or significantly obscure, in a continuous manner, the view from one (1) area to another.

SEASONAL OR HOLIDAY SIGNS: Signs, such as Christmas decorations, used for a holiday and installed for a limited period of time.

SECOND HAND STORE: An establishment which acquires used merchandise from individuals and resells such merchandise to other individuals, engaging primarily in used household items and clothing. Does not include pawn shops, used car lots, or antique stores

SECONDARY CONSERVATION AREA: Land which may be set aside to preserve natural resources or cultural sites within Conservation Subdivisions.

SELF-SUPPORT/LATTICE TOWER: A telecommunication tower that is constructed without guy wires and ground anchors.

SETBACK: (SEE YARD*)* The minimum horizontal distance between the lot or property line and the nearest front, side or rear line of the building as measured to the outside face at the enclosing wall or in structures lacking walls (as in the case of a carport) to the face of the supporting columns and beams. Setback does not include roof overhangs, except that they shall not encroach on more than fifty (50) percent of the required setback.

A. **SETBACK, FRONT:** The yard area extending along the full width of a front lot line between side lot lines and from the front lot line to the front building line in depth.

B. **SETBACK, REAR:** The yard area extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear-yard depth shall be measured at right angles to the rear line of the lot.

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C. **SETBACK, SIDE:** The yard area lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of a front yard or a rear yard, to the front or rear lot lines. Side-yard width shall be measured at right angles to side lines of the lot.

SHADE TREE: ***(****See Canopy Tree)*.

SHOOTING RANGE: means the use of a structure or portion of land for archery and/or discharge of firearms for recreational or training purposes.

SHOPPING CENTER: A group, consisting of two or more commercial establishments, planned, developed, owned and managed by one (1) entity**,** with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic consideration and protection from the elements, and landscaping and signage in accordance with a cohesive plan. The type and size of stores are related to the trade area or neighborhood which the unit serves.

SHOPPING CENTER, MAJOR: A group of commercial establishments planned and designed with common parking or using a common name, or both, and the total building square footage is greater than one hundred thousand (100,000) square feet. For the purpose of this sign ordinance, a major shopping center shall require a minimum of two (2) occupancies physically separated. At least two (2) occupancies shall be required to have separate exterior access.

SHOPPING CENTER, MINOR: A group of commercial establishments planned and designed with common parking or using a common name, or both, and the total building square footage is less than one hundred thousand (100,000) square feet and greater than twenty five thousand (25,000) square feet. For the purpose of this sign ordinance, a minor shopping center shall require a minimum of two (2) occupancies physically separated. At least two (2) occupancies shall be required to have separate exterior access.

SHORELINE*:* That point at which the mean level, at normal state, a body of water meets dry land.

SHRUB: Woody or semi-woody perennial plants which are customarily included in landscape designs to provide for lower scale buffering and visual interest.

SIDE YARD: (SEE SETBACK, SIDE)

SIDEWALK: A hard-surface, all-weather area of a minimum of five (5) ~~four (4)~~ feet in width designed for the convenience of pedestrian access, which is normally located immediately adjacent to the public roadway within the public right-of-way or an easement.

SIGN: Any structure or device that is erected and maintained outside of an enclosed building or structure for the purpose of display, conveying information, advertising, or the attraction of attention for any purpose, including, but not limited to, posters, pictures, pictorial or reading matter and any letter, word, model, device or representation used in any advertisement, announcement, attraction, or direction.

SIGN AREA OR SIZE: 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

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background. Sign area for a back to back or V -type sign shall consist of only the area of one face.

SIGN HEIGHT: the vertical distance from the lowest point on the surface of the roadway on the nearest public street to the topmost point on the sign or its supporting structures, if any. If the nearest roadway is a bridge or overpass, or is at a level lower than the ground upon which the sign is located, then the height shall be measured from the ground.

SIGN STRUCTURE: Any structure which supports, has supported, or is capable of supporting a sign, including supports, frame, and decorative cover.

SIGNIFICANT TREE ~~(OR SPECIMEN TREE)~~: A healthy hard wood tree that is five inches (5") in diameter or larger and is a native species to the area. ~~over forty (40) feet in height, excluding pine trees, or has a crown of over thirty (30) feet, or has a trunk diameter of ten (10) inches or greater at four (4) feet from the ground.~~

SITE: Any lot or unplatted parcel or any combination of contiguous lot or unplatted parcels of land with its appurtenances and buildings having a unity of use and ownership.

SITE PLAN: A plan prepared to scale showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features, including topography, infrastructure, ~~significant and~~ protected trees and landscaping proposed for a specific parcel of land.

SKETCH PLAN: Written and graphic documents that indicate in conceptual form the proposed land uses and their location.

SLOPE: Describes the steepness, incline, gradient or grade of a straight line. A higher slope value indicates a steeper incline.

SPECIAL EVENT: A temporary outdoor use on private or public property which extends beyond the normal uses and standards normally allowed by the zoning district such as festivals, fairs, block parties or parades. Such events are scheduled and designed to attract substantial crowds and traffic and require a Temporary Use Permit.

SPECIAL EVENT SIGN: Any sign or display which advertises an event such as a fair, special or annual city-wide event.

SPECIAL PAVING: Interlocking pavers, bricks or special materials that are distinct from monolithic surfaces and call attention to entry areas, crosswalks and sidewalks.

SPECIAL SALES AND PROMOTION SIGN: Limited to pennants, banners, streamers, and air/gas filled figures for grand openings, anniversaries and special events.

SPECIALTY RETAIL SHOP: A commercial business that sells a limited range of merchandise, such as clothing and clothing accessories; jewelry; home and decorating accessories; crafts; antiques; musical instruments; floral arrangements; candy; hardware, bicycle and fitness equipment; cameras and electronic equipment, stationery and cards; hobby, toys and games; luggage and leather; and culinary stores. Most stores have an extensive width and depth of stock in the item they specialize in and provide high levels of service and expertise.

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SPORTS FACILITY, PUBLIC: An indoor or outdoor recreational facility with seating or standing areas for the public where group sports such as baseball, softball, soccer, or hockey are played.

STABLE, PRIVATE: An accessory building which is designed and equipped to keep horses for the private use of the property owner and not for remuneration, hire, or sale.

STABLE, PUBLIC: A principal building which is designed and equipped to keep horses for commercial use including boarding, hire, and sale.

STEALTH ANTENNA: Antennas which are designed to be concealed within an architectural feature of a building or a tower that is built to look similar to a natural element in the environment such as a tree.

STEEL MILL, MINI: A heavy manufacturing use that produces steel from scrap and returned steel rather than molten iron, coke-making and iron-making operations.

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

STORY AND ONE HALF: A space under a sloping roof that has the line of intersection of the roof and the exterior wall face not more than three (3) feet above the floor level and in which space the possible floor area with headroom of five (5) feet or less occupies at least forty (40) percent of the total floor area of the story directly beneath.

STORY, TWO: The first floor of a building plus a story immediately above which is the same size and configuration as the first story.

STREAMERS: A series of small flags or pennants attached on a narrow strip of cloth, paper, fabric, plastic, or like kind of material and which is not of permanent construction.

STREET: Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designed as a road, avenue, highway, boulevard, drive, lane, place, or court and which affords the principal means of access to abutting property. Various types of roads are described below:

A. Arterial street or roadway: A street or roadway which carries high volumes of traffic at relatively high speeds, and serves as an avenue for circulation of traffic onto, out of, or around the Gautier area. An arterial roadway may also be defined as a major thoroughfare, major arterial or minor arterial roadway. Since the primary function of the regional arterial roadway is to provide mobility, access to adjacent land uses may be controlled to optimize capacity along the roadway.

B. Collector street: A street or road whose principal function is to carry traffic between minor and local roads and arterial roadways but may also provide direct access to abutting properties.

C. Cul-de-sac: A street or road that terminates in a vehicular turnaround.

D. Expressways: Limited access interregional arterial routes, such as I-10, designed exclusively for unrestricted movement, have no private access, and intersect only

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with selected arterial roadways or major streets by means of interchanges engineered for free-flowing movement.

E. Highways: Streets and roadways which are under the jurisdiction of the Mississippi Department of Transportation such as Highways 57 and 90. Highways may also be classified as expressways or arterial roadways.

F. Local or minor street: A street or road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or

G. Arterial roadways. Local streets are designed for low volumes and speeds of 25 mph or less, with numerous curb cuts/

H. Public Street: Any road or portion of a road which has been dedicated to and accepted for maintenance by the City of Gautier.

STREET, DEDICATED: A street with its right-of-way which has been given by the owner for public use and has been accepted by the City and is so dedicated and recorded in the office of the County Chancery Clerk.

STREET LINE: The right-of-way of a street.

STREETSCAPE: The physical street environment comprised of architectural elements, landscaping and possibly street furniture.

STRIP DEVELOPMENT: Commercial development, usually one (1) store deep, that fronts on a major street.

STRUCTURAL ALTERATION: Any repair, reconstruction or improvement of a structure.

STRUCTURE: Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.

STRUCTURE, ATTACHED: A structure with a common or party wall with another structure.

STRUCTURE, DETACHED: A structure with no common or party wall with another structure.

STRUCTURE, ENCLOSED: A structure with a solid roof and a minimum of three (3) exterior walls shall be considered an enclosed structured.

STRUCTURE, NONCONFORMING: A structure or portion thereof, that no longer conforms to the required minimum site area, coverage, setbacks, or other open space, height, or other regulations prescribing physical development standards for the district in which a structure is located.

STUCCO: A textured exterior finish made from Portland cement, lime and sand mixed together with water and other binders.

STUDIO/MULTIMEDIA PRODUCTION: A facility for the staging and recording of video or audio productions such as but not limited to music, commercials, programs and motion pictures.

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SUBDIVIDER: Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity that subdivides land or places an application for same with the City of Gautier.

SUBDIVISION: An area of land divided into two (2) or more lots for development by means of an appropriately recorded legal document.

SUBDIVISION OR APARTMENT COMPLEX SIGN: A permanent sign that identifies a subdivision which is located within the subdivision, usually at its entrance or entrances.

SUBDIVISION PLAT

> **PLAT, PRELIMINARY:** An initial plan for subdivision drawn to scale indicating prominent existing features of a tract and its surroundings and the general layout of the proposed subdivision.
>
> **PLAT, FINAL:** A complete and exact subdivision plat, prepared for official recording as required by statute, to define property boundaries and proposed streets and other improvements.

SUPERMARKET: Large retail establishments, which primarily sell food items but may also sell prescription and over the counter drugs, flowers, small appliances, magazines and books, freshly baked goods.

TATTOO AND TATTOOING: those activities as defined in *Mississippi Code Annotated Section 73-61-1*, said statutory definitions being hereby adopted by reference.

TATOO PARLOR: A commercial use which engages in the business of marking or coloring of the skin by pricking in coloring matter or by producing scars, and which is conducted in exchange for financial or other valuable consideration. It does not include tattooing when applied by a licensed dermatologist on premises licensed as a dermatological office.

TECHNICAL REVIEW COMMITTEE: That group of staff persons, architecture review ad hoc members and/or consultants which have the duty to review certain development plans as hereinafter provided for in this Ordinance. The Technical Review Committee also has authority to approve minor development plans, plats and conditional uses as described in Section 3.3.1 Powers and Duties.

TEMPORARY SIGN: A sign that is not permanently affixed to the ground or building, including, but not limited to, sandwich signs, sidewalk signs, curb signs, balloons, and posters stapled to posts, posters or the like posted, nailed or stapled to an object, or similar signs.

TENANT: A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

THEATER, MOTION PICTURE: An enclosed building with permanent seating and a motion picture screen used to show motion pictures on a paid admission basis not to include facilities which show adult films which are regulated under City of Gautier *Sec. 3.5-21 Adult Entertainment Ordinance.*

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THEATER, PROFESSIONAL: An enclosed building with seating and a raised stage used for presenting stage performances by professional and/or amateur actors not to include “adult uses” regulated separately under City of Gautier *Sec. 3.5-21 Adult Entertainment Ordinance.*

TITLE-LOAN BUSINESS: A business that regularly makes either loans to individuals secured by the title to a vehicle or title pledge agreements with pledgors, unless the business or individual is exempt from the definition of "title pledge lender" under *Mississippi Code Annotated Section 75-67-403 (1972),* or unless more than ninety (90) percent of the loans that the business makes which are secured by vehicle titles are made in the context of the purchase of the vehicle.

TOWER: A structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas.

TOWER HEIGHT: The height of a tower generally is the distance from the base of the tower to the top of the structure.

TOWNHOUSE: A structure designed for single-family occupancy on a separate lot and having a front and rear entrance but which is one of a series of dwelling units structurally connected or immediately adjacent to each other without side yards between individual dwelling units. *A townhouse is classified as an Attached, single-family residence.*

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND): A development that is primarily residential but also contains limited, small-scale specialty retail; boutique hotels; public parks and open space; and office uses. TND’s are compact with higher densities and a variety of housing products. A TND diversifies and integrates land uses within close proximity to each other, and provides for the daily recreational and shopping needs of residents. Its design adopts the urban conventions which were the norm in the United States from colonial times until the 1940’s.

TRADITIONAL URBAN COMMERCIAL DEVELOPMENT (TUCD): A commercial or mixed use development which is under common ownership, developed in accordance to a master plan and has neo-traditional design attributes similar to historic downtowns such as: (a) centrally located main street (b) sidewalks and buildings built to the edge of the sidewalk, (c) parallel or angle parking in the front of stores rather in parking lots, and (d) pedestrian amenities such as fountains, gathering places and/or outdoor cafes.

TRAFFIC CALMING: A concept fundamentally concerned with reducing the adverse impact of motor vehicles on built-up areas. Usually requires providing more space for pedestrians and cyclists and reducing vehicle speeds with traffic tables at intersections, roundabouts, curved streets, and other creative designs.

TRAILER: (SEE DWELLING: MOBILE HOME)

TRANSIENT VENDOR: Any person who transacts transient business in this state either in one (1) locality or by traveling from place to place in this state. The term includes a vendor who for the purposes of carrying on such business; hires, leases, uses or occupies any building, structure, motor vehicle, railroad car or real property.

TRANSOM: A horizontal window above a door.

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TREE: Any self-supporting, woody plant of a species with a single main trunk at least four (4) inches in diameter measured at DBH which normally grows to an overall height of at least fifteen (15) feet and normally develops an average mature spread of crown greater than fifteen (15) feet.

TREE, PROTECTED: Any Live Oak or Magnolia tree that is twenty-four (24) inches in circumference or ten (10) inches in diameter or greater measured at a DBH. Any tree which meets the definition of a "Protected Tree", but is damaged or diseased may be deemed non-protected by the Director of Economic Development and Planning if the condition of the tree poses an immediate threat to public safety.

TREE, PROTECTED ZONE: The entire City of Gautier is a protected tree zone.

~~**TREE BOARD**: The board appointed by the City to serve in an advisory capacity and which makes decisions on appeals of decisions made by administrative officials regarding the preservation of existing trees on private property.~~

TREE SIZE: The following definitions apply to tree sizes:

A. Large tree: Average height > 50 feet at maturity

B. Medium tree: Average height 30--50 feet at maturity

C. Small tree: Average height < 30 feet at maturity

TRUCK STOP: Any area of land, including the structures thereon, that is used for the servicing of heavy trucks (i.e., tractor-trailer combinations designed for transporting large cargoes), and which may offer food and beverages in addition to lodging.

TRUCK TERMINAL: Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another; cannot be used for permanent or long-term accessory storage for principal land uses at other locations; facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal. A truck terminal is an industrial use.

TURNAROUND: A space at the end of a public street or drive that permits the turning around of any vehicle including emergency vehicles without such vehicles having to back out of the street.

UNDER-CANOPY SIGN: A sign that is situated beneath a permanent roofed shelter covering a sidewalk, driveway, awning, mansard roof, or other similar area, which shelter may be wholly supported by a building or it may be wholly or partially supported by columns, poles, or braces extended from the ground.

UNDERSTORY TREE: Trees with a mature height of ten (10) feet to thirty (30) feet which for the purpose of this ordinance may be an evergreen or a deciduous variety.

UNLAWFUL SIGN: A sign that is in violation of this ordinance and does not have the status of a nonconforming sign.

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UNSAFE SIGN: Any sign which, because of its location, coloring, illumination, or animation interferes with or has the potential to interfere with a motorist's view of general vehicular traffic, pedestrian traffic, intersectional traffic, traffic control devices, traffic directional signs, or causes confusion with law enforcement or emergency vehicles, or any sign which, because of its construction or state of repair, is likely to fall, be blown down, or cause possible injury to passersby.

USED CAR SALES: A retail business which stocks and sells used cars, light passenger trucks, cargo vans and SUVs to the public. Such businesses may offer financing assistance to customers; however no major repair may be conducted on-site.

UTILITY SUBSTATION: Water storage tanks; radio, television, and microwave transmission or relay towers; and electric or gas substations, water or wastewater pumping stations, telephone repeater stations; or similar structures used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, wastewater, cable television, or telephone services between the point of generation or treatment and the end user. This shall not include broadcasting studios, satellite dish antennas or wireless telecommunications facilities.

VALUE: Value shall be determined as the true value as provided by the Tax Assessor, for tax purposes, or the property owner may provide an appraisal obtained from a certified licensed appraiser completed within the past three (3) months or less.

VARIANCE: A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in an unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

VEHICULAR USE AREA: Any ground surface area, except public rights-of-way, used by any type of vehicle for driving, parking, loading, unloading, storage, or display, such as, but not limited to, new and used car lots, activities of a drive-in nature in connection with banks, restaurants, service stations, grocery and convenience stores and other open lot uses, but shall not include areas under, on, or within buildings. In calculations of an area, a vehicular use area shall include interior property landscaped area, but shall not include perimeter landscaped area.

VERTICAL WINDOW: An opening with proportions such that the horizontal width is less than the vertical height.

VETERINARY CLINIC: An institution where sick or injured small animals are given medical care, and in the course of same are housed overnight, fed, and provided related services.

VINES: Any of a group of woody or herbaceous plants which may climb by twining, or which normally require support to reach mature form.

VOCATIONAL SCHOOL: (Trade School and Business College) A privately owned instructional facility with limited curriculum which offers a course of study of two (2) years or less and prepares adults for specific types of jobs such as secretarial, medical transcription, paralegal, computer programming, data entry, legal transcription, beauty or barber or other types of trades. Such schools must meet state requirements for a vocational facility.

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WALKWAY: A hard surface, all-weather area intended for pedestrian circulation within a development.

WALL: An enclosing structure made of brick, stone, earth, or other materials intended to mark a boundary, screen a view, or prevent intrusion.

WALL SIGN: Any sign attached to and parallel with any wall, including signs painted or printed thereon.

WAREHOUSE, COMMERCIAL: A facility characterized by extensive storage of finished products with frequent heavy trucking activity but not involved in manufacturing or production processes.

WATERFRONT PROPERTY: A parcel of land in compliance with the land development regulations of City of Gautier adjacent to the waterway or body of water that offers the use of recreational watercraft (motorized and non-motorized) swimming, fishing and similar activities.

WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence or vegetation typically adapted for life in saturated conditions. In all cases, a final wetland determination must be made by a licensed professional using the US Corps of Engineers determination criteria.

WIRELESS TELECOMMUNICATION FACILITY (WTF): Any and all devices intended for the purpose of transmitting and receiving telephone, television, radio or similar communication, but shall exclude attachments used for Studio to Transmitter Links (STLs).

WRECKER TOWING SERVICE: A commercial use which provides a service of moving inoperable motor vehicles from one (1) place to another and which provides temporary storage for same. This may also include automobile recovery businesses.

YARD: Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building. **(ALSO SEE SETBACK)**

YOUTH CAMP: Any facility operating on a permanent campsite with sleeping, eating and recreational accommodations for children six (6) to eighteen (18) years of age; who are supervised by trained counselors and which is run by a qualified supervisory staff. Hunting and fishing camps shall not be included in this definition.

ZONING MAP: The Official Zoning Map or maps of the City of Gautier, which are a part of the Unified Development Ordinance and delineate the boundaries of the zoning districts.

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ARTICLE III:
ADMINISTRATIVE & ENFORCEMENT POWERS AND DUTIES

SECTION 3.1: City Council

The City Council of the City of Gautier shall exercise all powers vested in the governing body as provided in *Mississippi Code Annotated Section 17-1-17 (1972)* and shall have final authority over certain zoning and planning related matters as itemized in *Section 3.1.1*

3.1.1 Powers and Duties

As the governing body of the City of Gautier the City Council shall be responsible for final action regarding the following:

A. Amendments to the text of the Comprehensive Plan

B. Amendments to the text of this Ordinance

C. Applications for zoning map changes

D. Application for Conditional Use-Major

E. Applications for Major Site Plans

F. Plat approval as required by this Ordinance

G. Applications for Protected Tree Removal

SECTION 3.2: Planning Commission

The Planning Commission shall exercise all powers vested in such bodies as provided in *Mississippi Code Annotated Section 17-1-17 (1972)* and shall act as the Advisory Committee to the City of Gautier in zoning and planning matters. The Planning Commission shall adopt reasonable rules and regulations governing the conduct of its zoning affairs and in keeping with the provisions of this Ordinance.

3.2.1 Powers and Duties.

The Planning Commission shall have the following powers and duties as hereinafter listed:

A. Establish rules of procedure and official bylaws as needed to perform the functions of the commission.

B. To hear and ~~decide~~ recommend to City Council appeals where it is alleged there is an error in any order, requirements, decision or determination made by an administrative official in carrying out any provision of this ordinance.

C. To initiate and recommend to City Council approval of area-wide re-zonings, and text amendments to this ordinance.

D. To prepare and recommend to City Council adoption of a Comprehensive Plan for the City and to recommend amendments as needed.

E. To prepare and recommend to City Council for adoption zoning regulations and to recommend zoning boundaries, including the power to hold public hearings on re-zonings.

F. To prepare and recommend to City Council approval or denial of conditional uses

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for each zoning district in accordance with the provisions of this Ordinance.

~~**G.**~~ To hear and recommend on Variances from Dimensional Requirements of this Ordinance. ~~including area regulations of buildings and setbacks of signs.~~

H. To call on any department for assistance in its duties regarding information needed for Public Hearings and it shall be the duty of such departments to render all such assistance as may reasonably be required.

I. To compel attendance of witnesses at hearings and to administer oaths.

~~**J.** Where there is practical difficulties or unnecessary hardship in carrying out the strict letter of this ordinance, the Planning Commission shall have the power to authorize Variances from the dimensional requirements of this ordinance provided such variances are not contrary to the public interest and do not constitute a use variance which is prohibited by State Statute.~~

K. To prepare and recommend action on urban conservation, rehabilitation and redevelopment programs allowed by state law.

L. To prepare reports and recommendations on general planning and zoning problems referred or remanded by the City Council for review.

~~**M.** To act as the City's Tree Board in accordance with Section 3.4.~~

3.2.2 Membership; Term; Officers; Vacancies

The Gautier Planning Commission shall be composed of seven (7) members who serve at the will and pleasure of the City Council. The City Council shall appoint members to represent each of the five (5) wards and two (2) at-large positions. Each member of the Council shall nominate a person who is a resident of Gautier and who resides in their respective ward and the Mayor and Council person at large shall each nominate a person to be on the Commission. If a Council member is unable to find an eligible nominee from their ward, then the position may be filled from another ward. There shall be no more than two (2) Planning Commissioners from any one ward at any time.

The Council shall vote on the nomination of appointees and the appointed members of the Planning Commission serve at the will and pleasure of the City Council.

Officers shall consist of a Chairperson and a Vice Chairperson. Officers for the Planning Commission shall be elected by members of the Planning Commission annually at the first meeting of the calendar year.

Should a Planning Commission member have three (3) consecutive absences or five (5) non-consecutive absences within a period of twelve (12) months, such member shall be replaced by the City Council.

3.2.3 Meetings Dates and Proceedings

The Planning Commission shall have a meeting on the first Thursday of each month at a regularly established schedule, time, and place open to the public, except as described below when there are no items to be considered and/or the meeting falls on a holiday. Additional meetings may be scheduled on the third Thursday of each month or on additional dates at the call of the Chairperson if additional meetings are required to discharge the duties and responsibilities of the Commission. If the Economic Development Director has no Planning Commission cases to be heard or items to be considered, the Director may issue a Notice of Cancellation of the Planning Commission meeting a minimum of five working days prior to the

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scheduled meeting. Said notice shall be posted at City Hall. If the regularly scheduled Planning Commission meeting falls on an official City holiday, the meeting shall be held at the next available Thursday following the holiday.

3.2.4 Quorum, Rules and Records

Four (4) members of the Planning Commission shall constitute a quorum for transaction of business and a majority vote of the quorum shall rule. To preserve order during conduct of meetings and public hearings, the Economic Development Director or designee shall act in the capacity of Sergeant at Arms. Meetings shall be conducted in accordance with Roberts Rules of Order.

The Planning Commission may adopt bylaws or necessary rules and regulations to govern the performance of duties which shall include:

A. Order and allocation of time for presentations.

B. Role of spokesperson for Commission to the press.

C. Conflicts of Interest.

D. Voting procedures.

E. Establishment of Committees.

F. Any other matter concerning the conduct or meeting procedures that does not conflict with the provisions of this Ordinance.

A record of proceedings shall be taken and maintained by the City Clerk's Office and shall be a matter of public record. The Planning Commission may secure the services of a Court Reporter to assist in recording the meeting which shall become the official transcript of the meeting and shall be available upon request from the Court Reporter. Fees for such transcripts shall be payable by the requesting party.

3.2.5 Planning Commission Recommendation

The Planning Commission shall hold a vote at which time the majority shall formulate a recommendation of "for," or "against" each petition presented at the public hearing. A matter which does not receive a majority vote shall be sent to the City Council as having "no recommendation."

In circumstances where approval or denial by the City Council is required, the recommendation of the Planning Commission shall be sent to the City Council for their consideration and official action. The Economic Development Director shall provide a Finding of Fact to the City Council along with the recommendation of the Planning Commission and other data and materials on all zoning or development related proceedings of the Planning Commission's Meeting.

SECTION 3.3: Technical Review Committee

The Technical Review Committee (TRC) is that group of staff persons, architecture review ad hoc members and/or consultants which have the duty to review certain development plans as hereinafter provided for in this Ordinance. The TRC also has authority to approve minor development plans, plats and conditional uses as described in Section 3.3.1 Powers and Duties.

The Technical Review Committee process is designed to provide the developer with one central review of the development proposal and conserves the time and efforts of city employees in the various departments. It expedites the process for obtaining development permits. A plan review fee shall be charged in accordance with the adopted fee schedule.

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3.3.1 Powers and Duties

The Technical Review Committee shall be responsible for providing technical review of the following items. A summary shall be forwarded to the appropriate governing authority.

A. Signs

B. Site plans and construction plans, when requested

C. Subdivision Plats

Further, the Technical Review Committee shall have authority of final approval for the following items. However, the Economic Development Director or the applicant may request the item be considered as a major development for Planning Commission recommendation and Council approval.

A. Minor Development Plans or exempt plans, as per Section 4.1.6

B. Exterior design of all structures including signs in commercial, mixed use and industrial zoning districts.

C. Minor Conditional Uses

D. Minor Plats consisting of less than 2.25 acres and minor replats

In the event the Economic Development Director does not receive comments from any of the concerned departments, he/she shall act in their behalf based on his/her knowledge of the needs and requirements of that particular department.

3.3.2 Membership

The Technical Review Committee shall be chaired by the Economic Development Director or his/her designee and consists of one representative from each of the following county or city departments, divisions, or committees as applicable.

A. Fire Marshall Office

B. Building Official

C. Public Works Director

D. Police Department

In addition, the Technical Review Chairman may invite representatives from the County Health Department, Pascagoula Public Schools, utility providers or other entities that may be affected by the proposed development within the City on a case-by-case basis.

~~SECTION 3.4: Tree Board~~

~~The Tree Board acts as the Advisory Committee to the City of Gautier on issues dealing with the management of trees on public properties and functions as an appeal body to staff decisions relative to Tree Removal Permits. The Tree Board has adopted by-laws establishing meeting times, dates and places of meetings, election officers, and the processes by which reviews and/or appeals are heard.~~

~~3.4.1 Powers and Duties.~~

~~The Tree Board shall have the following powers and duties as hereinafter listed:~~

~~**A.** Establish rules of procedure and official bylaws as needed to perform the functions of the board.~~

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~~**B.** To hear and decide appeals where it is alleged there is an error in any order, requirements decision or determination made by an administrative official in carrying out decisions of staff regarding the removal of trees on private property.~~

~~**C.** To rule on matters pertaining to the preservation and/or removal of trees located on public property.~~

~~**D.** To call on any department for assistance in its duties and it shall be the duty of such departments to render all such assistance as may reasonably be required.~~

~~**E.** To amend the decisions of an administrative official where in cases where there are practical difficulties or unnecessary hardship in carrying out the strict letter of this ordinance regarding the preservation of trees on private property.~~

~~**F.** To compel attendance of witnesses at hearings and to administer oaths.~~

~~**G.** To prepare plans and programs on an annual basis that would promote the preservation of significant trees within the City.~~

SECTION 3.5: Other Advisory Bodies

From time to time, other boards or committees may be asked by the City Council to participate in an advisory capacity to planning or development projects or processes including but not limited to:

A. Recreation Advisory Committee

B. The Economic Development Committee

C. The Historic Preservation Commission

D. Waterfront Advisory Committee

Modifications to the exterior of any structures or the yards of any structures which are designated as local landmarks, or are within a legally recognized local historic district shall be reviewed and approved by the Historic Preservation Commission in accordance with review process adopted by the City.

SECTION 3.6: Department of Planning and Economic Development

3.6.1 Economic Development Director

The Economic Development Director shall have the following general duties:

A. Maintain the Official Zoning Map in good and useful condition and properly recording on the Map all of the amendments to the Ordinance that change boundaries of the Zoning District.

B. Process applications for all Public Hearings, Development Orders, Rezonings, Conditional Uses, Variances, and Home Occupations.

C. Provide information to the public and property owners related to growth management and zoning matters.

D. Issue letter of zoning compliance upon request.

E. Maintain records and maps on non-conforming uses, structures and undeveloped lots.

F. Provide staff for Planning Commission meetings, preparing routine staff reports and recommendations on zoning and planning matters to be heard by the

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Commission.

G. Keep permanent records of zoning decisions, Technical Review Committee decisions, and other zoning and development matters.

H. Act as advisor to the Planning Commission and the City Council on zoning and zoning-related matters including the preparation of staff recommendations on applications for rezoning, conditional use and variance applications.

I. Administer and advise City Council on all matters related to Flood Ordinance and Maps.

J. Enforce or assist in enforcing the provisions of the Unified Development Ordinance.

K. Grant certain Administrative Variances and Waivers pursuant to *Article IV.*

L. Issue Finding of Compatibility upon request for a Conditional Use-Minor.

3.6.2 Administrative Interpretation of this Ordinance

In addition the Economic Development Director shall also have the following responsibilities:

A. Interpretation of the Zoning Text, Zoning Map and Procedural Process

In the event there is a question concerning the general intent or meaning of any provision of this Ordinance text, or the positioning of district boundaries, or of district designation, or other matters relating to the Official Unified Development Ordinance, the Economic Development Director shall have the right to make such administrative decisions and interpretations. In making these interpretations, Economic Development Director shall:

1. Consider provisions of this Ordinance to be minimum requirements;

2. Make decisions construed in favor of the governing body and the overall community benefit;

3. Consider applicable Federal, State and Local laws, ordinances and standards;

4. Require application of the more stringent provisions wherever the provisions of this ordinance appear to impose conflicting provisions that cannot otherwise be reconciled.

B. Consultation with Appropriate Bodies or Persons

The Economic Development Director may from time to time defer interpretations to the appropriate Board and/or Governing Body.

C. Appeal from Planning and Economic Development Director's Decisions

Final action on an official interpretation of this Ordinance by the ED Director may be appealed in accordance with Section 3.7.

3.6.3 Building Official

Under the direction of, and in consultation with the Economic Development Director, the Building Official shall serve as the City's Building Official and shall issue official building permits. The Building Official may also be assigned other duties as determined by the Economic Development Director.

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SECTION 3.7: Appeals

Persons aggrieved with decisions of administrative staff ~~or decisions of the Planning Commission~~ may appeal the decisions.

3.7.1 Appeal of Administrative Decision

Appeals from written administrative decisions of the Economic Development Director in the administration and enforcement of the provisions of this Ordinance shall be heard by the City Planning Commission and the City Council. A Staff Decision Appeal shall be filed on the appropriate application form in the Department of Economic Development ~~within ten (10) days from the date of the decision with the Economic Development Director~~ outlining the circumstances and the grounds of the appeal. The Economic Development Director shall send the appeal application to the City Attorney for a Review of Legal Sufficiency. Once cleared by the City Attorney, the Economic Development Director shall place the Notice of Appeal on the agenda of the Planning Commission meeting. Appropriate fees shall apply.

Upon hearing such appeal the Planning Commission ~~may, in conformance with the provisions of these regulations,~~ shall make a recommendation to City Council to reverse, modify, or affirm, ~~or may modify,~~ wholly or partially, any order, requirement, decision, or determination of the Economic Development Director and/or his staff.

Upon receiving a recommendation from the Planning Commission, the appeal shall be placed on the next available City Council meeting agenda. The City Council shall render a decision to reverse, modify, or affirm the staff decision.

~~3.7.2 Appeal of Planning Commission Decision~~

~~In the event that an applicant is aggrieved by a decision of the Planning Commission, the applicant shall file a notice of appeal with the City Clerk within ten (10) days from the date of the renderings of the decision by said commission or board.~~

~~The notice of the appeal shall be in writing and shall contain the following:~~

- ~~**A.** The name, address and telephone number of the party instituting the appeal.~~
- ~~**B.** A brief statement which shall set out separately and particularly each error which the applicant asserts or intends to assert was committed by the Planning Commission. (No error not distinctly assigned shall be heard or considered on appeal.)~~
- ~~**C.** A complete transcript of the proceedings before the Planning Commission, at the expense of the appellant.~~
- ~~**D.** A request for oral argument or waiver of oral argument before the City Council.~~

3.7.3 Appeals to a Court of Law

An appeal from the decision of the City Council may be made as provided by law for appeals from any order of the governing authorities of a municipality.

SECTION 3.8: Enforcement of Unified Development Ordinance

The Unified Development Ordinance shall be enforced by the Economic Development Director or his/her designee. Where and when violations of the provisions of this Ordinance are found, the Economic Development Director or his/her designee shall notify in writing, by mail, the person or persons responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. The Economic Development Director or his/her designee shall order discontinuance of illegal use of land, buildings or structures; removal of

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illegal buildings or structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or to prevent violation of, its provisions.

3.8.1 Penalties for Zoning Related Violations

Zoning violations shall be considered to be a misdemeanor and fines may be assessed up to one hundred dollars ($100) per offense with each day constituting a new and separate offense.

3.8.2 Penalties for other sections of this Ordinance

Violation of any other section of this Ordinance other than zoning shall be punishable as a misdemeanor and fines may be assessed up to one thousand dollars ($1,000) per offense with each day constituting a new and separate offense.

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ARTICLE IV: GENERAL PROCEDURES

SECTION 4.1: Development Orders and Permits

This section sets forth application and review procedures required for obtaining development orders and permits as may be required. Procedures for appealing decisions also are provided.

4.1.1 Withdrawal of Applications

An application for development approval may be withdrawn at any time. Caution: The withdrawal of any application for development approval which occurs after the publication of any notices which may be required by this Code or other law will result in the application losing its relative position in priority for plan review and will require the applicant to resubmit its application at the initial step in the development review process required for the particular development. Such resubmittal will require payment of the necessary fees in order to activate the plan review process and reestablish relative position and priority for plan review.

Note: Nothing in this section shall be construed to prevent the Planning Commission or the City Council from delaying action or decision on any application. In the event the Commission or City Council votes to delay review or decision on any application, said application will retain its relative position and priority for plan review purposes.

4.1.2 Authorization for Development Permit

No development activity may be commenced without a final development order, except as provided by Section 4.1.4.

4.1.3 Prerequisites to Issuance of a Development Permit

No development order or permit shall be issued unless the proposed development activity:

A. Is authorized by a development order issued pursuant to this Code; and

B. Conforms to the building codes and fire codes as adopted by the City; and

C. Conforms to technical construction standards and any other engineering standard for stormwater, sewage, water, streets, traffic and other engineering concerns as may be adopted by the City of Gautier.

4.1.4 Exceptions to the Requirement for a Development Order

A construction permit may be issued without a development order if any of the following conditions apply:

A. Construction has begun or was approved prior to the adoption of this ordinance;

B. Alterations to existing improved properties that will not alter gross floor area, use of structure or land, or change/add to the impervious surface of the site;

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C. The construction or alteration of a one-or two-family dwelling on a lot in a valid recorded subdivision, approved prior to the adoption of this Code;

D. The resurfacing of a vehicle use area that conforms to all requirements of this Code;

E. A minor replat granted pursuant to procedures of this Code;

F. Clearing and grading of land:

1. Single-family lots: the clearing and grading is limited to the proposed development area. The applicant shall submit a site plan indicating the proposed development area prior to issuance of the clearing permit.

2. All other lots: the clearing and grading is limited to the proposed development area. The applicant shall submit:

a. A site plan indicating the proposed development area;
b. An existing tree survey with all trees of 12-inch diameter at breast height or greater;
c. A landscape plan, in accordance with this ordinance, which identifies the trees and landscaping to be replanted (reforestation, front perimeter, common areas, and soil erosion control) after the clearing and grading is completed;
d. An erosion and sedimentation control plan;
e. All applicable federal and state permits; and
f. A drainage plan, if requested by the Public Works Director.

G. All items identified within the submitted landscape plan must be planted within thirty (30) days after the completion of the clearing/grading. Clearing, grading, and replanting activities shall be completed within ninety (90) days of the issuance of the permit. Failure to satisfy these requirements will result in a code violation and the doubling of the required tree counts for the site; and

H. Minor alterations to existing improved properties that will alter gross floor area, use of structure or land, or change/add to the impervious surface of the site provided that:

1. The proposed change does not require additional parking spaces beyond those already existing on the site;

2. The proposed change cannot increase impervious surface area beyond seven hundred fifty (750) square feet. An increase in impervious surface up to seven hundred fifty (750) square feet must meet the requirements of the City's stormwater regulations;

3. The proposed change does not exceed "de minimus" level of service standards for concurrency.

General plan requirements must be provided at the time a building permit is submitted to the City.

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It is the intent of this subsection to exempt projects that adhere to the criteria listed in numbers 1, 2, and 3 above from the formal development order process, but not the requirements of the Unified Development Ordinance. This process moves the review of a project against the Unified Development Ordinance requirements from the Development Order stage to the Building Permit stage. A building permit cannot be issued for a project that does not meet the requirements of the Unified Development Ordinance.

4.1.5 Pre-Application Procedures

Prior to filing for a formal and scheduled review of proposed development plans, if required by this Code, by the Technical Review Committee, the applicant shall request the Economic Development Director, or designee, to set a time for discussion of the proposed development. Checklists appropriate to the proposed development shall be provided to the applicant by the Economic Development Director, or designee. In addition, the applicant shall be directed to the appropriate City departments or other agencies so that the applicant may obtain information from such department(s) and/or agency(s) prior to filing for formal review, if necessary, by the City Technical Review Committee.

Note: No comment made by any persons associated with the City during any pre-application conference or discussion shall be considered either as approval or rejection of the proposed development or development plans.

4.1.6 Designation of Plans as Minor or Major Developments

Before submitting a development plan for formal review, the applicant shall provide the City with sufficient information to make a determination as to whether or not the plan will be designated a major or minor development. For purposes of these procedures, all development plans shall be designated, in writing, by the Economic Development Director, or his designee, as either exempt from the development order process (in accordance with this ordinance), a minor development, or major development according to the criteria below.

A. Major development. A development order application shall be deemed a major development if it satisfies one or more of the following criteria:

1. Development order applications requesting Tier 3 approval.

2. Major subdivisions requiring the replat of more than 2 lots.

3. Major developments consisting of greater than 2.25 acres.

4. All planned unit developments (PUD's), unless located within the Corridor Overlay District’s designated lands qualifying for expedited permitting.

B. Minor development. A development plan shall be designated as a minor development if it is neither a major development nor a development order that is exempt under Section 4.1.4 of this Code.

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4.1.7 Procedures for Development Plan Review

All applications for a major or minor development order or a major or minor deviation to a development order shall be processed in a timely manner. This shall entail prompt review and responses from both the applicant and the members of the Technical Review Committee (TRC). No property shall have more than one development order application under review by the City at any one time. The applicant shall adhere to the following procedures when seeking approval for a major or minor development order or a major or minor deviation to a development order:

A. The applicant for a proposed development order shall submit a complete application package (i.e. application, development plans, applicable fees, etc.) to the Economic Development/Planning Department.

B. Within five working days of receipt of the application package for review, the Economic Development/Planning Department shall either:

1. Determine that the application package is incomplete and inform the developer, in writing, of the deficiencies. The applicant shall submit an amended application package within thirty (30) calendar days to maintain the application's relative position and priority for plan review. If the applicant fails to submit an amended application package within thirty (30) calendar days, the application does not maintain its relative position and priority for plan review; or

2. Determine that the application package is complete as received and proceed with the review procedures listed below.

C. The complete application package shall be placed on the agenda for the next scheduled meeting of the TRC.

D. The Economic Development/Planning Department shall post the subject property, place a copy of the TRC agenda on the City Bulletin Board at City Hall and ensure a copy is displayed on the City's website five (5) days before the meeting.

E. The Economic Development/Planning Department shall make available to each TRC member a copy of the application package prior to the scheduled TRC meeting. The application package shall at a minimum contain all information which is pertinent to the member's functional area(s).

F. The TRC shall review the proposed application package and submit comments, if any, in writing to the Chairman of the committee, who will be the Economic Development Director or designee, before or during the TRC meeting.

G. The TRC Chairman shall review the plan and comments of the TRC and determine whether the application complies with the requirements of this Code pursuant to guidance received from the TRC.

H. Following the required public notice and hearing, the TRC Chairman shall either approve, approve with conditions, approve with modifications or deny the application and shall:

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1. Determine conformity of the proposed development with the Comprehensive Plan, this Code, other applicable requirements and the items enumerated in (G) above.

2. Hear and address concerns and desires of surrounding landowners and other affected persons.

3. Consider any rule, objective or policy of the Comprehensive Plan or any other criterion applicable to the particular development proposals in formulating his or her recommendation to either approve, approve with conditions, approve with modifications or deny the application.

I. If the application has been approved with modifications at the public hearing, the applicant shall adhere to the procedures listed below until the TRC concludes that the application is approved, approved with conditions, approved with modifications or denied.

From the date of application, the applicant shall have not more than nine (9) months to obtain technical review approval of the project, unless the one (1) time three (3) month extension is approved as stated below. If technical approval is not received within nine (9) months from the date of application, the process shall start anew and the applicant shall be required to submit a new application package, complete with a new application, new plans, new fees, etc., to the Economic Development/Planning Department. The project shall be subject to all new regulations that are in effect at the time of the new application. The applicant may request one (1) three (3) month extension to the nine (9) month deadline during the entire review process. The request shall be in the form of a written letter indicating why the extension is needed. Requests for the one (1) time three (3) month extension shall be reviewed by the City Manager or designee, with a recommendation by the Economic Development Director or designee. The applicant shall receive a letter indicating whether or not the request has been granted or denied. If the request is denied, the letter must specifically indicate the reason(s) for such denial.

J. Once the TRC has come to a conclusion that the application is approved, approved with conditions, approved with modifications or denied, the application shall adhere to the requirements of Section 4.1.8 if it is classified as a major development or adhere to the requirements of Section 4.1.9 if it is classified as a minor development.

4.1.8 Major Developments

The following procedures, in addition to those listed in Section 4.5, shall apply to all major development order applications:

A. The Technical Review Committee (TRC) shall review the proposal and submit comments, if any, in writing to the Chairman of the Committee. Once the TRC has come to the conclusion that the proposal can be approved, approved with

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conditions, approved with modifications or denied, the Chairman shall forward each TRC member's written recommendation through the City Manager to the Planning Commission and City Council. In addition to the written recommendations of each TRC member, information provided to the Planning Commission and City Council shall include, but not be limited to, the following:

1. Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site and surrounding land uses.

2. Impact on concurrency requirements and level of service standards (LOS).

3. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas, if any; the preservation of natural features or protection of sensitive lands, if any; proposed parking areas; internal traffic circulation systems, if any; the approximate total ground coverage of paved areas and structures; stormwater management, and water and sewage distribution, collection and treatment systems.

4. Conformity of the proposed development with the Comprehensive Plan, this Code and other applicable regulations.

5. Other applicable factors, rules, regulations or criteria prescribed by the Comprehensive Plan, this Code or other law.

B. ~~Following the required public notice and hearing,~~ the City Council shall either approve, approve with conditions, approve with modifications or deny the Technical Review Committee's recommendation and shall:

1. Determine conformity of the proposed development with the Comprehensive Plan, this Code, other applicable requirements and the items enumerated in (A) above.

2. Hear and address concerns and desires of surrounding landowners and other affected persons.

3. Consider any rule, objective or policy of the Comprehensive Plan or any other criterion applicable to the particular development proposals in formulating its recommendation to either approve or deny the development proposal.

4. If the proposal is approved or approved with conditions, the City Council shall instruct the City Manager, or designee, to authorize the issuance of a development order that complies with Section 4.1.

5. If the proposal is approved with modifications, a development order may be authorized by the City Manager, or his designee, once the required modifications have been completed and approved by the appropriate TRC members.

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6. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code in the proposed development plan(s), the application will become null and void, the applicant will lose in-line priority consideration for concurrency. The applicant will have to submit a new application and start the review process over in order to secure consideration for approval of the proposal.

4.1.9 Minor Developments

The following procedures, in addition to those listed in Section 4.5, shall apply to all minor development order applications:

A. If the proposal is approved or approved with conditions, the Economic Development Director, or designee, shall authorize the issuance of a development order that complies with Section 4.1.

B. If the proposal is approved with modifications, a development order may be authorized by the Economic Development Director, or his designee, once the required modifications have been completed and approved by the appropriate TRC members.

C. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code in the proposed development plan(s), the application will become null and void, the applicant will lose in-line priority consideration for concurrency. The applicant will have to submit a new application and start the review process over in order to secure consideration for approval of the proposal.

4.1.10 Major or Minor Deviations to a Development Order

Deviations to a development order may constitute either a major deviation or a minor deviation. The following regulations establish the procedures for processing such deviations.

A. Deviations which have been determined as a minor deviation(s) shall necessitate a formal amendment of such order. Such an amendment shall be reviewed and processed pursuant to the requirements of Section 4.1.9.

B. Deviations which have been determined as a major deviation(s) shall necessitate a formal amendment of such order. Such an amendment shall be reviewed and processed pursuant to the following requirements:

1. Major deviations to an existing minor development order shall be reviewed and processed pursuant to the requirements of Sections 4.1.8 and 4.1.9. However, should the deviation satisfy any of the criteria set forth in Section 4.1.11, when combined with the initial approval and any other authorized deviations, the deviation shall then be reviewed and processed pursuant to the requirements of Section 4.1.12.

2. Major deviations to an existing major development order shall be reviewed and processed pursuant to the requirements of Sections 4.1.8.

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4.1.11 Simple Deviations to a Development Order

A simple deviation to a development order is a project that does not require review by the Technical Review Committee (TRC), but instead requires review only by City staff members involved in the development review process. Simple deviations to a final development order shall be determined by the Economic Development Director or designee using the following criteria:

A. Changes to the previously approved development plan cannot require approval by non-City staff members of the TRC

B. The proposed changes to the development plan only include rearranging or reducing, in accordance with Code provisions, any driveways/accessways, parking, impervious surface, stormwater management facilities, or buildings on the subject property.

Vending, whether permanent, temporary, or mobile, on the exterior of a developed site shall be considered a change of use and shall be processed as a simple deviation unless it does not meet the criteria listed in Subsections A. and B. listed above.

4.1.12 Development Order

Provided the development plan meets all requirements of the Unified Development Ordinance and Code of Ordinances the City shall issue a development order to the developer within seven (7) calendar days from the approval date of said development order application. The development order is not a construction permit. An approved development order is required prior to the City's issuance of any construction permit(s). A development order shall, as a minimum, include the following:

A. An approved final development plan with findings and conclusions;

B. A listing of federal, state or regional permits, if any, which must be obtained prior to the issuance of any development permit;

C. If modifications must be made to the development plan before a development order may be issued, a listing of those modifications and the time limit for submitting a modified plan (not more than fourteen (14) calendar days);

D. Notification that development shall commence within a twelve (12)month period and continue until completion in accordance with terms and conditions of approval;

E. If necessary to maintain concurrency, a schedule of construction phasing consistent with the availability of capacity of one (1) or more services and/or facilities;

F. If necessary or required, a schedule of public services or public facilities to be provided by the applicant, prior to the issuance of any certificate of occupancy or within specified time periods;

G. Any alternate service impact mitigation measures to which the applicant has committed in a recordable written instrument;

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H. A security in the amount of one hundred (100) percent of the cost of any public improvements required as a result of the anticipated impact of the development or as required by regulations in this Code or other law; and

I. Such other conditions as may be required to assure compliance with this Code, the Comprehensive Plan or other law.

SECTION 4.2: Procedures for the Coordination of Plat and Development Plan Approval

This procedure applies to all projects that require plat and development plan approval. This procedure is established to ensure efficient processing of approved developments seeking building permits and will also eliminate piecemeal plat approvals.

1. Plats and development plans may be processed simultaneously through the required approval procedures identified in this Ordinance for procedures for development plan review and procedures for subdivision or resubdivision of land.

2. If the applicant wishes to process these items (plat and development plan) separately, approval of the development plan will be required prior to the approval of the plat.

3. Projects approved prior to the effective date of this code that, as a condition, require plat approval prior to issuance of building permits are not affected by this Code. However, any requests for amendments to active development orders will not be processed until the required plat has been approved.

SECTION 4.3: Construction Permits

After a development order has been issued, the applicant may, within twelve (12) months of the issuance of the development order, apply for the necessary construction permits. The City shall issue the necessary construction permits if the proposed construction is consistent with and approved pursuant to the development order. If the application for a construction permit deviates from the development plan the City shall notify the applicant within five (5) working days of the construction permit application. Warning: If the applicant has not obtained a construction permit(s) within three hundred sixty-five (365) days of issuance of the development order, the development order is void and the application for plan approval must be re-initiated.

SECTION 4.4: Post-Permit Changes

After a construction permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of the development order without first obtaining a deviation to the order. Similarly, except for minor field modifications as may be allowed by the building codes and associated mechanical, electrical, plumbing, gas and fire safety codes, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of the construction permit without first obtaining a City-approved modification to the permit. Note: Construction standard field changes must be made available to the City Inspector for inspection purposes consistent with the building, mechanical, electrical, plumbing, gas and fire safety codes adopted by the City.

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SECTION 4.5: Building Permits

A. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the City Manager or his designee. No building permit shall be issued by the City Manager or his designee except in conformity with the provisions of this article.

B. No permit for erection, alteration, moving or repair of any building shall be issued until an application has been reviewed and approved by the Economic Development Director or his or her designee.

C. No nonconforming use shall be maintained until a certificate of zoning noncompliance shall have been issued by the City Manager or his designee. The certificate of zoning noncompliance shall state specifically wherein the nonconforming use differs from the provisions of this article; provided that, upon amendment of this article owners or occupants of nonconforming uses shall have six (6) months to apply for certificates of zoning noncompliance. In cases where nonconforming uses existed at the time of enactment of this Ordinance, certificates of zoning noncompliance shall be issued based upon facts stated in affidavits. Failure to make such application within six (6) months shall be presumptive evidence that the property was in nonconforming use at the time of the enactment or amendment of such ordinance.

D. The City Manager or his designee shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.

E. Upon application, the City Manager or his designee may issue up to a twelve (12) month permit for the temporary parking of a construction trailer on a lot during the construction of a permanent structure on such lot; the construction trailer is to be removed within two (2) weeks following the completion of construction. Extension of a twelve (12) month permit shall be at the discretion of the City Manager or his designee.

F. In addition to all other building permit requirements, all construction involving the paving or increasing of the impervious coverage of properties will require a building permit subject to City Engineer approval.

4.5.1 Application for Building Permit

A. All applications for building permits shall be accompanied by plans and a survey or plot plan in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and location on the lot of buildings or improvements already existing, if any; the location of any existing easements; and the location and dimensions of the proposed buildings or alterations. The application shall include only such other information as lawfully may be required by the City Manager or his designee, including existing or proposed uses of the building and land, the number of families, housekeeping units or rental units the building is designed to accommodate, conditions existing on the lot, and such matters as may be necessary to determine conformance with, and provide for the enforcement of, this article. The application shall be

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certified as correct by the applicant. Complete plans are not required for buildings which are exempt from requiring an architect's signature and seal by Mississippi Statutes. Architects' affidavits are required in accordance with the Building Code.

B. One (1) copy of the plans shall be returned to the applicant by the Building Official, after he shall have marked such copy either as approved or disapproved. One (1) copy of the plans, similarly marked, shall be retained by the City Manager or his designee for at least two (2) years.

4.5.2 Expiration of Building Permit

If the work described in any building permit has not been initiated within six (6) months after the date of issuance thereof, such permit shall expire. No further work as described in the expired permit shall proceed unless and until a new building permit has been obtained. Additionally, if work described in the building permit issued was commenced within six (6) months after the date of issuance thereof, then work must be substantially completed within one (1) year from the date of issuance.

4.5.3 Certificates of Conditional Use or Certificate of Occupancy

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the City Manager or his designee stating that the proposed use of the building or land conforms to the requirements of this article. Failure to obtain a certificate of occupancy shall be a violation of this ordinance.

4.5.4 Construction and Use to be as Provided in Application, Plans, and Permits

Building permits issued on the basis of plans and applications approved by the ~~City Manager~~ Director of Economic Development and Planning or his designee authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorization shall be deemed a violation of this article.

SECTION 4.6: Submittals

Applications for development review shall be available from the Economic Development/Planning Department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposed development plan. Signatures by other parties will be accepted with notarized proof of authorization by the owners. In the case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal.

4.6.1 General Plan Requirements

All preliminary and final development plans submitted pursuant to this code shall conform to the following standards:

A. All plans shall be drawn to a scale of one (1) inch equals twenty (20) feet, unless the City Manager, or his designee, determines that a different scale is sufficient or necessary for proper review of the proposal.

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B. For all multifamily residential and all nonresidential development proposals, the trimline sheet size shall be 24 inches by 36 inches (24" x 36"). A one-half (1/2) inch margin shall be provided on all sides except for the left binding side(s) where a two (2) inch margin shall be provided if multiple sheets are used.

C. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.

D. The front cover sheet of each plan shall include:

1. A general vicinity or location map drawn to scale showing the position of the proposed development in the section, township and range, together with the principal roads, City limits, and any other pertinent orientation information.

2. A complete legal description of the property.

3. The name(s), address(es) and telephone number(s) of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.

4. The name, business address and telephone number of those individuals responsible for the preparation of the drawing(s).

E. Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow and date.

F. The plan shall show the boundaries of the property with a metes and bounds description referenced to a section, township and range and tied to a section or quarter section or subdivision name and lot numbers.

G. The area of the property shown in square feet and acres.

H. The applicant shall submit a sufficient number of copies of the proposed plans, as determined by the Economic Development/Planning Department, necessary to complete the review.

I. Applicants for all developments shall submit sufficient documentation which clearly conveys the required information. It is the responsibility of the developer (applicant) to submit sufficient information in a form that allows ready determination of whether the requirements of this code have been met.

J. Unless otherwise noted, plans for all development projects shall contain:

1. The location of existing property or right-of-way lines, both for private and public property, streets, buildings, transmission lines, sewers, sidewalks, airports, bridges, culverts, drainpipes, water mains, fire hydrants, and any other public or private easements.

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2. Any land rendered unusable for development purposes by deed restrictions or other legally enforceable covenants or limitations.

3. All watercourses, water bodies, floodplains, wetlands, important natural features, wildlife areas, soil types and vegetative cover on or adjacent to the site.

4. The location of environmentally sensitive lands designated by the Army Corps of Engineers, if any.

5. Existing land use, the zoning district of the subject site, and the land use category under the Comprehensive Plan.

6. The location and intensity or density of the proposed development.

7. A general parking and circulation plan.

8. Points of ingress and egress and any planned public or private roads, rights-of-way, pedestrian ways, bicycle paths or transportation facilities.

9. The existing and proposed stormwater management systems on the site and proposed linkage, if any, with existing or planned public stormwater management systems.

10. Proposed location and sizing of potable water and wastewater facilities to serve the proposed development.

11. Proposed open space areas on the development site and types of activities proposed to be permitted on such open space areas.

12. Lands to be dedicated or transferred to a public or private entity and the purposes for which the lands will be held and used.

13. A description of how the plan mitigates or avoids potential conflicts between land uses including a compatibility review (if required) as provided in Article V Zoning Districts and Specific Regulations.

14. Architectural elevations of all buildings sufficient to convey the basic architectural intent of the proposed improvements.

15. A soils map of the site.

16. A recent aerial photograph encompassing the project area and identifying the project area and total land areas. The scale shall be no smaller than one (1) inch equals four hundred (400) feet.

17. A map of vegetative cover including the location and identity, by common name, of all protected trees.

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18. A topographic map of the site clearly showing the location, identification and elevation of benchmarks, including at least one (1) benchmark for each major water control structure.

19. A map showing the locations of any soil borings or percolation tests as may be required by this Code.

20. The location of any underground or overhead utilities, culverts and drains on the property and within one hundred (100) feet of the proposed development boundary.

21. The special flood hazard area elevation boundaries where appropriate.

22. Total area calculation with percentage of total site to be covered by impervious surface(s) and landscaping.

23. Grading plans specifically including perimeter grading.

24. Construction phase lines.

25. Building plans showing the location, dimensions, gross floor area, floor plan for multifamily residential structures including hotels and motels, and proposed use of buildings. For the purposes of this criteria, hotel and motel dwelling units are considered residential floor space.

26. Building setback distances from property lines, abutting rights-of-way and all adjacent buildings and structures.

27. Minimum floor elevations of buildings within the special flood hazard area, if any.

28. The location, dimensions, type, composition and intended use of all accessory structures.

29. The location and specifications of any proposed refuse dumpsters or containers.

30. Cross sections and specifications of all proposed pavement.

31. Typical and special roadway and drain sections and summaries of quantities.

32. Information sufficient to determine compliance with the landscape and tree protection regulations of this Code.

33. The location, accompanied by all necessary drawings, construction plans, wiring plans, etc., of all proposed signs.

34. The proposed number, minimum area and location of lots, if the development involves a subdivision of land.

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35. All lots shall be numbered either by progressive numbers or in blocks progressively numbered or lettered except that blocks in numbered editions bearing the same name may be numbered consecutively throughout several editions.

36. All interior excluded parcels shall be indicated and labeled accordingly.

37. All contiguous property shall be identified by development title, plat book and page, or if the land is unplatted it shall be so designated.

38. Total number and type of residential units categorized according to number of bedrooms. The total number of residential units per gross acre shall be given.

39. Location of on-site potable water wells, if any, and potable water wells within two hundred (200) feet of any property line, if any.

40. Restrictions pertaining to the type and use of existing or proposed improvements, waterways, open spaces, buffer strips and the like shall require the establishment of restrictive covenants and such covenants shall be submitted with the final development plan for recordation.

41. If the development includes private streets, an ownership and maintenance association document shall be submitted with the final development plan and the dedication contained on the development plan shall clearly indicate the roads and maintenance responsibility to the association without recourse to the City or any other public agency.

42. If the development is to be phased for any reason, a master plan for the entire project shall be submitted with the development plan for the first phase or phases for which approval is sought. In addition, a schedule indicating approximate development phasing, including the sequence for each phase, shall be included.

43. The manner in which historic and archeological sites on or near the site will be protected.

Section 4.7: Procedures for Subdivision or Resubdivision of Land

4.7.1 Generally

A. These regulations shall be administered by the planning and engineering departments. It is the responsibility of such planning and engineering departments to carry out the provisions of this section and make recommendations as to the suitability of proposed subdivisions.

B. Except as provided by Section 4.8, no person shall divide any parcel of property into two (2) or more parcels without complying with the provisions of this section.

4.7.2 Preliminary Approval

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A. Preliminary approval is not required. However, the developer is encouraged to request preliminary approval whenever the developer is not certain that the proposed subdivision will meet all requirements of applicable laws and regulations. Preliminary submittals shall consist of three (3) copies of drawings or other data indicating the concept of the proposed subdivision. The Economic Development Director or designee will return comments, if any, from the Technical Review Committee to the developer.

B. The public hearing, after due public notice is fulfilled for the preliminary approval process and any later consideration on preliminary or final approval, may be considered without readvertising under old business.

C. Upon preliminary approval the developer may proceed with producing the required documents and request final approval.

D. If the proposed subdivision is disapproved upon consideration for preliminary approval, before further consideration the developer must resubmit his plans as a completely new design indicating substantial differences from the disapproved design.

4.7.3 Final Approval

No lot proposed to be created shall be sold or offered for sale until a Final Plat has been approved by the appropriate City staff or board pursuant to Section 4.1.6 and recorded with the Office of the Chancery Clerk of Jackson County.

4.7.4 Agreement with Preliminary Plat

If a Preliminary Plat is approved, the Final Plat shall agree substantially to the Preliminary Plat and construction plans as approved by the City. The Technical Review Committee may approve minor modifications of the approved Preliminary Plat provided such modifications are consistent with conditions or changes requested by the City Council or the members of the Technical Review Committee.

4.7.5 Filing of Final Plat with City

Upon completion of construction, the subdivider shall submit three (3) sets of the Final Plat. Said Final Plat/Record Drawings shall appropriately bear the certifying signature and seal of a professional land surveyor and/or engineer registered in the State of Mississippi.

4.7.6 Agreement with Preliminary Plat and Construction Plans

The Final Plat shall agree substantially with an approved Preliminary Plat. The Technical Review Committee may approve minor modifications of the approved Preliminary Plat provided such modifications are consistent with conditions or changes requested by the Council or the members of the Technical Review Committee.

4.7.7 Material which must accompany Final Plat

The following must be submitted at the time of Final Plat submittal:

A. Two (2) copies of the proposed deed restrictions or Restrictive Covenants which, directly affect the land being subdivided

B. Electronic version of Final Subdivision Drawings in AutoCAD format recorded on a compact disk

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4.7.8 Final Plat Specifications

A. The Final Plat shall be drawn in permanent ink on linen, mylar or other material of similar quality and durability. Three (3) linen backed prints of the original plat and one (1) sepia or other reproducible copy shall be submitted. In case of conflict between these regulations and the laws, regulations or statutes of Jackson County, the State of Mississippi or the United States government, the county, state and federal statutes shall prevail.

B. The Final Plat shall be drawn at a scale of one (1) inch equals one hundred (100) feet. Sheet size shall be eighteen inches by twenty-four inches (18" x 24"). If the complete plat cannot be shown on one (1) sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of the same size.

4.7.9 Required on Final Plat

A. Name of subdivision

B. Name and address of the owner and subdivider

C. Title, graphic, scale, north arrow, date and engineer or surveyor's seal on each sheet

D. Primary control points, approved by the City Consulting Engineer, or descriptions and "ties" to such control points to which all dimensions, angles, bearings and similar data on the plat shall be referenced.

E. Tract boundary lines, right-of-way lines of streets, easements and other sites with accurate dimensions, bearings or deflection angles and radii, arc and central angles of all curves. A written description of tract shall be placed on plat.

F. Name and right of way width of each street and clear designation of public alleys and other right of way

G. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use, and a dedication thereof to the public use

H. Accurate dimensions for any property to be used for non-residential lots, and the purpose of such lots

I. Location, dimensions and purpose of any easements

J. Block and lot numbers

K. Building envelope on each lot (Showing required front, side and rear yards)

L. Location and description of boundary monuments

M. Reference to recorded subdivision plats of adjoining platted land by record name, book and page number

N. The following notes shall be included on the Final Plat: (a) Wetland, (b) SWPPP, and (c) Easement

O. Any other data required by the Statutes of Mississippi or City of Gautier, relating to subdivision plats.

P. Plat Certificates

4.7.10 Final Plat Certificates

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Each Final Plat shall carry the following certificates thereon:

A. Certification by professional land survey that the plat was prepared by the surveyor or under the surveyor's supervision, signed and dated by the surveyor and bearing the surveyor's Mississippi registration number and seal

B. Certification by owner or owners that he or they is/are the owner(s) of record of the land embraced in the development

C. Certification by owner, which sets forth, the description of right-of-way, areas and improvement dedicated by the owner to the public and extent of title, which is being dedicated

D. Certification of approval of Final Plat by the City Consulting Engineer

E. Certification of Comparison of the original and all copies

F. Certification of Final Acceptance by the City of Gautier City Council

G. Certification of Recordation by the Office of the Chancery Clerk of Jackson County

4.7.11 Review by Staff

A. After the appropriate city departments have had the opportunity to confirm the accuracy and adequacy of the Record Drawings and the subdivider has remedied any identified deficiencies – either in the drawings or the work, each department head shall indicate concurrence by signature. Requisite departmental reviews shall include Economic Development/Planning, Public Works and Fire Departments.

B. Upon securing the requisite signatures, the Economic Development/Planning Department shall prepare the Final Plat/Record Drawings for submittal to the City Council and appropriately schedule its presentation.

4.7.12 Approval by City Council

If the plat is found to substantially conform to relevant city ordinances and relevant state and federal regulations, the City Council shall approve the plat, and shall cause its approval to be entered on the plat as required. After affirmative City Council action, the Economic Development/Planning Department shall appropriately advise the subdivider.

4.7.13 Recording of Final Plat with Chancery Clerk

A. Upon approval by the City Council, the subdivider shall be responsible for recording the plat, the restrictive covenants, and any other pertinent agreements required by the City Council in the Office of the Chancery Clerk of Jackson County within sixty (60) days of the date of approval by the City Council.

B. A copy of the approved Final Plat/Record Drawings will be retained in the Economic Development/Planning Department.

C. Failure of the subdivider to record the Final Plat within the required filing period shall nullify the final platting process and shall require resubmittal of the Final Plat for approval by the City Council.

SECTION 4.8: Minor Replats/Minor Subdivisions

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Where development involves a minor replat or minor subdivision as defined in Article II, the City may issue a construction permit without requiring a final development order. However, City approval of the minor replat or minor subdivision is required prior to the issuance of a construction permit. Minor replats or minor subdivisions follow the procedures outlined in this subsection only.

A. Submittals consisting of an application and supporting documentation (agent affidavit, proof of ownership, etc.), three (3) copies of drawings and other data indicating the concept of the proposed subdivision shall be delivered to the Economic Development/Planning Department. The City Manager or designee will return comments, if any, to the developer.

B. Prior to approval of a minor replat or minor subdivision by the City Manager or designee, the following standards shall be met:

1. Each proposed lot must conform to the requirements of this Code, and other adopted ordinances of the City.

2. If any lot abuts a street right-of-way that does not conform to the design specifications provided in this Code, the owner may be required to dedicate one-half (½) the right-of-way width necessary to meet the minimum design requirements.

C. After receiving City approval, the developer is required to record the minor replat or minor subdivision in the official county records at no expense to the City. After recording, one (1) recorded mylar copy size 24 inches by 36 inches (24” x 36”), two (2) paper copies of the recorded copy size 24 inches by 36 inches (24” x 36”), two (2) reduced paper copies of the recorded copy size 11 inches by 17 inches (11” x 17”) and one (1) copy of the recorded homeowners association documents, if applicable, shall be filed with the Economic Development/Planning Department within ten (10) days.

D. If the proposed subdivision is disapproved, upon final consideration, before further consideration, the developer must resubmit his plans as a completely new design indicating substantial differences from the disapproved design.

SECTION 4.9: Guarantees and Sureties

Applicability. The provisions of this section apply to all proposed developments in the City, including, but not limited to, subdivisions, PUD's, private road subdivisions and private developments.

A. Nothing in this section shall be construed as relieving the developer or applicant of any requirement relating to concurrency or maintenance of level of service as may be required by this ordinance or the Comprehensive Plan.

B. Any item which may be deemed as a health, safety and welfare issue by the City Manager, or his or her designee, is not subject to the posting of security/surety.

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C. Infrastructure items are the only items which are subject to the posting of a security/surety. No buildings or portions thereof shall be applicable for the posting of security/surety under this section. Securities/sureties may be posted for provisions of the landscape plan in accordance with this ordinance.

D. The City retains the right to refuse an applicant or developer the option of posting security/surety based upon the past performance of an applicant.

4.9.1 Improvements, Agreements Required.

Improvements, agreements required. The approval of any development plan shall be subject to the developer providing assurance that all required improvements, including, but not limited to, storm drainage facilities, streets and highways, water and sewer lines, street lights, signage, striping, parking facilities, sidewalks, open space and recreation facilities shall be satisfactorily constructed according to the approved development plan.

A. The following information shall be provided by applicant:

1. Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.

2. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. The term shall not exceed five (5) years from the recording of the plat or thirty (30) percent occupancy of the development, whichever comes first. NOTE: Nothing in this section shall be construed to relieve the applicant of meeting any concurrency requirements applicable to the project.

3. The projected total cost for each improvement. Cost for construction shall be proposed by an estimate prepared and provided by a Mississippi-registered Professional Engineer (signed, sealed and dated).

4. Specification of the improvements to be made together with the time table for making improvements.

5. Agreement that upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making said improvements, the City shall utilize the security/surety provided in connection with the agreement.

6. The amount and type of security/surety provided to insure performance.

7. Provisions that the amount of the security/surety may be reduced periodically as construction proceeds and improvements are made.

8. All developers upon application shall sign an agreement to indemnify and hold harmless the City, its officer, employees and agents who perform improvements not fulfilled by the developer or owner as identified in security/surety documents.

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9. Developers agree to provide property access to City employees and/or their authorized agents who perform improvements not fulfilled by the developer or owner and identified in security/surety documents. Property access will be unrestricted to areas necessary to complete necessary work elements.

10. Prior to release of bond or security/surety, the City shall review the project account records for any unpaid invoices or fees due to the City. All developers and applicants agree and consent to the City recovering all unpaid invoices and fees from the security/surety prior to the release of security/surety.

B. Amount and type of security/surety:

1. The City Manager, or his or her designee, shall be responsible for determining the adequacy of the security/surety proposed to be provided by the developer. Should the security/surety be forfeited and, for any reason, the funds from the security/surety are not sufficient to complete all required work, the developer and/or contractor shall be responsible for any fund amount above the original surety, security or any other form of guarantee.

2. Security/Surety requirements may be met but are not limited to the following:

a. Deposit in the form of Cash, Certified Check, Cashier's Check or Money Order (required for Certificate of Occupancy);

b. Irrevocable letter(s) of credit (Commercial/Designated Places of Assembly/Multi-Family only);

c. Performance or surety (insurance) bond(s) issued by insurance companies licensed to do business in the State of Mississippi (Commercial/Designated Places of Assembly/Multi-Family, subdivision, P.U.D., Plat release only); or

d. Certificates of Deposit issued by State or Federally licensed banks provided that the Certificate of Deposit can be converted to cash (or any other asset) only with the prior approval of the City (for Commercial/Designated Places of Assembly/Multi-Family only).

NOTE: Interest earned on the Certificate of Deposit shall be retained by the applicant if the applicant completes the required improvements secured by the Certificate of Deposit within the time limits established in the Final Development Order. The City shall retain all interest earnings on the Certificate of Deposit if, for any reason, the City is required to use the Certificate of Deposit, or any portion thereof, for completion of improvements required of the applicant. Use of this technique will require evidence of agreement between the applicant, the bank issuing the Certificate of Deposit, and the City.

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3. The amount of security/surety for single family residential development shall be a minimum of fifteen hundred dollars ($1,500) or one hundred percent (100%) , whichever is greater, of the total construction costs for the required improvements (public and private). The amount of security/surety for all other developments shall be a minimum of five thousand dollars ($5,000)or one hundred percent (100%) , whichever is greater, of the total construction costs for the required improvements (public and private). Upon approval of the City Manager, or his or her designee, the amount of security/surety may be reduced commensurate with the completion and final acceptance of required improvements not more than once during the term of the improvements. In no case, however, shall the amount of the security/surety be reduced to less than the designated minimum, necessary for completing the remaining required improvements. The following conditions also will apply to the posting of any security/surety:

a. Amount of security/surety which will be permitted shall not exceed ten percent (10%) of the project cost provided on the building permit application.

b. Administrative fee of two hundred fifty dollars ($250) shall be assessed and paid at the time of application and post of security/surety. The Administrative fee does not include any inspection fees.

c. Security/surety handling fee of ten percent (10%) of the total amount of security/surety shall be assessed and paid prior to reduction or release of said security/surety.

d. Inspection fees are outlined in most current fee resolution and shall be assessed and paid prior to reduction or release of security/surety.

4. Security/surety documents must reflect the names of the subdivision or planned unit development and the developer and developer's authorized agents.

5. Security/surety shall be provided prior to the issuance of the final development order.

6. Expiration of surety may be extended in time, not more than two (2) occasions for a total of sixteen (16) months, after which the security/surety shall be forfeited in accordance with this section. Extension of time shall be based on merits of completion of bonded items as inspected and determined by the City Manager or his or her designee.

C. Inspection of improvements:

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1. Inspection of the following phases of construction may be conducted by the Public Works Director. These phases shall be inspected and certified by the developer's engineer:

a. Subgrade or stabilized subgrade;
b. Curbs and concrete work;
c. Roadway base;
d. Surface course;
e. Drainage structures and systems.

2. The developer's engineer shall provide certification(s) that all infrastructure, including potable water and wastewater systems, have been constructed in accordance with the approved development plan. Testing documentation shall be provided to the Public Works Director, along with copies of MSHO (spell out) and Mississippi Department of Environmental Quality certification(s). Inspection by the developer's engineer will not preclude the Public Works Director from inspecting any and all aspects of construction.

3. The Public Works Director shall be given forty-eight (48) hour advance notification of scheduled inspections.

4. The Public Works Director shall have the authority to reject materials or suspend work when not in conformity with approved plans and specifications.

5. If a developer does not schedule any inspections required by this section, the inspection fees for that unscheduled inspection shall be triple the usual inspection fee.

D. Procedures for acceptance by the City

1. Preliminary acceptance. Preliminary acceptance of physical improvements is subject to:

a. Within two (2) weeks prior to presentation to City Council for preliminary acceptance, the Public Works Director shall inspect the facilities, review all documentation, including test data, submitted by the developer and determine that the project improvements were built to approved plans and specification.

b. The developer has posted the required security/surety as specified in section 4.9 to insure maintenance for a period of one (1) year from the date of preliminary acceptance by the City Council. The security/surety provided for the installation of physical improvements shall not expire until the installation of physical improvements has been preliminarily accepted by the City. Responsibility of acquiring preliminary acceptance shall be the developer's.

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2. Permanent acceptance. The infrastructure will not be permanently accepted into the City's maintenance program until all defects are corrected by the developer within sixty (60) days of notification of deficiencies by the Public Works Director. In addition, failure to make required corrections specified by the Public Works Director shall result in a forfeiture of securities/sureties. Responsibility for acquiring permanent acceptance shall be the developer's.

3. The City of Gautier shall establish an administrative procedure for the acceptance of developments in the City. These developments shall include, but not be limited to subdivisions, planned unit developments (PUD's), private road subdivisions and private developments.

E. Maintenance of improvements (subdivisions, planned unit developments (PUD's), private road subdivisions or private developments).

1. A maintenance agreement and security/surety shall be provided for all streets to assure the City that all required improvements shall be maintained by the developer according to the requirements of this Code, including but not limited to roads, streets, stormwater drainage, sidewalks, street lights, open space and recreation areas.

a. There shall be a minimum maintenance period of one (1) year.

b. The maintenance period shall begin with the preliminary acceptance by the City Council of construction of the improvements.

c. During the maintenance period, the developer shall schedule bi-annual inspections to be done jointly by the City Engineer and a representative of the developer. These inspections shall be scheduled at mid-year and prior to permanent acceptance by the City Council. The City Engineer shall advise the developer, in writing, of any corrective measures to be made during the maintenance period. It shall be the developer's responsibility to make required corrections prior to the expiration of the maintenance security/surety.

d. The security/surety shall be in an amount equal to twenty-five (25) percent of the construction cost of the improvements and will be held for a period of eighteen (18) months or upon permanent acceptance, whichever is greater.

2. Whenever proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the City, a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.

a. When the proposed development is to be organized as a condominium, common facilities and property shall be conveyed to the condominium association pursuant to that law.

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b. When no condominium is to be organized, an owner's association shall be created, and all common facilities and properties shall be conveyed to that association.

c. When a development requires an owner's association, proof of the establishment of the association must be filed with the Economic Development Director prior to a development order being issued. A recorded copy of the documents must be provided to the City before preliminary acceptance.

d. The developer shall submit a proposed infrastructure maintenance plan and budget. The proposed budget must be submitted for review by the Public Works Director.

3. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the City shall be created by covenants running with the land. Such covenant shall be included with the Final Plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the City.

SECTION 4.10: Future Improvement Payment

The provisions of this section apply to all proposed developments in the City of Gautier or adjacent to public rights-of-way.

A. Nothing herein shall be construed as relieving the developer or applicant of any requirement relating to concurrency or maintenance of level of service as may be required by this Code or the Comprehensive Plan.

B. This section does not modify existing agreements between a developer and the City for final development orders granted prior to the effective date of this section.

C. This section shall apply to situations when improvements cannot be installed or constructed within a public right of way, easement, or City owned property within the City of Gautier, due to circumstances outside of the City of Gautier or the developer's immediate control. Examples of such situations include, but are not limited to, improvements to and along the U.S. Highway 90 corridor and unimproved public rights of way within the City of Gautier and when a City improvement schedule coincides with an adjacent development.

4.10.1 Improvements Required

The approval of any development plan shall be subject to the developer providing an assurance payment that all required improvements within a public right-of-way, easement, or City owned property, including, but not limited to, sidewalks, pedestrian tracks or pathways, signage other than traffic control, handrails and permanent striping will be constructed according to the approved development plan at an undisclosed later date by the City of Gautier. The following information shall be provided by the developer:

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A. The projected total cost for each improvement. Cost for construction shall be proposed by a signed and sealed and dated estimate prepared and provided by the developer's Mississippi Professional Engineer.

B. The amount and type of payment provided to assure construction.

4.10.2 Amount and Type of Future Improvement Payment

A. The City Manager, or his or her designee, shall be responsible for determining the adequacy of the amount of the payment proposed to be provided by the developer.

B. Payment requirements shall be one of the following:
1. Certified check;
2. Cashier's check;
3. Money order; or
4. Cash.

C. The amount of payment shall be one hundred percent (100%) of the total construction cost for the required improvements ("future improvement payment").

D. In addition to the future improvement payment, developer shall pay an administrative fee.

4.10.3 Sufficiency of Future Improvement Payment

A. The payment shall be made prior to the issuance of a development order for commercial projects or a building permit for residential projects.

B. At such time that the improvements can be made to the public right-of-way, easement, or City-owned property, the City shall construct such improvements and use the future improvement payment to pay for the costs of the improvements. After completion of the improvements, any unused portion of the future improvement payment shall be returned to developer. If the future improvement payment is not sufficient to pay for the improvements, developer shall pay any shortfall to the City.

4.10.4 Final Development Order and Extension of the Commencement of Construction Deadline

A final development order is valid for a period of two (2) years from the date of issuance. However, a building permit must be issued for either the construction of infrastructure or construction of the entire project and construction must commence within said two (2) year period after which the permitted development activity may be completed provided the conditions of this section continue to be satisfied. If a building permit is not issued within two (2) years from the date of issuance of the final development order or a building permit is issued and construction has not commenced within two (2) years from the date of issuance of the final development order, then the development order becomes null and void. "Construction of infrastructure" shall be defined as site work, grading, or other construction activity (not including land clearing and grubbing or demolition of existing structures) related to installation of

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roadways, access drives, parking lots, underground utilities, stormwater or drainage facilities, or building foundations. If construction activity ceases for a period of one (1) year after a building permit for construction of the infrastructure or construction of the entire project has been issued, the development order will be considered null and void. No extensions to this deadline shall be allowed, except as set forth in section 4.11.

SECTION 4.11: Criteria for a Request to Extend the Two (2) Year Deadline to Obtain a Building Permit and Commence Construction

An applicant who desires to extend the two (2) year deadline shall submit a written request to the Economic Development/Planning Department, no less than thirty (30) days, prior to the expiration of the two (2) year deadline to obtain a building permit and commence construction.

A. An applicant may receive only one (one) extension, and such extension shall not exceed one (1) year.

B. As a condition of approval for such an extension, the applicant's project shall meet any and all applicable code requirements that were adopted subsequent to the approval of the final development order for which an extension is being requested. The applicant will have to file an application, to amend to the previously approved development order, with the City prior to the issuance of any City permit for the subject property.

4.11.1 Determination Regarding Request for Extension
All applications for extensions shall be reviewed by the Economic Development Director with input from the appropriate Technical Review Committee members for approval, approval with conditions, or disapproval.

4.11.2 Establishing an Application Fee
The City reserves the right to establish, by resolution, an application fee, for processing and reviewing requests for extensions of time.

SECTION 4.12: Development Agreements

A development agreement may provide that the entire development or any phase thereof be commenced or concluded within a specific period of time. All development agreements shall, at a minimum, include the following:

A. A legal description of the land subject to the agreement.

B. A statement identifying the legal and equitable interest of all persons having any interest in the property described in (A) above. The statement of ownership interests of any joint ventures, partnerships or corporations shall reveal all principals or directors and officers, as appropriate. Such statements shall be certified by a title company or an attorney-at-law licensed to practice in the State of Mississippi.

C. The duration of the agreement, which shall meet the terms set forth in subsection 4.12.1 of this section.

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D. The development uses permitted on the land, including population densities, and building intensities and height.

E. The land use designation under the City's Comprehensive Plan for all property included within the terms of the proposed agreement.

F. The current zoning classification of the property.

G. A description of public facilities that will service the development, including who shall provide and maintain such facilities.

H. The date any new facilities, if needed, will be constructed.

I. Schedule to assure public facilities are available concurrent with impacts of the development.

J. Description of any reservations or dedications of land for public purposes.

K. Description of all local development permits approved or needed to be approved for the development of the land.

L. A finding that the development permitted or proposed is consistent with the City's Comprehensive Plan and land development regulations.

M. Description of any conditions, restrictions, terms, or other requirements determined to be necessary by the City for the public health, safety or welfare of its citizens.

N. Statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction, shall not relieve the development of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions.

4.12.1 Duration of Development Agreements

The term of a development agreement shall not exceed five (5) years. A development agreement may only be extended by mutual consent of the City Council and the developer, subject to public hearings in accordance with Section A, below.

A. General requirements for notices and hearings:

1. Before entering into, amending, modifying, canceling, or revoking a development agreement, the City shall conduct at least two (2) public hearings, one (1) of which shall be held by the Planning Commission prior to a final public hearing before the City Council.

2. The day, time and place at which the next scheduled public hearing will be held shall be announced at the prior public hearing.

3. Notice of intent to consider a development agreement at a scheduled public hearing shall be provided by advertising the required notice in a newspaper of general circulation and readership in Jackson County

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approximately seven (7) days before each public hearing on the application.

4. Required notice of intent to consider a development agreement shall specify:

a. The time, place, and location of the scheduled hearings (2);
b. The location of the land subject to the development agreement;
c. The development uses proposed on the property, including the proposed population densities and proposed building intensities and height; and
d. Instructions for obtaining further information, including the place(s) where a copy of the proposed agreement can be obtained.

4.12.2 Development Agreement Procedures

Applications requesting consideration by the City of a developer's proposed or amended development agreement shall be submitted on such forms as may be provided by the City. In addition to the information required by section 4.12, the application shall contain such information as is reasonably necessary to process and fully consider the application.

Application packages shall be accompanied by such fees and charges as may be imposed by the City Council by resolution for proper filing and processing.

Payment of application fees, submission of applications, engineering plans, surveys or any other expenditures shall not vest any rights to complete development or to obtain any requested zoning or land use classification amendments.

4.12.3 Negotiation of Development Agreements

The City Manager and City staff shall review the developer's application package and negotiate such further terms and conditions as the City Manager shall deem to be appropriate and necessary to protect the public's interest, safety, health or welfare.

Once a tentative agreement has been reached as to the terms and conditions of a development agreement, or further negotiations are not anticipated or will not reach a consensus on the development agreements' terms or conditions, the City Manager and staff shall draft a report, including any recommendations, to the City Council for consideration along with the tentative agreement.

The existence of a tentative agreement, staff report or recommendation shall not be sufficient governmental acts upon which reliance may be placed, such that further expenditures by a developer would vest any right to continue development; nor shall such actions constitute partial performance entitling the owner to a continuation or extension of the development agreement.

4.12.4 Adoption, Amendment, Extension, Modification, Revocation and Cancellation Procedures

Following such notice and public hearings as may be otherwise required, the City Council by majority vote, may act to adopt, amend, extend, modify, revoke or cancel any proposed or existing development agreement.

Where mutual consent is required by law, the City Council may act to authorize such consent prior to all other parties so doing only upon the condition that the act is not complete or official

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until a binding agreement is contemporaneously signed by the Mayor and the representatives of all other parties.

4.12.5 Recording the Development Agreement

Within fourteen (14) days after the City enters into, extends, amends, modifies, revokes, or cancels a development agreement, the City Clerk shall have the agreement or the action on the agreement recorded with the Chancery Clerk Court in the Official Records of Jackson County.

Prior to the City's review of the status of a development agreement, the developer or property owner shall, within fourteen (14) days of the City's annual review of the development agreement, submit to the City a progress report indicating all activities and achievements since the execution of the development agreement and, if applicable, since the previous periodic report.

The City may review the land and progress of development subject to the development agreement at least once every twelve (12) months to determine if there has been compliance with the terms and conditions of the development agreement during the period under review. The agreement shall continue in force as is, pending the next review.

If, as part of its review, the City makes a finding on the basis of substantial competent evidence that there has been a failure to comply with the terms of the development agreement, the City, following the notice and hearing provisions, may:

A. Modify the agreement as necessary to obtain and ensure compliance with the terms of the agreement; or

B. Revoke the agreement in order to protect the public's interest, health, safety or welfare.

4.12.6 Amendment, Modification, Extension, Revocations and Cancellation of Agreements

In addition to being extended pursuant to Section 4.12.4 development agreements may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest upon proper notice and hearing set forth in section 4.12.4.

In the event state or federal laws are enacted after the execution of a development agreement which are applicable to and preclude the parties' compliance with the terms or conditions of a development agreement, then such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws upon proper notice and hearing set forth in section 4.12.1(A).

4.12.7 Legal Status of Development Agreements

The burdens of a development agreement shall be binding upon, and the benefits of the agreement shall inure to all successors in interest to the parties to the agreement.

The City's regulations and policies governing the development of land in effect at the time of execution of a development agreement shall govern the development of all land specified in the development agreements for its stated duration.

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The City may only apply subsequently adopted laws and policies to then existing development agreements if, after one (1) duly noticed public hearing, the City determines any one (1) of the following:

A. That such laws and policies are specifically anticipated and provided for in a development agreement; or

B. That such laws and policies are not in conflict with the prior laws and policies governing existing development agreements, and do not prevent development of the land uses, intensities, or densities set forth in existing development agreements; or

C. That such laws and policies are essential to the public health, safety or welfare, and expressly state that they shall apply to existing development agreements; or

D. That substantial changes have occurred in pertinent conditions existing at the time of approval of certain development agreements; or

E. That certain development agreements were based upon substantially inaccurate information supplied by the owner/developer.

SECTION 4.13: Building Permits and Certificate of Occupancy

It shall be a violation of this Ordinance for any person to change or permit the change in the use of land or buildings or structures or to erect, alter, move or improve any building or structure until a building permit has been obtained. No permits or Certificate of Occupancy shall be issued for any building or structure that has outstanding or unpaid fees, or taxes relating to the use or care of the property, or that has outstanding code violations until such violations are satisfied.

A. Building Permits

Whenever any structure or building is to be improved in an amount exceeding one thousand dollars ($1,000) or is erected, moved, structurally altered, or if the use of land is to be changed; a building permit shall be obtained from the Building Official. The Building Official shall require every applicant for a Building Permit to furnish the following information:

1. A site plan, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration

2. A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housing units proposed or which exists

3. Additional information relating to the proposed improvement needed to determine compliance with these regulations

4. A survey prepared by an engineer or surveyor registered or approved in the State of Mississippi of the boundaries of the lot on which the improvement is proposed to be located

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5. Any other information requested by the Building Official and/or the Economic Development Director

6. No building permit will be issued for any parcel of property which has outstanding and unpaid fines, fees or taxes relating to the use or care of the property.

B. Certificate of Occupancy

A certificate of occupancy shall be obtained from the Building Official certifying that all of the provisions of these regulations are complied with prior to occupancy.

SECTION 4.14: Actions Requiring a Planning Commission and/or City Council Review

The following items are required to be reviewed by Planning Commission and/or City Council as shown in Table No. 1 below: ~~processes in Table No. 1 require a public hearing before the Planning Commission and approval by the City Council:~~

Table No. 1: Required Reviews		
Application for Approval of	**Planning Commission (Public Hearing)**	**City Council (Review & Decision)**
Zoning Map Change (Rezoning)	X	X
Comprehensive Rezoning	X	X
Conditional Use – Major	X	X
Conditional Use – Minor *(if appealed, or if Director chooses to hold public hearing)*	Under Certain Circumstances	Under Certain Circumstances
Home Occupation *(if appealed, or if Director chooses to hold public hearing)*	Under Certain Circumstances	Under Certain Circumstances
Variance	~~X~~	X
Subdivision Preliminary Plat Approval – Major	X	X
Subdivision Final Plat Approval - Major		X
Unified Development Ordinance Text Change	X	X
~~Wireless Telecommunication Facilities~~	~~X~~	~~X~~
Protected Tree Removal		X
Tier 3 Development Order	X	X
Major Development		X
Development Agreement		X

4.14.1 Preliminary Review by Staff

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A. Rezoning, Conditional Use or Variance

After review by the Economic Development Director, other appropriate staff and if required members of the appropriate Board or Committee, the Economic Development Director shall place the requested item on the agenda of the Planning Commission and shall prepare a report to accompany the application. This report shall consider and discuss all relevant criteria to be considered by the Planning Commission and the City Council.

B. Warning and Disclaimer of Liability for Staff Review

Staff approvals are reviewed only for general conformance with local codes and ordinances. They are not reviewed for accuracy of data or design, nor does the City of Gautier warrant such. These permits and approvals do not relieve the owner nor any of his representatives of the responsibility of compliance with the requirements of all local codes and ordinances.

4.14.2 Published Notification

All application reviews which require a public hearing shall be advertised in a local newspaper of general circulation in accordance with Mississippi Annotated Code of 1972.

A. Published Notice for Rezoning, Conditional Use-Major, Variance, and Home Occupation

Legal advertisements for Rezonings, Conditional Uses-Major, Variances and Home Occupations (if necessary):

1. Parcel Identification Number

2. Address of the subject property (if available)

3. A description of the action requested

4. The time, date and location of the public hearing

5. A phone number to contact Economic Development/Planning Department

6. A statement that interested parties may appear at the public hearing and shall have the opportunity to be heard.

B. Published Notice for Text Changes to the Unified Development Ordinance or Comprehensive Plan

Legal advertisements for text changes to the Unified Development Ordinance or adoption or amendments to the Comprehensive Plan shall include the following information:

1. A general description of the changes being requested

2. The time, date and location of the public hearing

3. The offices at which the proposed text changes may be reviewed by the public

4. A phone number and e-mail address to contact Economic Development/Planning Department

5. A statement that interested parties may appear at the public hearing and shall have the opportunity to be heard

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C. Published Notice for Comprehensive Rezoning of Property or a City-Wide Rezoning Map Amendment

Legal advertisements for comprehensive rezoning of property or for a city-wide rezoning map amendment shall include the following information:

1. A general description of the changes being requested
2. The time, date and location of the public hearing
3. The offices at which the proposed map changes or the proposed zoning map may be reviewed by the public
4. A phone number to contact Economic Development/Planning Department
5. A statement that interested parties may appear at the public hearing and shall have the opportunity to be heard

D. Published Notice for a Preliminary Plat for Major Subdivision of Land

Legal advertisements for Preliminary Plat for Major Subdivision of Land shall include the following information:

1. Parcel Identification Number(s) for the land to be subdivided
2. General Description of location of the property to be subdivided
3. The number of lot proposed for the subdivision
4. Total area for all property included in the subdivision of land
5. General description of the proposed use of land once subdivided
6. The time, date and location of the public hearing
7. A phone number to contact Economic Development/Planning Department
8. A statement that interested parties may appear at the public hearing and shall have the opportunity to be heard

4.14.3 Notification by Mail

A. Mailed Notice for Certain Actions which are not a Comprehensive Rezoning or a City-Wide Zoning Map Amendment

The Economic Development Director, or his designee, shall notify by first class mail all property owners within the appropriate notification distance from the property under consideration for a Rezoning, Conditional Use, Variance or Home Occupation. Such notices shall be mailed not less than fifteen (15) days prior to the public hearing. Such notices for an in-house hearing shall be mailed not less than ten (10) days prior to the in-house hearing. Table No. 2 shows the property owners that must be notified by mail. Approval processes not listed do not require a mailed notice.

The Economic Development staff shall supply the names and addresses of persons with a certain distance from the parcel being considered as a part of the application process. Said names and addresses shall be obtained from Jackson

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County tax listings of property ownership and shall be measured from property line to property line not including street right-of-ways.

Table No. 2: Notification Distance	
Type of Public or In-house Hearing Request	**Number of Feet from Subject Property**
Rezoning	500 feet
Conditional Use-Major Wireless Telecommunication Facilities All Other	 500 feet 250 feet
Variance	Adjoining
Home Occupation	Adjoining

B. ~~**Mailed Notification for Comprehensive Rezoning or City-Wide Zoning Map**~~

~~Mailed notices are not required for a comprehensive rezoning or for adoption of a city-wide zoning map after preparation of Comprehensive Plan.~~

4.14.4 Public Hearing Process

A. General Procedures

Applicants or a representative of the applicant shall appear before the Planning Commission at the appropriate time and place as advertised to present compelling evidence for the action they are requesting. Persons wishing to speak for or against the applicant's request shall also be given the opportunity to address the Planning Commission.

Proceedings of the hearing at the City Planning Commission Meeting shall be taken down in shorthand and/or by mechanical or tape recording, which cannot be altered. The hearing at the meeting shall use Robert's Rules of Order but without strict compliance with rules of evidence. The Chairman of the Planning Commission shall act as moderator.

B. City Planning Commission ~~Determination~~ Recommendation to City Council

~~If action is needed before the City Council,~~ The Planning Commission shall make a recommendation to the City Council. The recommendation shall be to approve, approve with changes, or to deny the request. The Findings of Fact shall support the Planning Commission's recommendation.

C. City Council ~~Public Hearing~~ Consideration

The Economic Development Director shall submit the findings of fact and the recommendations of the Planning Commission to the City Clerk no later than one (1) week prior to the next available City Council meeting. If necessary, the applicant shall submit a modified site plan to the Economic Development Director, which shall show the requirements and/or conditions recommended by the Planning Commission prior to forwarding the request to the City Council.

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Within sixty (60) calendar days after the Planning Commission hearing, the City Council shall approve or deny, in whole or in part, the recommendation of the City Planning Commission, or where there is need for additional information, may remand the case to the City Planning Commission for further consideration.~~, and this shall be done by the City Council on the record of the case~~.

~~**D. Appeals to Planning Commission Action**~~

~~Any citizen may appeal the decision of the Planning Commission by filing an appeal to the City Clerk within ten (10) days after the date of the Planning Commission meeting. Persons who have filed an appeal within the time specified shall be able to address the Council and state their reasons for appeal.~~

D. Official Transcript

If no appeal is filed by a party of record or authorized representative, it will not be necessary for the court reporter's stenographic notes to be transcribed; however, if an appeal is taken, the party filing the appeal shall order a transcript from the court reporter and pay any expense associated with such a transcript.

SECTION 4.15: Zoning Map Change (Rezoning)

A zoning map change involves the rezoning of property from one zoning classification to another or the extension of existing zoning district boundaries on the Official Zoning Map. When the public welfare justifies such action, the City Council may amend the Official Zoning Map.

4.15.1 Who May Initiate

A zoning map change may be initiated by the City Council, the Planning Commission or the property owner or agent of the owner provided that:

A. Said property has not been denied a previous request for the same property or portion a property within the past twelve (12) months; and

B. All procedures and provisions for a public hearing have been met.

4.15.2 Requests for Zoning Map Change (rezoning)

Applications for a Zoning Map Change (rezoning) may be filed on the ~~*"Public Hearing Application"*~~ appropriate application available from the Economic Development/Planning Department and shall provide all requested information and provide all requested attachments/submittals.

~~**A.** Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits~~

~~**B.** Legal descriptions and street address~~

~~**C.** Copy of Protective Covenants or deed restrictions, if any~~

~~**D.** Copies of approval, or requests for approval from other agencies such as, but not limited to, Mississippi State Department of Health, U. S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources~~

~~**E.** A Detailed Project Narrative~~

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~~**F.** Any other information requested by The Economic Development Director and/or members of the Technical Review Committee~~

4.15.3 Criteria for Rezoning of Property

The Planning Commission shall not recommend approval of a rezoning and the City Council shall not rezone property unless the applicant has proven by clear and convincing evidence that either:

A. There was a mistake in the original zoning, or

B. The character of the surrounding area has changed to such an extent as to justify rezoning **AND** there is a public need for additional property to be zoned in accordance with the request.

4.15.4 Three-Fifths Council Vote Needed

In accordance with *Mississippi Code Annotated Section 17-1-17 (1972)*, in case of a protest against such change signed by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending one hundred sixty (160) feet therefrom or of those directly opposite thereto, extending one hundred sixty (160) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fifths (3/5) of the members of the City Council who are not required by law or ethical considerations to recuse themselves.

4.15.5 Rezoning by Court Order

In the event rezoning is required pursuant to a court order specifically establishing the zoning classification to be applicable to the property which is the subject matter of the suit, the procedural requirements of the Unified Development Ordinance for rezoning property shall not apply. A certified copy of the final court order shall be filed with the Economic Development Director after all available time for appeal has expired. The Economic Development Director shall enter the zoning change on the official zoning map and place the certified copy of the court order in the immediate area of the official zoning map, and cause the zoning change to be entered in the minutes of the City Council.

SECTION 4.16: Comprehensive Rezoning

A comprehensive rezoning may be initiated by the following: property owners of twenty-five (25) contiguous parcels of land, the owner(s) of ten (10) acres of contiguous land, a recognized neighborhood association which includes the property involved and/or the Economic Development Director in consultation with the property owners affected.

4.16.1 Study Required

Prior to recommending a Comprehensive Rezoning, the Economic Development Director shall conduct a study that demonstrates:

A. The existing zoning in the subject area is not in accordance with the Comprehensive Plan, **and**

B. The need for additional land in the City having the same zoning classification as the one proposed; **and**

C. A substantial change in the land use character of the surrounding area that justifies the change in zoning; **or**

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D. The probability of a mapping error in the Comprehensive Plan or the Unified Development Ordinance has occurred.

4.16.2 Public Notification

In addition to the required public notices in a newspaper of regular and general circulation in the city at least fifteen (15) days prior to the public hearing, a notice shall be posted at City Hall ~~the following additional types of notifications shall be placed~~ for the benefit of the public prior to a public hearing for a comprehensive rezoning. ~~:~~

~~**A.** Notice at City Hall: A notice shall be posted at City Hall~~

~~**B.** Affidavit: Prior to the effective date of any comprehensive rezoning, the City shall cause an affidavit to be filed with the City Clerk certifying that the City has complied with this section. The filing of the affidavit shall be prima facie proof of compliance with this section. A failure to give notice shall not affect the validity of rezoning, except as to the property of the complaining owner~~

SECTION 4.17: Conditional Uses Both Minor and Major

The development and execution of this Ordinance is based upon the division of the community into districts, within which districts the use of land and building and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which are generally compatible with the land uses permitted in a zoning district, but due to their unique characteristics, require individual review to ensure the appropriateness and compatibility of the use on any particular site. Certain uses may be allowed as enumerated in each of the zoning districts established in *Article V* in accordance with the standards and procedures of this Article and the standards enumerated for each Conditional Use in the district regulations.

A hearing for a Conditional Use-Major may be conducted under two separate circumstances: (a) in conjunction with the rezoning of the property, or (b) if the property is already zoned correctly, but the use is not permitted by right. In the case of a rezoning, the Conditional Use must meet the legal threshold required for any rezoning action.

4.17.1 Who may initiate

A request for a conditional use may be initiated by the property owner or agent of the owner provided:

A. The proposed use is listed as a Conditional Use in the specific district requirements of the existing or proposed zoning district of the property, **and**

B. Said property has not been denied a previous request for the same property or portion of the property within the past twelve (12) months; **and**

C. All procedures and provisions for a public hearing have been met.

4.17.2 Application for Conditional Use-Minor

A Conditional Use-Minor requires a Finding of Compatibility (FOC) by the Economic Development Director. Upon application review and after consideration of the surrounding properties and nature of the proposed use, the Director may approve, approve with conditions, elect to hold a public hearing under the procedures of 4.14.4, or deny the application. These

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uses do not "run with the land" and may not be transferred from one owner to the next without application for a FOC by the Director.

4.17.3 Criteria for Approval of a Conditional Use-Minor

A Minor Conditional Use Permit is required when projects possess location, use, building or traffic characteristics of such unique and special form as to make impractical or undesirable, their automatic inclusion as permitted uses. Minor Conditional Use Permits may be granted, in whole or in part, from the facts available in the application and determined by investigation, all of the following written findings can be made:

A. The proposed use is substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts.

B. The proposed use will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area.

C. The proposed use will be consistent with the Comprehensive Plan.

D. The proposed use is in conformance with specific site location, development, and operation standards as required by this Ordinance.

4.17.4 Application for Conditional Use

Applications for a Conditional Use-Minor and Major may be filed on applications available from the Economic Development Department and shall contain or have attached to it the following information:

A. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits

B. Legal descriptions and street address

C. Copy of Protective covenants or deed restrictions, if any

D. Copies of approval, or requests for approval, from other agencies such as, but not limited to, the Mississippi State Department of Health, U. S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources

E. A Detailed Project Narrative

F. Any other information requested by the Economic Development Director and/or members of the Technical Review Committee

4.17.5 Criteria for Approval of a Conditional Use-Major

A Conditional Use-Major is not allowed “by right” but requires a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Economic Development Director agreeing to the current terms and conditions before a business license may be issued.

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When considering application for a Conditional Use-Major, the Planning Commission and the City Council shall consider the extent to which:

A. The proposed use is compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking, and other uses;

B. Any possible detrimental effects might occur as a result of the Conditional Use to the continued use, value, or development of properties in the vicinity;

C. Whether or not the proposed use will adversely affect vehicular or pedestrian traffic in the vicinity;

D. If the proposed use can be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools;

E. If the proposed use is in harmony with the Comprehensive Plan;

F. If the proposed use is listed in the list of possible Conditional Uses in that particular Zoning District;

G. Whether the proposed use will not be hazardous, detrimental, or disturbing to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances; and

H. Whether the use conforms to all district regulations for the applicable district in which it is located unless other provisions are specifically set forth in the application.

4.17.6 Authority for Conditions

A Conditional Use-Major may be issued subject to such conditions as are necessary to carry out the purpose of this Ordinance and to prevent or minimize adverse effects upon other property in the neighborhood, including, but not limited to:

A. Adequate ingress and egress to property and proposed structures with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control and access in case of fire or other disaster

B. Off-street parking and loading areas with particular attention to item (A) above and the economy of the city, and to noise or glare effects of the conditional use on adjoining properties generally in the district

C. Refuse and service areas, with particular reference to item (A) and (B) above

D. Utilities with reference to location availability and compatibility

E. Screening and buffering with reference to type, dimensions, and character

F. Control of any proposed exterior lighting with reference to glare, traffic safety economic effect and compatibility and harmony with properties in the district

G. Required yards and open spaces

SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure

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that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as "use Variances" are not legal in the State of Mississippi.

Most Variances must be granted by the ~~Planning Commission~~ City Council; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application ~~*"Public Hearing Application"*~~ available from the Economic Development/Planning Department and shall provide all requested information and provide all requested attachments/submittals:

- ~~**A.** Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.~~
- ~~**B.** Legal descriptions and street address~~
- ~~**C.** Copy of Protective covenants or deed restrictions, if any~~
- ~~**D.** Copies of approval, or requests for approval from other agencies such as, but not limited to the MS State Department of Health, Mississippi DEQ, Corp of Engineers, and Department of Marine Resources~~
- ~~**E.** A Detailed Project Narrative~~
- ~~**F.** Any other information requested by the Economic Development Director and/or members of the Technical Review Committee~~

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Economic Development Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

- **A.** 30% of required off-street parking spaces and/or
- **B.** 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

- **A.** That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district;
- **B.** That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;

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C. That the special conditions and circumstances do not result from actions of the applicant; and

D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

4.19 Administrative Waivers for Infill Development

Purpose: Administrative waivers for infill development provide a process for city consideration of requests to waive or modify certain standards of this UDO when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards otherwise applicable to the property provides a challenge that may deter redevelopment privileges enjoyed by other property owners in the vicinity and in the same zoning district.

A. **Applicability:** An administrative waiver may be granted to waive or modify any requirement of this UDO except: permitted land uses; residential density; specific prohibitions for example, prohibited signs, or procedural requirements except as established within the Corridor Overlay District, Article V.

B. **Review authority:** An application for an administrative waiver shall be completed, filed, and processed in compliance with this section. It is the responsibility of the applicant to provide evidence in support of the findings required by subsection E. below.

C. **Project review, notice and hearing:** Each application shall be reviewed by the Economic Development Director to ensure that the proposal complies with this section, and other applicable requirements of this UDO. The Economic Development Director may approve or deny an administrative waiver without a public hearing. See subsection D. below.

D. **Findings and decision:** The Economic Development Director may approve or deny an application for an administrative waiver. The Economic Development Director shall record the decision and the findings on which the decision is based.

1. **General findings:** The Economic Development Director may approve an administrative waiver only after first making all of the following findings.

a. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of the provisions of this UDO deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district;

b. The approval of the administrative waiver includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the

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limitations upon other properties in the vicinity and within the same zoning district; and

c. The administrative waiver is consistent with the comprehensive plan, and any applicable specific plan.

2. **Reasonable accommodation:** The Economic Development Director may also grant an administrative waiver to the site planning or development standards of this UDO in compliance with this section, based on the finding that the waiver is necessary to accomplish a reasonable accommodation of the needs of a disabled person, in compliance with the Americans with Disabilities Act, as amended.

E. **Conditions of approval:** In approving an administrative waiver, the Economic Development Director:

1. Shall impose conditions to ensure that the approval does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located; and

2. May impose any reasonable conditions to ensure that the approval complies with the findings required by subsection D. above.

F. ~~**Appeal of denial:** If an administrative waiver is denied, the Economic Development Director shall provide written notice of the decision stating the reasons for denial. The applicant may appeal the decision to the Planning Commission by giving written notice of such appeal within thirty (30) days of the date of the written denial.~~

SECTION 4.20: Unified Development Ordinance Text Changes

Whenever changes in the text of this Ordinance are needed to reflect updated practices or standards desired by the community, the Economic Development Director may prepare a draft of the proposed changes for approval. ~~along with a detailed report. The proposed changes shall be placed on the agenda of the Planning Commission for the purpose of a public hearing and a legal advertisement shall be run twice with the first advertisement running a minimum of two (2) weeks prior to the schedule hearing.~~

4.20.1 Public Hearing Held

A public hearing on the proposed text amendment shall be held before the Planning Commission and a recommendation shall be prepared for the City Council. At said hearing, any individual may appear in person or by agent to speak for or against such amendments.

4.20.2 City Council Approval

The recommendations of the Planning Commission shall be sent to the City Council along with the staff report and any other documentation. The City Council shall have the power to approve, disapprove or suggest modifications to the proposed changes to the Ordinance.

SECTION 4.21: Home Occupation Permit

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Applications for Home Occupation Permits shall be filed on the appropriate form available from the Economic Development Department. Applications shall supply all information required and be accompanied by the appropriate fees. The following information is required to accompany the application:

A. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits

B. Street address

C. Copy of Protective covenants or deed restrictions, if any

D. Copies of approval, or requests for approval from other agencies such as, but not limited to the Mississippi State Department of Health, U. S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources

E. A Detailed Project Narrative

F. Any other information requested by the Economic Development Director and/or members of the Technical Review Committee

4.21.1 In-House Hearings

The Economic Development Director will conduct an in-house hearing on Applications for Home Occupations no sooner than ten (10) days following notices and letters to adjoining property owners. If there are no objections received in writing, the Director may grant a permit for the Home Occupation provided the applicant has met all of the requirements as given in this Ordinance.

Should there be objections to any Home Occupation request, the application will then be brought before the Planning Commission at a duly announced time and place.

SECTION 4.22: Wireless Telecommunication Facilities

All Wireless Telecommunication Facilities (WTF) require approval by the Building Official, a public hearing before the Planning Commission and approval by City Council. If the antenna is to be incorporated into an architectural element of a building, or placed within a C-3 district, the application must also be approved by the Architecture Review Ad hoc members.

4.22.1 Applications for Wireless Telecommunication Facilities

Applications shall be filed on the *"Public Hearing Application"* form available from the Economic Development/Planning Department. Applications shall supply all information required and be accompanied by the appropriate fees. In addition the following information shall be required either on or accompanying the application:

A. The name, address and telephone number of the person requesting the permit. The person named shall be a primary contact who has authority to act on behalf of the person or entity requesting the permit.

B. A site plan shall contain a scaled site plan and a scaled elevation view and other supporting drawings and design data showing the proposed location of the tower, antenna or both, as well as the location of all other towers within two (2) miles of the proposed site.

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C. Proof that the proposed tower complies with regulations administered by the FAA and FCC.

D. A report from a qualified and Mississippi licensed professional engineer which describes or demonstrates:

1. The tower height and design, including cross sections, elevations and wind load characteristics in accordance with International Code Council;

2. The height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;

3. Describes the tower's capacity, including the number and type of antennas that it can accommodate;

4. Documented steps that applicant will take to avoid interference with established public safety telecommunications;

5. A report which demonstrates the tower's compliance with structural and electrical requirements;

6. Includes an engineer's stamp and registration number;

E. Owners of all commercial wireless telecommunications service towers shall file a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower in accordance with *Article XIV* of this Ordinance provided an additional user agrees in writing to meet reasonable terms and conditions for shared use.

F. Proof of non-interference.

Each application for construction of a wireless telecommunication facility shall include either a preliminary or a certified statement that the construction of the tower, including reception and transmission functions, will not interfere with the radio, television and public safety communications devices or other services enjoyed by adjacent residential and nonresidential properties. In the event only a preliminary statement is submitted with the application a final certified statement of noninterference will be provided and approved prior to issuance of a building permit. The certificate shall be certified by a licensed engineer.

G. Radio frequency emissions.

Each application must show that any antennae placed on the tower meets state and federal regulations pertaining to non-ionizing radiation and other health hazards related to such facilities. If new or more restrictive standards are adopted, then the antennae shall be made to comply or continued operation may be restricted.

4.22.2 Indemnity: claim resolution.

The owner of the tower and all communications service providers must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Economic Development/Planning Department a written indemnification of the City of Gautier and proof of liability insurance or financial ability to respond to claims up to one million dollars ($1,000,000)in the aggregate which may arise from operation of the facility during its life, at no cost to the city, in the form approved by the City Attorney.

4.22.3 Public Hearing Held

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A public hearing on the proposed WTF shall be held before the Planning Commission and a recommendation shall be prepared for the City Council. At said hearing, any individual may appear in person or by agent to speak for or against.

4.22.4 City Council Approval

The recommendations of the Planning Commission shall be sent to the City Council along with the staff report and any other documentation. The City Council shall have the power to approve or disapprove the proposed WTF.

If the request for a permit is denied, then the denial shall be in writing setting forth each specific reason for such denial. The reasons for the denial shall be entered in the written records of the city. A denial shall be supported by substantial evidence.

SECTION 4.23: Actions Requiring Approval by Economic Development Staff

Certain permits may be issued by Economic Development/Planning Department Staff upon review and approval of the appropriate application and fees:

A. Land Alteration and/or Disturbance Permit

B. Tree Removal Permit

C. Temporary Use Permit

D. Conditional Use Permit-Minor

E. Permit for Moving of Buildings

F. Mobile Home/MEMA Cottage Placement Permit

G. Minor Development Orders

4.23.1 Land Alterations and Disturbance Permit

The purpose of this section is to set forth regulations governing the excavation, clearing and draining of properties within the City of Gautier. Because the alteration of land, particularly large areas, impacts hydrologic characteristics of most land areas, it is imperative that the activity takes into account the immediate and long-term impact of such work on adjoining and downstream properties. Specifically, the intent of these regulations is to assure that any land alteration results in a zero increase in sedimentation and storm water volumes and rates beyond that which existed prior to alteration or disturbance.

A. Clearing and grubbing, haul roads, waste areas, plant sites or other areas occupied by the contractor.

Clearing and grubbing on erodible areas, including the construction site, or other areas occupied by the contractor in connection with the work shall include adequate protection for preventing excessive erodible material from entering water or waterways on land not occupied by the contractor and preventing dust created by hauling equipment. Temporary measures as required by DEQ and the City shall be employed by the contractor from the beginning of the work. These measures may consist of the expeditious use of brush, vegetation or other residue from clearing and grubbing, temporary or permanent terraces, berms, dikes, dams, sediment basins or other effective means of containing sediment. All temporary or permanent erosion control features shall be maintained in an effective manner so long as essential to the abatement of siltation.

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B. Loading, hauling and removal of tree limbs and debris

1. All persons, firms or corporations hereafter performing tree removal or trimming services for compensation within the city shall remove and dispose of all debris created by the performance of such services.

2. The debris shall be properly disposed of by the person, firm or corporation performing the services of their agent. Said debris shall be removed within forty-eight (48) hours of completion of construction activities.

C. Excavation

Excavations shall be made in an acceptable manner to the City Consulting Engineer and shall be left in an aesthetically pleasing condition when completed:

1. A plot plan, drawn to scale, showing dimension of excavation, depth, slopes, distances from other property and entrances and exits shall be submitted.

2. Excavations shall be dug on a 3 to 1 slope.

3. Topsoil from pits shall be dressed down on slopes and grassed to prevent erosion.

4. Bottom of pits shall be graded in a generally level contour.

5. Edge of slope at ground level shall be no closer than thirty-five (35) feet from any property line, nor closer than three hundred (300) feet from a public road.

6. The maximum depth of the excavation shall be determined by the City Consulting Engineer.

7. Upon approval, a permit for an excavation shall be issued for a one (1) year period and shall be reviewed and considered for additional periods of time by the Planning Commission.

D. Land clearing and drainage

1. Parcels of land greater than one (1) acre but less than five (5) acres

No parcel of property in excess of one (1) acre but less than five (5) acres or series of contiguous lots the combined area of which exceeds one (1) acre but is less than five (5) acres shall be cleared prior to submitting to the Economic Development Director a site clearing plan and a Stormwater Pollution Prevention Plan (SWPPP). Such plans shall include but are not limited to access routes, proposed culvert locations, existing drainage systems on the property, plans for future drainage, and measures to address erosion control. Plans of this nature may be included with and made a part of the building permit application.

2. Best Management Practices

Erosion and sedimentation controls shall be generally accepted best management practices and may include vegetative fences, silt screens, retention ponds, or other practices deemed appropriate by the Economic Development Director. The Economic Development Director may, upon determining that a previously approved erosion control plan is inadequate, issue a stop work notice to the contractor and order

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corrective measures sufficient to deter siltation of adjoining ditches, properties, or bayous and streams.

3. Parcels of land greater than five (5) acres

Proposed new developments in excess of five (5) acres shall not be cleared until an overall project plan and a Stormwater Pollution Prevention Plan (SWPPP) has been submitted to the Economic Development Director. Such plans shall include detailed storm water run off control measures including retention and/or detention ponds capable of retaining both "during construction" and "post-construction" sediments and of holding a volume of storm water equal to a five-year storm based on south Mississippi average rainfalls for urbanized areas wherein the rainfall duration is one (1) hour at a rainfall intensity of three (3) inches per hour. Run off shall be drained onsite to retention ponds and allowed to discharge at a rate no greater than the average discharge prior to development.

4. Compliance with City, State and Federal Regulations

All clearing of land, excavations and grading shall be conducted in strict compliance with all City regulations including Stormwater Management Policies and State and Federal regulations.

E. Land to be Platted

Provisions for maintenance of storm water control facilities shall be in accordance with the provisions in *Article X.* Spillways and discharge systems shall be constructed in accordance with accepted engineering practices and shall be maintained in good working order at all times.

4.23.2 Tree Removal Permit

A Tree Removal Permit shall be issued by the Economic Development Director prior to issuance of a building permit, if the site proposed for development contains trees. All tree removal procedures shall comply with the standards in *Article XI*.

A. Submittal Requirements

All plans shall be fully dimensioned, drawn to scale and shall include, at the minimum, the following:

1. The species, size, quantity and location of existing trees to be retained;

2. The species, size, quantity and location of existing trees four (4) inches or more in diameter measured at four (4) feet above the natural ground to be removed; and

3. A detailed landscaping Plan, if required.

The Economic Development Director or his/her designee shall review the tree preservation and replacement plan and if found to be in accordance with this Ordinance, approve such plans.

B. Factors to be considered for Removal of Trees.

The following factors shall be used in determining which trees must be preserved:

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1. Native trees on the side including but not limited to oaks, magnolia, cedar, elms and pecan shall take priority in determination of trees to be preserved.
2. The species, size, quantity and location of existing trees to be retained
3. The species, size, quantity and location of existing trees four (4) inches or more in diameter measured at four (4) feet above the natural ground to be removed and the nature and quality of the landscaping to be installed for replacement
4. Topographical constraints on design
5. Drainage, access and egress, and utilities
6. Any factors reasonably related to the health, safety and welfare of the public which necessitated disturbance of the existing natural landscape character
7. The economic usefulness of the property without disturbance of its natural character
8. Any other factors as may be relevant and proper

4.23.3 Temporary Use Permit

Temporary Uses which are allowed in accordance with *Article VI* require a Temporary Use Permit from the Economic Development Director before the proposed use or activity may begin. The Economic Development Director may at his discretion elect to take a request for temporary permits to the Planning Commission for review and action should he desire. Applications for a Temporary Use Permit shall be filed with any additional information requested.

A. Approval Criteria

The temporary use may be approved, conditioned or denied by the Economic Development Director based on the following criteria:

1. Permission of the owner of the land has been obtained as evidenced by a notarized copy of the owner's consent;
2. The site is physically suitable for the type and intensity of the temporary land use;
3. The proposed use is compatible with land uses presently on the site;
4. Adequate provisions have been made for sanitary and medical facilities;
5. Adequate provisions have been made for vehicular access and off-street parking as well as emergency access; and
6. Any negative impacts for the proposed temporary use are mitigated.

B. Revocation

A temporary use permit may be revoked or modified effective immediately upon written notice of violation by the Economic Development Director if any of the following findings are made:

1. The temporary use permit was obtained by misrepresentation or fraud.

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2. One or more of the conditions of the temporary use permit have not been met, or

3. The use is a violation of any statute, ordinance, law or regulations.

4.23.4 Permit for Moving of Buildings

No person, firm or corporation shall move any buildings or structures into or within the city or shall remove any building or structure from the city without first obtaining a permit from the Building Official for each such building or structure to be moved or removed. Only a licensed moving company or individual may move a structure.

A. Exceptions.

Utility buildings and accessory structures proposed for relocation do not require a moving permit provided the structure width does not exceed eight and one-half (8.5) feet. All structures wider than eight and one-half (8.5) feet and proposed for moving over state, Federal or city roads must be permitted by both the city and the state.

All structures in excess of twelve (12) feet in width must also be properly escorted when being moved. Applicants for moving permits in the city must present a copy of an approved state permit, if required by city officials, prior to city approval.

Building permits must be obtained for any structure proposed for relocation into or within the City of Gautier.

B. Application for Permit

To obtain a permit the applicant shall first file an application in writing on a form furnished by the Building Official which shall include the following information:

1. The location and legal description of the land to which or from which the building or structure is to be moved to or from
2. Type and description of building to be moved
3. The dimensions of the building—length, width and height
4. The estimated value of such building
5. The alterations or additions, if any, to be made to the building structure to be moved or removed
6. The name and address of the person who will move the building or structure
7. The intended use of the building
8. The approximate time such building is to be moved and the route that will be taken from the present location to the new location
9. Any other information required by the Building Official

C. Fees

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Certain fees are required prior to relocation of any structure:

1. **Site cleaning fee**. A refundable one hundred dollar ($100) deposit is required to guarantee site clean-up following removal of a structure from within the city.

   It shall be the responsibility of the permit holder to remove all debris, building materials or other objects from the site and to generally clean, and/or mow said property so that no unsightly evidence of the structure remains. Should said property not be cleared within thirty (30) days of structure removal, the city will retain the deposit and may use it to offset any cost incurred by the city to have the property cleared properly. The permit holder is required to notify the Economic Development/Planning Department when properties are cleared and call for an inspection. Upon approval by the inspector, a refund will be returned to the applicant.

2. **Moving fee**. A non-refundable moving fee of one hundred twenty-five dollars ($125) shall be paid to the City of Gautier for each structure proposed for moving into or within the city. If the building being moved to Gautier is located outside Jackson County, additional fees will be charged depending on mileage.

3. **Building permits fee.** A non-refundable building permit fee must be paid upon issuance of a building permit.

D. Insurance

The mover shall be licensed and bonded and shall file with the City of Gautier a statement of insurance coverage in accordance with state regulations.

4.23.5 Building permits.

If in the judgment of the Building Official, a structure sufficiently meets the requirements as set forth in *Article XV* he may approve the structure to be moved by presenting his/her evaluation report along with his/her recommendation to issue a moving permit to the Economic Development Director. Said reports shall be presented to the Economic Development Director no later than three (3) working days following inspection.

Upon receipt of the Building Official's evaluation report, the Economic Development Director may approve the issuance of a Building Permit in accordance with standard accepted procedures and fees. Said permit must be applied for prior to actual moving of the structure. Should a structure be moved and relocated within the city prior to issuance of the moving permit and the building permit the fees for said permits will be doubled.

4.23.6 Mobile Home/MEMA Cottage Placement Permit

No person, firm or corporation shall move any mobile home or MEMA cottage into or within the city without first obtaining a permit from the Building Official.

A. General Policies & Procedures Required by the City of Gautier

1. All mobile homes and MEMA cottages must be inspected prior to the issuance of the permit.

2. To receive a pre-permit inspection, a mobile home must be brought to a location within ten (10) miles of the Gautier city limits.

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3. Mobile homes must be at least fourteen feet by sixty feet (14' X 60') in size, not including tongue.

4. Mobile homes must be a Zone 2 or Zone 3.

5. Mobile home movers are responsible for contacting the Economic Development/Planning Department twenty-four (24) hours before ***bringing-in, moving-out or relocating*** a mobile home in Gautier. The mover must provide a route plan, and time of movement. If a mobile home is to be moved in or out of Gautier after City business hours or on weekends, the mover or owner is responsible for any City personnel costs incurred as a result of employees being called in to monitor the mobile home placement.

6. Mobile homes must adhere to all applicable state and federal building and fire code requirements and City of Gautier ordinances, or the unit will not be allowed to enter the Gautier City limits.

7. If any of the above procedures and requirements are not followed, or if damage to City property occurs during the moving of any mobile home, deposits may be forfeited and additional damages may be assessed through any legal means possible.

B. Application for Mobile Home Placement Permit

To obtain a permit the applicant shall first file an application in writing on a form furnished by the Building Official which shall include the following information:

1. Completed Mobile Home Placement Application Form

2. Legal Description of the Property (Proof of ownership by way of a Warranty Deed or Deed of Trust)

3. Copy of home mover/dealership contact information

4. Certificate of Compliance (For Flood Zone "V")

5. Site Plan (Drawn to scale indicating property and setback lines, mobile home location with distances from property lines, water well location, driveway, culverts and other site features)

6. Mobile Home Registration Certificate (Obtain from County Tax Collector's Office)

7. Signed lease/purchase agreement or letter of permission if the applicant is not the property owner

8. Provide documents for Zone 2 or Zone 3 mobile home. This is the responsibility of the owner. City staff will not perform research.

9. Location of mobile home for pre-permit inspection (to be inspected by the City for structural soundness) before being relocated or moved into Gautier

C. Fees

The City shall adopt certain fees by resolution for Mobile/MEMA Homes.

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D. Process for Inspection of Mobile Homes and Criteria

Applicants should call **228-497-1878** to arrange for an inspection. No specific time will be guaranteed for inspection of mobile homes. Inspections will be performed as soon as time and routing allows. The following items must be inspected and found satisfactory prior to the connection of electricity being approved.

1. Must be structurally sound
2. No damaged or missing panels or flashing
3. Paint or outer coating must be clean, undamaged and unstained
4. All windows and doors must be undamaged and operational
5. No insect, bug or rodent infestation
6. Placement within approved setback lines
7. Tie-down installation
8. Power pole installation and service to mobile home electrical panel
9. Sewer system installation and connections
10. Health and safety issues inside and outside of mobile home
11. Mobile homes within a flood zone require permanent foundation (Dry stacked. Blocks do not meet this requirement)
12. Hard surface drive and parking
13. Skirting – shall be installed after tie-down inspection and shall be kept in good condition for the life of the mobile home placement.
    a. Mobile home skirting shall be manufactured specifically for intended use or similar to item b.ii. below.
    b. MEMA cottage skirting:
        i. Split face or painted masonry chain wall foundation with venting per Building Code.
        ii. Masonry pier foundation shall be in-filled with painted treated wood or vinyl lattice in square or diamond pattern, or one (1) inch min. painted treated wood slat or rail panels. All skirting shall be supported by two (2) inch minimum treated wood framing suspended from structure with one and one-half (1 ½) inch minimum ground clearance. The design of the skirting shall be of uniform consistency around the entire structure.
14. Stairs and landings. Landing must be a minimum of four feet by six feet (4’ X 6’) in size and shall apply to all mobile home entrances.
15. Building codes require house numbers to be attached to the structure.

E. Additional Regulations Regarding Mobile Homes and MEMA Cottages

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All of the following regulations shall also apply to Mobile Homes and MEMA Cottages except where noted.

1. All mobile home lots shall abut upon a driveway of not less than twenty (20) feet in width, which shall have an unobstructed access to a public street which shall be classified as a collector or arterial street as defined by the City of Gautier.
2. All streets, roadways and driveways within a mobile home park shall be hard surface and meet the minimum construction standards recommended by the City Consulting Engineer and shall be sufficiently illuminated at night with street lights.
3. In Mobile Home Subdivisions, only one (1) modular or mobile home shall be permitted per lot.
4. Each mobile home residence must have two (2) hard surface areas for parking of vehicles.

F. General Notes

1. Commencement of any work, prior to obtaining the required permits will result in doubling of all applicable permit fees.
2. Mobile Home permits will be void ninety (90) days from issuance date.
3. Separate permits are required for both electric and plumbing.
4. The National Electric Code requires a four (4) wire hook-up. A separate neutral and ground wire must be run. A 100-amp service requires a four (4) wire hook-up in conduit with three (3) #4 and one (1) #6 wires. A 200-amp service requires two (2) 2/0 wires, one (1) 1/0 and one (1) #6 ground wire in conduit. These wires must be in PVC or rigid conduit.
5. Power poles must be a minimum of three (3) feet and a maximum of thirty (30) feet from the mobile home.
6. Placement of all mobile homes shall comply with the requirements of the 2006 International Residential Code, Mississippi State Regulation MH-5, and the Code of Federal Registry 24CFR and 44CFR and the ordinances of the City of Gautier.

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ARTICLE V:
ZONING DISTRICTS AND SPECIFIC REGULATIONS

The purposes of this chapter are to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to conserve the value of buildings and encourage the most appropriate use of land throughout the city, all in accordance with the City's Comprehensive Plan. This chapter is adopted, pursuant to the authority conferred upon the city by law.

SECTION 5.1: Official Zoning Map

5.1.1 Map of District Boundaries

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City.

No changes of any nature shall be made to the Official Zoning Map except in conformity with the procedures set forth in this Ordinance. Any unauthorized changes by any person or persons shall be considered a violation of this ordinance and punishable as provided in *Article XVI*.

5.1.2 Location and Updating of Map

The Official Zoning Map shall be in the custody of, and shall remain on file in the Economic Development/Planning Department. The Official Zoning Map shall be available for public inspection in the Economic Development/Planning Department ~~and a copy shall be available for inspection in the City Clerk's office~~.

When changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and addendum thereto has been made to the Official Zoning map. The Economic Development Director may allow the change yet to be portrayed on the Official Zoning Map to go into effect while the map is being amended.

5.1.3 Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of the districts on the Official Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines. Boundaries indicated as approximately following City limits shall be construed as following such City limits.

C. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

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D. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.

E. Boundaries indicated as following the center lines of streams, rivers, canals, or other bodies of water shall be construed to follow such center lines.

F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through F above shall be so construed.

G. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

H. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through H, the Planning Commission shall recommend and the City Council shall interpret the district boundaries.

I. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Planning Commission may recommend and the City Council may permit the extension of the regulations for either recommend and the City Council shall interpret the district boundaries.

J. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Planning Commission may recommend and the City Council may permit the extension of the regulations for either portion of the lot into the remaining portion of the lot.

5.1.4 Classification of Annexed Property

The existing zoning classification of all territory annexed by the City of Gautier shall remain in effect subject to a subsequent change by the City after appropriate notice and hearing.

A public hearing shall be held within one (1) year of the date of annexation for the purpose of rezoning such property should any zoning changes be recommended by the Economic Development Director.

5.1.5 Regulations and Maps which are a Part of the Unified Development Ordinance

The regulations of this Ordinance including the Official Zoning Map are subject to the provisions of all adopted Flood Insurance Rate Maps and the U.S. Army Corp of Engineer Wetlands Inventory ~~Mississippi Bureau of Marine Resources Wetlands Map~~ together with all explanatory and regulatory material thereof.

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SECTION 5.2: Districts Established

5.2.1 Specific Districts Enumerated

In order to carry out the purposes of this Ordinance and to allow a variety of uses in different districts which are appropriate to the character of the individual district, the City shall be divided into the following zoning districts, the boundaries of which shall be shown on the Official Zoning ~~District~~ Map~~s~~.

AG	**Agricultural District**
R-E	**Residential Estate**
R-1	**Low Density Single-Family Residential**
R-1A	**Medium Density Residential**
R-2	**High Density Multi-Family Residential**
R-3	**Mobile/Manufactured Home Residential District**
C-1	**Neighborhood Commercial**
C-2	**Community Commercial**
C-3	**Highway Commercial**
I	**Industrial District**
PL	**Public Land**
TCMU	**Town Center Mixed Use**
MURC-MW	**Mixed Use Recreation Commercial-Mary Walker**
MURC-1	**Mixed Use Recreation Commercial-1**
MURC-2	**Mixed Use Recreation Commercial-2**
MUMS	**Mixed Use Main Street**
PUD	**Planned Unit Development**
COR	**Corridor Overlay District**

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5.2.2 Uses Permitted by Right and Conditional Uses

No use shall be established in any zoning district unless it is expressly designated by this Ordinance as a "P-permitted use" or "C-conditional use-major" or "c-conditional use-minor". The range of uses allowed as "Permitted Uses and Structures" & "Conditional Uses," in each zoning district are summarized in Tables 3, 4 and 5. In the event of a conflict between tables of this Ordinance, the text shall control. The intent of the underlying Future Land Use category of the Comprehensive Plan determines allowable uses in the PUD District.

Table No. 3: Uses Permitted in Residential Districts

		AG	RE	R-1	R-1A	R-2	R-3
	Accessory Buildings *(In accordance with Article VI)*	P	P	P	P	P	P
	Adult Day Care Center, Commercial	C				C	
	Apartment Building-less than 45' in height				P	P	
	Apartment Building – 46' to 60' in height.					P	
	Assisted Living Facility					C	
	Bed & Breakfast			C			
	Boarding House					C	
	Cemetery and/or Columbarium	C		C	C	C	C
	Child Care Center, Commercial	c				c	
	Church or Place of Worship	C		c	c	C	
	Country Club	c	C	c	c	c	
	Clubhouse or Lodge	c	c			P	
	Cluster Development						
	Community Center	c	c	c	c	c	c
	Condominium, Residential (less than 45' in height).					P	
	Condominium, Residential (46' to 60' in height).					P	
	Conservation Subdivision	P	P				
	Dwelling, Mobile Manufactured Home	C					P
	Dwelling, Multi-family					P	
	Dwelling, Single-family, Attached				C		
	Dwelling, Single-family, Detached	P	P	P	P		P*
	Dwelling, Two-family				C		
	Farm	P					
	Garage or carport, Private as an Accessory Use	P	P	P	P	P**	P

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Table No. 3: Uses Permitted in Residential Districts							
		AG	**RE**	**R-1**	**R-1A**	**R-2**	**R-3**
	Garage Apartment (As an accessory Use)	c	C	c	C	C	C
	Golf Course	P	P				
	Golf-Driving Range	C					
	Group Home for the Handicapped (for 6 or less guests)	C	C	C	C	C	C
	Guest House (As an accessory Use)	c	C	c	C	C	C
	Home Occupation in accordance with *Article VI.*	P	P	P	P	P	P
	MEMA Cottage	c					P/C*
	Mobile/Manufactured Home	C					P
	Manufactured Home Subdivision						P
	Mobile Home Park						P
	Modular Home			c	c		P**
	Multi-Family Development					P	
	Park, Private for Residents	P	P	P	P	P	P
	Park, Public	P	P	P	P	P	P
	Patio Home				c		
	Playground, Public	P	P	P	P	P	P
	Ponds for fishing and livestock	P		c			
	Public Parks and Open Space	P	P	P	P	P	P
	Public Utility Facilities	P	P	P	P	P	P
	Recreational Facilities for Use of Residents					P	P
	Recreational Vehicle (In Mobile Home Parks)						C
	Signs in accordance with *Article XII.*	P	P	P	P	P	P
	Schools, Elementary	C	C	C	C	C	C
	Schools, Secondary	C	C	C	C	C	C
	Stable, Private	C					
	Stable, Public	C					
	Traditional Neighborhood Development						
	Wireless Telecommunication Facilities	C					
	Youth Camp	C					
	Zero Lot Line Home				c		

*Permitted in Manufactured Home Park. Conditional Use for all other R-3 lands.
**Permitted in Manufactured Home Subdivision only
***Private Garages may be provided for a limited number of apartments if approved by City Council.

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Table No. 4: Uses Permitted in Non Residential, Public Land and Town Center Districts							
		C-1	C-2	C-3	I	PL	TC
	Accessory Uses (See Section 5.5, Article VI)	P	P	P	P	C	P
	Adult Day Care Center	P	P	P			C
	Adult Uses	Regulated by Adult Entertainment Ordinance					
	Amusement Arcade		P	P			C
	Amusement Park, Outdoor			C			c
	Ambulance Service		P	P			
	Animal Shelter				C		c
	Apartment Building			C			C
	Arboretums, Botanical Fac.	P				C	P
	Art Gallery	P	P	P			P
	Artisan Studio	P	P	P			P
	Assisted Living Facility	C	C	C			C
	Automobile Detail Shop		C	c			
	Automobile Gas Station		P	P			C
	Automobile Recovery Business			C	C		
	Automobile Repair Shop, Major			P	P		C
	Automobile Dealership			P			
	Automobile Service Center, Minor		P	P	P		
	Automobile /Wrecking Yard				C		
	Bank or Financial Institution	C	P	P			P
	Bar or Tavern		C	P			c
	Beauty & Barber Shop	P	P	P			P
	Big Box Retail Store			P			c
	Bed and Breakfast Inn		c	P			c
	Bingo Hall			C			
	Boat Yard		c	P	C		
	Body Piercing Business	C	C	C			C
	Borrow Pit				C		
	Book Store	P	P	P			P
	Boiler Works				C		
	Bowling Alley		C	P			P
	Building Material & Supply Establishment			P	P		
	Car Wash, Automated		C	P			C
	Car Wash, Self-Service		P	P			
	Catering Service	P	P	P			P
	Cemetery					C	
	Check Cashing Business		C	C			C
	Child Care, Commercial	P	P	P			C
	Church or Place of Worship	C	C	C		C	C

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Table No. 4: Uses Permitted in Non Residential, Public Land and Town Center Districts							
		C-1	C-2	C-3	I	PL	TC
	Clinic, Medical or Dental	C	P	P			P
	Clubhouse or Lodge	C	P	P			C
	College or University					C	c
	Condominium, Residential			C		C	P
	Conference or Meeting Facility			C		P	P
	Community Center						C
	Community Shopping Center		P	P			P
	Contractor's Shop			P	P		
	Contractor's Storage Yard				P		
	Convention Center			C		C	P
	Convalescent or Nursing Home	C	C	C			c
	Convenience Store	P	P	P			C
	Correctional Facility				C		
	Country Club					C	
	Day Spa		P	P			P
	Department Store			P			P
	Drug Store	C	P	P			P
	Dry Cleaning Pick-up Station	P	P	P			P
	Dry Cleaning Plant				P		
	Dwelling Units above the 1st floor of Mixed Use Buildings		C	C			P
	Dump, Solid Waste				C		
	Emergency Shelter/Mission			C			
	Farmer's Market	c	c	c			P
	Fish Camp		P	P			
	Funeral Home	C	C	C			C
	Golf Course					P	
	Golf-Driving Range			P			
	Guest Home for the Handicapped (less than 12 guests)	C	C	C			c
	Guest House (As Accessory Use)	c					c
	Gun Shop		C	P			C
	Half-way House			C			
	Health Department			P			P
	Health Club or Fitness Center	C	P	P			P
	Heavy Equipment Sales and Rental			P	P		
	Hospice	C	C	C			C

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Table No. 4: Uses Permitted in Non Residential, Public Land and Town Center Districts							
		C-1	C-2	C-3	I	PL	TC
	Hospital			P		C	P
	Hotel or Motel			P			P
	Industrial Park			C	P		
	Instructional Studio, Public	P	P	P			P
	Junkyard				C		
	Kennel, Commercial			C	C		c
	Laboratory, Dental		P	P	P		C
	Laboratory, Research			P	P		P
	Laundromat	C	C	C			
	Lumberyard			P	C		
	Machine Sales and Services			P			
	Machine Shop			P	P		
	Manufacturing, Heavy			C	P		
	Manufacturing, Light			P	P		
	Manufacturing, Wet Type				C		
	Marina, Commercial		P	P			
	Marina, Public	c				C	
	Marine Sales and Service			P			C
	Millwork, Cabinet or Woodworking Shop			P	P		C
	Mini-Warehouse, Self Service			C	P		
	Mini-Warehouse, Controlled Climate			P	P		
	Mixed Use Buildings	P	P	P			P
	Mixed Use Buildings with dwelling on 2nd floor and above		C	P			P
	Mobile Home Sales			P	C		
	Motorcycle Sales and Repair Shop			P			c
	Moving Services			P	P		
	Multi-family Residential Dev.			C			c
	Museum			P		C	P
	Neighborhood Shopping Center	P	P	P			P
	Nightclub			C			C
	Outdoor Seating Area for restaurants, bookstores	c	P	P	P		P
	Outdoor Storage for Retail			P			c
	Package Liquor Store		C	P			C
	Parking Garage			P	P		C
	Parking Lot, Commercial		C	P			c
	Parking Lot, Ancillary	C	C	C		C	c
	Pawn Shop		C	P			C

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Table No. 4: Uses Permitted in Non Residential, Public Land and Town Center Districts							
		C-1	C-2	C-3	I	PL	TC
	Plant Nursery, Retail		P	P			c
	Plant Nursery, Wholesale			P	P		c
	Playground	c		C		C	P
	Pocket Parks and Plazas						P
	Print/Blueprint Shop		P	P			P
	Produce Stand			C			P
	Professional Occupation Office	P	P	P	P		P
	Public Facilities	P	P	P	P	C	P
	Public Parks and Open Space	P	C	C		c	P
	Public Utilities	P	P	P	P	C	P
	Quasi-Public Facilities for Youth	P	P	P		C	P
	Radio & T. V. Broadcasting Studio				P		P
	Rehabilitation Center		C	P			c
	Recreational Vehicle Park		C	P			
	Recycling Center				C		
	Restaurant, Carry-Out	P	P	P			P
	Restaurant, Drive-in or Fast Food	C	P	P			P
	Restaurant, Neighborhood	P	P	P			P
	Restaurant, Specialty	P	P	P			P
	Rock, Sand, Gravel or Earth Excavation, Crushing or Distribution				C		
	Rug Cleaning Plant				P		
	School, Elementary					C	c
	School, Secondary	C	C	C		C	c
	Second Hand Store		P	P			P
	Signs as regulated in Article XII	P	P	P	P	C	P
	Shopping Mall, Regional			P			P
	Specialty Retail Shop	P	P	P			P
	Sports Facilities, Public					C	c
	Stable, Private					P	c
	Steel Mill, Mini				C		
	Studio, Multimedia Production		P	P			P
	Supermarket			P			P
	Tattoo Parlor	C		C			C
	Theatre, Motion Picture			P			P
	Theatre, Professional		P	P			P
	Title Loan Business		C	P			C

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Table No. 4: Uses Permitted in Non Residential, Public Land and Town Center Districts							
		C-1	C-2	C-3	I	PL	TC
	Truck Terminal			C	P		
	Truck Stop			C			
	Used Car Sales		C	P			
	Utility Substation			C	C	C	c
	Vocational Schools		P	P	P		c
	Youth Camp					C	c
	Veterinary Clinic	C	P	P			c
	Warehouse, Commercial			C	P		
	Wireless Telecommunication Facilities			C	C		C
	Wrecker Towing Service			C	P		

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	Table No. 5: Uses Permitted in Solely Mixed Use Districts				
		MURC-1	MURC-2	MURC-MW	MUMS
	Accessory Structures			c	
	Accessory Uses (See Section 5.5, Article VI)	P	P	P	P
	Adult Day Care Center	P	P		c
	Adult Uses	Regulated by Adult Entertainment Ordinance			
	Amusement Arcade	c	P	P	P
	Amusement Park, Outdoor		P	C	P
	Ambulance Service		P	C	P
	Animal Shelter		c		c
	Apartment Building	P	P	C	P
	Arboretums, Botanical Fac.	P	P	P	P
	Art Gallery	P	P	P	P
	Artisan Studio	P	P	P	P
	Assisted Living Facility	C	C		C
	Automobile Gas Station				
	Automobile Recovery Business				
	Automobile Repair Shop, Major				
	Automobile Dealership				
	Automobile Service Center, Minor				
	Automobile /Wrecking Yard				
	Bank or Financial Institution	C	P	P	P
	Bar or Tavern		P	c	P
	Beauty & Barber Shop	P	P	P	P
	Big Box Retail Store		c		
	Bed and Breakfast Inn	P	P	P	P
	Bingo Hall		c		c
	Boat Yard		P	P	
	Body Piercing Business				C
	Borrow Pit				
	Book Store	P	P		P
	Boiler Works				C
	Bowling Alley		c		c
	Building Material & Supply Establishment				P
	Car Wash, Automated				
	Car Wash, Self-Service				
	Catering Service				P
	Cemetery				C
	Check Cashing Business				C
	Child Care, Commercial	C	C		P
	Church or Place of Worship				C

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	Table No. 5: Uses Permitted in Solely Mixed Use Districts				
		MURC-1	MURC-2	MURC-MW	MUMS
	Clinic, Medical or Dental	C	P		P
	Clubhouse or Lodge	P	P	P	P
	College or University	C	P		P
	Condominium, Residential	P	P	P	P
	Conference or Meeting Facility	c	P	c	c
	Community Center	c	P	c	P
	Community Shopping Center		c	P	P
	Contractor's Shop				c
	Contractor's Storage Yard				c
	Convention Center		P	C	P
	Convalescent or Nursing Home	P	P	C	
	Convenience Store		P	c	P
	Correctional Facility				
	Country Club	P	P	P	P
	Day Spa	P	P	c	P
	Department Store				
	Drug Store	C	C		P
	Dry Cleaning Pick-up Station		P		P
	Dry Cleaning Plant				P
	Dwelling Units above the 1st floor of Mixed Use Buildings	P	P	P	P
	Dwelling, Multi-Family	P	P	c	
	Dwelling, Park Model Home	P	P	c	
	Dwelling, Single-family, Attached	P	P	P	
	Dwelling, Single-family, Detached	P	P	P	
	Emergency Shelter/Mission			C	
	Farmer's Market	P	P	c	P
	Fish Camp	P	P	P	
	Funeral Home				C
	Golf Course		c		
	Golf-Driving Range		c		
	Guest Home for the Handicapped (less than 12 guests)	C	C	C	
	Guest House (As Accessory Use)	P	P	P	
	Gun Shop		C		C
	Half-Way House		C		

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	Table No. 5: Uses Permitted in Solely Mixed Use Districts				
		MURC-1	MURC-2	MURC-MW	MUMS
	Health Club or Fitness Center	c	P	P	P
	Heavy Equipment Sales and Rental				
	Hospice		C	C	C
	Hospital	c	c		
	Hotel or Motel	P	P	C	P
	Industrial Park				
	Instructional Studio, Public	c	P	P	P
	Junkyard				
	Kennel, Commercial				C
	Laboratory, Dental				P
	Laboratory, Research				P
	Laundromat				C
	Lumberyard				
	Machine Sales and Services				P
	Machine Shop				
	Manufacturing, Heavy				
	Manufacturing, Light				
	Manufacturing, Wet Type		P		
	Marina, Commercial	P	P	P	P
	Marina, Public	P	P	P	P
	Marine Sales and Service	c	P	c	P
	MEMA Cottage	c	c	c	c
	Millwork, Cabinet or Woodworking Shop				P
	Mini-Warehouse, Self Service				
	Mini-Warehouse, Controlled Climate				
	Mixed Use Buildings	P	P	P	P
	Mixed Use Buildings with dwelling on 2nd floor and above	P	P	P	P
	Mobile Home Sales				
	Motorcycle Sales and Repair Shop				C
	Moving Services				
	Museum			P	
	Neighborhood Shopping Center	c	P		P
	Nightclub		c	c	P
	Outdoor Seating Area for restaurants, bookstores	P	P	P	P

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	Table No. 5: Uses Permitted in Solely Mixed Use Districts				
		MURC-1	MURC-2	MURC-MW	MUMS
	Outdoor Storage for Retail				c
	Package Liquor Store				C
	Parking Garage		C	C	P
	Parking Lot, Commercial				
	Parking Lot, Ancillary	C	C	C	C
	Pawn Shop				c
	Plant Nursery, Retail	P	P		P
	Plant Nursery, Wholesale				P
	Playground	P	P	P	P
	Pocket Parks and Plazas	P	P	P	P
	Print/Blueprint Shop				P
	Produce Stand	P	P	P	P
	Professional Occupation Office		P	P	P
	Public Facilities	P	P	P	P
	Public Parks and Open Space	P	P	P	P
	Public Utilities	P	P	P	P
	Quasi-Public Facilities for Youth	P	P	P	P
	Radio & T. V. Broadcasting Studio	P	P	P	P
	Rehabilitation Center		C		C
	Recreational Vehicle Park		P	P	C
	Recreational Vehicle (RV)			C	
	Recycling Center				
	Restaurant, Carry-Out	P	P	P	P
	Restaurant, Drive-in or Fast Food	P	P	P	P
	Restaurant, Neighborhood	P	P	P	P
	Restaurant, Specialty	P	P	P	P
	Rock, Sand, Gravel or Earth Excavation, Crushing or Distribution				
	Rug Cleaning Plant				
	School, Elementary		C		C
	School, Secondary		C		C
	Second Hand Store		c		c
	Signs as regulated in Article XII	P	P	P	P
	Shopping Mall, Regional				
	Specialty Retail Shop	P	P	P	P
	Sports Facilities, Public		c		
	Stable, Private	c	c		
	Steel Mill, Mini				

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	Table No. 5: Uses Permitted in Solely Mixed Use Districts				
		MURC-1	MURC-2	MURC-MW	MUMS
	Studio, Multimedia Production	P	P	c	P
	Supermarket		c		P
	Tattoo Parlor				C
	Theatre, Motion Picture		c	c	c
	Theatre, Professional		c	c	c
	Title Loan Business	P	P		P
	Truck Terminal				
	Truck Stop				
	Used Car Sales				
	Utility Substation	c	c		c
	Vocational Schools		C		C
	Youth Camp		P	P	P
	Veterinary Clinic		P	P	P
	Warehouse, Commercial				
	Wireless Telecommunication Facilities				
	Wrecker Towing Service				

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5.2.3 Similar and Compatible Uses

The Economic Development Director may determine that a proposed use not listed in this chapter is allowable as follows:

A. The Economic Development Director may determine that a proposed use is similar to and compatible with a listed use and may be allowed, only after all of the following findings:

1. The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve greater impacts than the uses listed in the district;

2. The use will be consistent with the purposes of the applicable zoning district;

3. The use will be consistent with the comprehensive plan; and

4. The use will be compatible with the other uses allowed in the district.

B. A determination that a use qualifies as a "similar use" and the findings supporting the determination shall be in writing.

C. Applicable standards and permit requirements. When the Economic Development Director determines that a proposed, but unlisted use is similar to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Ordinance apply.

5.2.4 Area and Setback Regulations shall be in accordance with the dimensions specified within each district except that:

A. The COR, Corridor Overlay District qualifies development to apply for a lessening of dimension standards in exchange for specific public benefits, as established by the tier land use system of this Ordinance.

B. Whenever the specific district regulations of a more restrictive district, such uses shall be subject to the conditions as set forth in the regulations of the more restrictive district unless otherwise specified.

C. In any existing residential district, the minimum front yard setback of any new structure built as an infill structure, shall be the same as the adjoining residential structures, or if there are no adjoining residential structures, shall be equal to the average of other residences on the same side of the street within the same block or series of blocks.

D. Structures to be located on the specific thoroughfares listed below require a greater front yard setback than those ordinarily required in the specific zoning district requirements. The additional setback requirement shall be added in accordance with Table No. 6:

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Table No. 6 Additional Setback Requirements	
Street/Road	**Additional Setback Requirement***
Martin Bluff Rd.	Twenty (20) feet on the south side from ~~of~~ Gautier-Vancleave Rd. to Homestead Blvd. Ten (10) feet on both side from Homestead Blvd. east and north to terminus
Homestead Blvd.	Ten (10) feet on both sides to terminus
Old Spanish Trail	Fifteen (15) feet on each side from City Limits on western end to Graveline Road
Gautier-Vancleave Rd.	Ten (10) feet on each side
Guillotteville Rd.	Fifteen (15) feet on both sides
Dolphin Rd.	Ten (10) feet on both sides of Dolphin Road from Highway 90 South to Starfish
**Note: All setback requirements are from the terminuses of each road, except as noted.*	

5.2.5 Height

The following requirements are intended to provide exceptions or supplement as the case may be, the specific zoning district regulations regarding height.

A. The following structures or parts thereof are hereby exempt from height limitations set forth in specific zoning district regulations:

1. Agricultural buildings such as barns but not including dwellings

2. Chimneys, spires, steeples, flagpoles, ventilators, skylights

3. Commercial telecommunications towers, subject to the standards in Article XIV

4. Water tanks or power transmission towers

5. Other similar or necessary mechanical appurtenances pertaining to and necessary to the permitted uses of the district in which they are located, provided they are not used for human occupancy

B. Churches, schools, hospitals, and other public and semi-public buildings may exceed the height limitations of the district if the minimum depth of the front, side, and rear yards required is increased one (1) foot for each two (2) feet by which the height of such public or semi-public structure exceeds the prescribed height limit.

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Table 7. Intensity and Dimensional Standards

Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width	Maximum Building Height			Setbacks			Maximum Density (units per acre)			Maximum Floor Area Ratio			Max % of area covered on lot		
			Tier 1	Tier 2	Tier 3	Front	Side	Rear	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3
AG	20,000 SF	100	35	N/A	N/A	50	20/35	25	none	N/A	N/A	N/A	N/A	N/A	15	N/A	N/A
R-E	43,560	150	35	N/A	N/A	50/35	20/35	35	none	N/A	N/A	N/A	N/A	N/A	20	N/A	N/A
R-1	9,600	80	35	N/A	N/A	25/35	10/25/35	25	none	N/A	N/A	N/A	N/A	N/A	25	N/A	N/A
R-1A	7,200/10,000	60	35	N/A	N/A	25	10/25	25	none	N/A	N/A	N/A	N/A	N/A	30	N/A	N/A
	9,600	90	35	N/A	N/A	25	10/25/35	25	none	N/A	N/A	N/A	N/A	N/A	30	N/A	N/A
R-2	9,600 +2,000 per du	80	35	45	60	25	25	25	15 du	18 du	24 du	N/A	N/A	N/A	30	40	50
R-3 (Modular Home Sub.)	3 acres total 5,000 lot	40	20	N/A	N/A	19	5/19	5/19	none	N/A	N/A	N/A	N/A	N/A	N/A	N/A	30
R-3 (Mobile Home Park)	3 acres total 5,000 lot	35	20	N/A	N/A	15	7	10	8 du	10 du	N/A	N/A	N/A	N/A	N/A	N/A	N/A
C-1	None	100	15	25	35	25/15	15/35/40	15/25/35	none	N/A	N/A	N/A	N/A	N/A	75	80	80
C-2	None	100	25	30	35	40/25	15/35	0/35	none	N/A	N/A	N/A	N/A	N/A	75	80	85
C-3	None	None	35	45	60	40/25	15/35/40	0/35	none	N/A	N/A	N/A	N/A	N/A	75	80	85
I	20,000	100	60	N/A	N/A	40	15/40/80/30	25/80/40	none	N/A	N/A	N/A	N/A	N/A	none	N/A	N/A
PL	43,560 total 30,000	80	45	N/A	N/A	same as adjacent zoning	same as adjacent zoning	same as adjacent zoning	none	N/A	N/A	N/A	N/A	N/A	65	N/A	N/A

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Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width	Maximum Building Height			Setbacks			Maximum Density (units per acre)			Maximum Floor Area Ratio			Max % of area covered on lot		
			Tier 1	Tier 2	Tier 3	Front	Side	Rear	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3
TCMU	43,560 total 2,400	40	30	55	75	25/0 80	0/15/35	0/35	18	24	36	4.0	4.5	5.0	0/90	30	30
MURC-1	None	25	20	30	35	15	15	20	8	10	12	2.25	2.50	3.0	65	65	70
MURC-2	None	50	25	45	60	10	7.5	20	24	36	None	3.0	4.0	5.0	70	75	80
MURC-MW	None	None	35	40	45	10	7.5	20	8	12	18	3.5	4.0	4.5	70	75	80
MUMS	None	None	20	40	65	0	0	15	12	18	24	4.0	4.5	5.0	100	100	100
PUD	2 acres	None	TBD														

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	total			TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	75%	TBD	TBD

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SECTION 5.3: General District Descriptions

5.3.1 AG, Agricultural District

Purpose and intent. The AG District is intended to provide an area for low density residential development and small scale agricultural uses such as farms, and ponds for livestock or fowl. This zoning district is to encourage large lots, open space and single-family detached dwellings in an agricultural environment.

The provision of these zoning regulations shall not be exercised so as to require permits with reference to land used for agricultural purposes, or for the maintenance, repair or extension of farm buildings or farm structures.

5.3.2 R-E, Residential Estate District

Purpose and intent. The purpose of this district is to provide for large-lot residential areas for the development of very low density, single-family residential uses and compatible accessory structures. Areas with these characteristics are typically developed as large-lot subdivisions with custom-built homes, suburban areas on the edge of the city and lots which contain environmentally sensitive areas. It is the intent of this Ordinance that these districts should be maintained without intrusive uses so as to minimize the impact of additional traffic or noise.

5.3.3 R-1, Low Density Single-Family Residential District

Purpose and intent. The purpose of this district is to provide areas where the principal use of land is for single-family detached dwelling units and related recreational facilities which compliment the area and provide a balanced and attractive residential area. R-1 areas are to be specifically designed to provide for the quiet enjoyment of the uses therein. They should have well defined boundaries and be protected from the encroachment of commercial uses and heavy through traffic.

5.3.4 R-1A, Medium Density Residential District

Purpose and intent. The purpose of this district is to provide areas for the development of low to medium density residential uses and structures. These districts should be located in areas of the City where a quiet environment exists which is suitable for moderate density residential uses and adjacent to similar density residential areas. Single-family and two-family principal uses and accessory structures are permitted.

5.3.5 R-2, High Density Multi-Family Residential District

Purpose and intent. The purpose of the R-2 District is to provide for resort-style communities offering a full range of living accommodations for Gautier residents. In addition to uses permitted within the R-1A District, this District allows for multi-family developments, residential condominiums, retirement communities and assisted living facilities. Complementary recreational facilities are also permitted and permanent open space and/or recreational facilities are required for new developments within this district.

5.3.6 R-3, Mobile/Manufactured Home Residential District

Purpose and intent. The purpose of the R-3 District is to provide for affordable housing including student and artist cooperatives for Gautier. The principal use of land is for manufactured home subdivisions, cottage villages, and/or modular home dwellings. Manufactured and mobile homes may only be placed in existing or new Manufactured and Mobile Home Parks or in platted Manufactured Home Subdivisions which are zoned R-3. It is the intent of this Ordinance that these districts be located in areas where they will not adversely affect low- or medium-density residential neighborhoods. This district, and the developments allowed in it, should be located

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so as to not interfere with or damage environmentally sensitive lands and must insure that adequate open space and recreational facilities are located within the development to serve the needs of residents in the district. A large amount of land zoned R-3 concentrated within one area should be avoided to prevent crowding and effects of traffic generated by this type of development.

5.3.7 C-1, Neighborhood Commercial District

Purpose and intent. The purpose of this district is to provide relatively quiet, attractive and spacious areas for the development of office and limited retail uses. The C-1 zoning district implements the comprehensive plan's Low Impact Commercial designation to foster areas which provide convenience shopping for the day-to-day needs of consumers and which are located close to residential neighborhoods. These are located at key intersections on arterial and/or collector streets. The size and scale of commercial buildings should relate to the surrounding buildings. An example of an existing neighborhood center in Gautier is located at Martin Bluff Road and Bluff Point Drive.

5.3.8 C-2, Community Commercial District

Purpose and intent. The purpose of this district is to provide areas of medium density commercial including a mixture of retail, professional services, and studios which cluster together. Community Commercial Districts are located primarily along transportation collectors such as Gautier-Vancleave. The co-location of professional services and civic uses shall be encouraged to strengthen industry and provide an attractive, pedestrian scale commercial corridor into the City.

5.3.9 C-3, Highway Commercial District

Purpose and intent. The purpose of this district is to provide for areas where relatively high intensity commercial and retail uses, office buildings, medical facilities, automobile car lots and regional shopping areas may be located. C-3 Districts are to be located along major highways or major arterials. Due to the high intensity of some of the permitted uses and the variety of uses, most C-3 uses are not compatible with low- to medium-density residential uses, but may be adjacent to high-density residential uses if adequately buffered.

5.3.10 I, Industrial District

Purpose and intent. The purpose of the industrial district is to provide land where light manufacturing and assembly plants, processing, storage, warehousing, wholesaling, distribution centers and industrial parks for such uses can be located by right. All industrial, warehousing or manufacturing uses permitted by right should be conducted in such a manner so that noise, odor, dust, and glare of each operation are completely confined within an enclosed building. It is the intent of this Ordinance that heavy industrial and manufacturing uses be reviewed to ensure compatibility with conditions. Any outdoor industrial, storage or manufacturing use shall be appropriately screened and buffered to mitigate the effect on adjacent property.

5.3.11 PL, Public Land

Purpose and intent. The purpose of this district is to provide for sites where governmental and quasi-governmental uses such as municipal and county facilities, schools, civic, cultural and historic sites as well as recreational facilities can be placed. This type of development is usually developed as a cohesive unit with internal streets and destinations. Due to the diversity of uses allowed, each use shall be considered a conditional use and subject to approval of the City Council. A change of use on land zoned PL shall require approval of the Council.

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5.3.12 TCMU, Town Center Mixed Use District

A. Purpose and Intent - The purpose of the TCMU Town Center Mixed-Use District is to encourage the development of a new downtown area that offers shopping, entertainment venues, cultural and community uses and specialized types of residential units to serve residents and visitors to Gautier.

This district will be the core area of the city with quality designed and built structures, streetscapes and amenities. New development and changes to existing buildings should be consistent with recognized pedestrian scale improvements in terms of structural orientation, height, lot dimensional requirements and other site spatial relationships.

B. Design Principals - The general design principals for the Town Center Mixed Use District are as follows:

1. *Create a distinctive "Sense of Place":* All buildings should incorporate high quality architectural treatments, building materials, and site planning that provides visual interest, reduces building mass impacts, respects local character and provides a distinct sense of place. Developers should establish continuity of design with distinctive signs, banners, pedestrian scale lights and street trees which help identify the district.

2. *Strong Street Edge*: All commercial and civic uses, including big box stores, should provide physical definition to streets and public spaces. This can be accomplished by locating buildings or sections of buildings closer to the street. A strong street edge helps mitigate the negative visual impact of surface parking lots and parking garages.

3. *Place Focal Points at Major Intersections*: Development on the corners of major intersections should frame the corners. Public elements including streetscapes, trees, paving and pedestrian elements should help articulate these areas as major Destination points.

4. *Provide Quality Public Amenities and Landscaping*: Development should provide high quality public amenities and landscaping that promote a positive site appearance, pedestrian activity and social interaction.

5. *Create Human Scale Development:* Entrances into buildings should be at the scale of the pedestrian rather than monolithic or monumental scale, pedestrian linkages should be created from parking lots to building entrances, between buildings and to sidewalks and walking trails.

5.3.13 MURC-1, Mixed Use Recreation Commercial-1

Purpose and intent. Mixed Use Recreational Commercial-1 zoning district implements Future Land Use Section 7.3, Mixed Use Recreation Commercial of the Comprehensive Plan, and also serves as a buffer between areas of lower and higher intensity. The MURC-1 zoning district shall apply to areas developed, redeveloped and/or maintained and conserved as areas that accommodate permanent or seasonal single-family detached or multi-family attached residential dwelling units; commercial hotel, motel, bed and breakfast establishments and other commercial transient living accommodations; and tourist-oriented uses including marinas, dry boat storage,

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community buildings, public facilities, clubhouses, neighborhood retail commercial goods and services not exceeding 5,500 square feet designed primarily to serve the needs of the Mixed Use Recreational Commercial area, fitness centers, dinner clubs and restaurants. It is the intent of the MURC-1 zoning district to specifically not allow all non-residential uses, recreation vehicles and travel trailers in the district. Regulations are intended to create low intensity mixed-use areas that are compatible with adjacent residential areas; to encourage a pedestrian orientation by locating buildings close to public sidewalks; to permit local services and shops within walking distance of residential neighborhoods; and to require buffering of commercial properties from abutting residential neighborhoods.

5.3.14 MURC-2, Mixed Use Recreation Commercial-2

Purpose and intent. The Mixed Use Recreational Commercial-2 zoning district implements Future Land Use Section 7.3, Mixed Use Recreation Commercial of the Comprehensive Plan, and also serves as a buffer between areas of lower and higher intensity. The MURC-2 zoning district shall apply to areas suited for tourist-oriented development. Specifically, lands which are developed, redeveloped and/or maintained and conserved as areas that accommodate permanent or seasonal single-family detached or multi-family attached residential dwelling units; commercial hotel, motel, bed and breakfast establishments and other commercial transient living accommodations; and tourist-oriented uses including recreation vehicles, travel trailers, seasonal cabins, marinas, dry boat storage, community buildings, public facilities, clubhouses, museums, visual and performance arts buildings, neighborhood retail commercial goods and services not exceeding 7,000 square feet designed primarily to serve the needs of the Mixed Use Recreational Commercial area, offices, medical clinics, laundries and dry cleaning drop off centers, banks, fitness centers, dinner clubs and restaurants. It is the intent of the MURC-2 zoning district to specifically not allow all non-residential uses to be located in the district.

5.3.15 MURC-MW, Mixed Use Recreation Commercial-MW

Purpose and intent. The MURC-MW zoning district implements Future Land Use Section 7.3, Mixed Use Recreation Commercial of the Comprehensive Plan. The Mixed Use Recreation Commercial-MW zoning district is a special planning area that recognizes the special character and operation of the area generally described as the Mary Walker community. The district is intended to protect a mix of uses that includes permanent single family residences, seasonal single-family detached residences, and tourist-oriented uses including recreation vehicles, seasonal cabins, marinas, dry boat storage, dinner clubs and restaurants. These regulations are intended to create a mixed-use waterfront district with residential and limited commercial development that is compatible in use and scale with the single-family neighborhood; to encourage water-related and water-dependent uses and activities that are compatible with the residential component of the neighborhood and to provide access and enjoyment of the Pascagoula Bay.

5.3.16 MUMS, Mixed Use Main Street

Purpose and intent. The Mixed Use Main Street zoning district implements the Residential Commercial designation of the Comprehensive Plan. The district is intended to create neighborhood-scale mixed-use areas outside the Town Center that are pedestrian-oriented, with residential units permitted above commercial uses; to provide a continuous commercial frontage along principal streets to facilitate a pedestrian orientation, with parking located on-street or in common parking lots at the center or rear of blocks and behind buildings; and to provide for the reuse of existing buildings and structures, while encouraging new development.

5.3.17 PUD, Planned Unit Development

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Purpose and intent. The PUD zoning district is applied to specific areas to encourage flexibility in the development of land, in order to promote its most appropriate use; to improve the design, character and quality of new developments; to encourage a harmonious and appropriate mixture of uses; to facilitate the adequate and economic provision of streets, utilities, and city services; to preserve the natural, environmental and scenic features of the site; to encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features; to mitigate the problems which may be presented by specific site conditions; and to encourage subdivisions which address the affordable housing goals, objectives and policies of the city's comprehensive plan. Uses permitted “by right” are established by the intent of the underlying Comprehensive Plan Future Land Use Map. It is anticipated that PUDs will offer one or more of the following advantages:

A. Provide substantial buffers and transitions between areas of different land use and development densities;

B. Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces;

C. Counteract urban monotony and congestion on streets;

D. Promote architecture that is compatible with the surroundings;

E. Buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing or zoned development; and

F. Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area.

5.3.18 COR, Corridor Overlay District

Purpose and intent. The purpose of establishing this overlay district is to implement Section 7.8 of the Comprehensive Plan. Specifically, to provide bonus incentives for development by implementing a tier land use system, expedite permitting when appropriate, and to protect the aesthetic and visual character of lands in Gautier adjacent to the major roads, the waterfront, and the Town Center, as defined herein. All development proposed within this District shall be subject to the procedures, standards and guidelines specified in the Article IV, in addition to those standards pertaining to the particular base district in which the development occurs. In particular, the purpose of the Corridor Overlay District is to encourage the development of a vibrant center city; better articulate positive visual experiences along Gautier's major roads, the waterfront, and Town Center; to provide for the continued safe and efficient utilization of these roads; and to provide for the continued preservation and conservation of the waterfront and the City’s characteristic “historic fishing village and college-town feel”.

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SECTION 5.4: General Regulations

5.4.1 Uses Permitted by right in AG, R-E, R-1, R-1A, R-2 and R-3 Residential Districts

The following uses are permitted by right in the specific districts enumerated above provided they the most restrictive regulations of the particular district in which they are to be located are met:

A. Accessory Structures located on the same lot and in accordance with *Article VI* and other provisions of this Ordinance

B. Residential uses, as hereafter regulated

C. Public utility facilities and structures required to provide essential public services

D. Public parks and open spaces

E. Home occupations, in accordance with *Article VI* and other provisions of this Ordinance and the issuance of a Home Occupation Permit

F. Signs as regulated in *Article XII*

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5.4.2 AG, Agricultural District

~~**Area and Setback Regulations**~~

All uses and structures in the AG District shall meet the following development standards, except as otherwise provided by this Ordinance. Conservation subdivisions may be used in this district with the permission of the City Council.

A. Minimum Lot Area:

Single-Family Dwelling—Twenty thousand (20,000) square feet

Agricultural Uses–-Three (3) acres

Country Clubs–-Five (5) acres

Golf Course and/or Golf Driving Range—Ten (10) acres

B. Minimum Lot Width: One hundred (100) feet for both interior and corner lots at front building line and fifty (50) feet on a public or platted street

C. Minimum Setbacks for Principal structure:

Front—Fifty (50) feet

Side—Twenty (20) feet for interior lots and thirty-five (35) feet for corner lots

Rear—Twenty-five (25) feet

4. Minimum Setbacks for Accessory structure(s):

Front—All accessory structures shall be located in the rear yard of the principal use

Side—Ten (10) feet

Rear—Five (5) feet

5. Maximum Building Height: Thirty-five (35) feet for principal structure and twenty-five (25) feet for accessory structure

6. Maximum Lot Coverage: Fifteen (15) percent for principal structure and accessory structures and accessory structures shall not exceed twenty (20) percent of the rear yard

7. Minimum Living Area of Dwelling Units: Thirteen hundred twenty-five (1,325) square feet

~~**ADDITIONAL REGULATIONS**~~

~~Conservation subdivision may be used in this district with the permission of the City Council.~~

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5.4.3 R-E, Residential Estate District

~~**Area and Setback Regulations**~~

All uses and structures in the R-E District shall meet the following development standards, except as otherwise provided by this Ordinance. Conservation subdivisions may be used in this district with the permission of the City Council.

A. Minimum Lot Area:

Single-Family Dwelling—One (1) acre

Country Club or similar facilities–Five (5) acres

Golf Course—Ten (10) Acres

B. Minimum Lot Width: One hundred fifty (150) feet for both interior lots and corner lots at the front building line and fifty (50) feet on a public or platted street.

C. Minimum Setbacks for Principal structure:

Front—Fifty (50) feet

Side—Twenty (20) feet for interior lots and fifty (50) feet for corner lots

Rear—Thirty-five (35) feet

D. Minimum Setbacks for Accessory Structure(s):

Front—All accessory structures shall be located in the rear yard of the principal use.

Side—Ten (10) feet

Rear—Ten (10) feet

E. Maximum Building Height: Thirty-five (35) feet for principal structure and twenty-five (25) feet for accessory structure

F. Maximum Lot Coverage: Twenty (20) percent for all structures and accessory structures shall not exceed fifteen (15) percent of the rear lot area

G. Minimum Living Area of dwelling units: Eighteen hundred (1,800) square feet

~~**ADDITIONAL REGULATIONS**~~

~~Conservation subdivision may be used in this district with the permission of the City Council.~~

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5.4.4 R-1, Low Density Single-Family Residential District

~~**Area and Setback Regulations**~~

Single-Family detached dwelling units shall meet the following development standards.

A. **Minimum Lot Area**: Ninety-six hundred (9,600) square feet

B. **Minimum Lot Width:** Eighty (80) feet for interior lots and one hundred (100) feet for corner lots at the front building line. All lots shall have a minimum of forty (40) feet on a public or platted street.

C. **Minimum Setbacks for Principal structure:**

Front—Twenty-five (25) feet

Side—Ten (10) feet for interior lots and thirty-five (25) feet for corner lots

Rear—Twenty-five (25) feet

D. **Minimum Setbacks for Accessory structures(s):**

Front—All accessory structures shall be located in the rear yard of the principal use or in the side yard, behind the main structure front building line.

Side—Ten (10) feet

Rear—Five (5) feet

E. **Maximum Building Height**—Thirty-five (35) feet for principal dwellings; Twenty-five (25) feet for accessory structures

F. **Maximum Lot Coverage**—Twenty-five (25) percent for the principal structure and accessory structures. Accessory structures shall not exceed twenty (20) percent of the rear lot area or fifty (50) percent of the main building area, whichever is less.

G. **Minimum Living Area of dwelling units–**Thirteen hundred twenty-five (1,325) square feet

5.4.5 R-1A, Medium Density Single-Family and Two-Family Residential District

~~**Area and Setback Regulations**~~

Single-family and two-family principal uses and accessory structures in the R-1A District shall meet the following development standards, except as otherwise provided by this Ordinance.

A. **Minimum Lot Area:**

Single-Family Dwelling–Seventy-two hundred (7,200) square feet

Two-Family Dwellings–Ninety-six hundred (9,600) square feet

C. **Minimum Lot Width:**

Single-Family Dwelling–Sixty (60) feet for interior lots and seventy (70) feet for corner lots at the front building line

Two-Family Dwellings–Ninety feet (90) feet for interior lots and one hundred (100) feet for corner lots at the front building line

All lots shall have a minimum of forty (40) feet on a public or platted street.

C. **Minimum Setbacks for Principal structure:**

Front—Twenty-five (25) feet

Side—Ten (10) feet for interior lots and twenty-five (25) feet for corner lots

Rear—Twenty-five (25) feet

D. **Minimum Setbacks for Accessory structure(s):**

Front—All accessory structures shall be located in the rear yard of the principal use or in the side yard behind the main structure front building line.

Side— Ten (10) feet

Rear—Five (5) feet

D. **Maximum Building Height**: Thirty-five (35) feet for principal dwellings twenty-five (25) feet for accessory structures

E. **Maximum Lot Coverage**: Thirty (30) percent for the principal structure and accessory structures. Accessory structures shall not exceed twenty (20) percent of the rear lot area or fifty (50) percent of the main structure, whichever is less.

G. **Minimum Living Area of Dwelling units**: Eleven hundred (1,100) square feet for single-family dwellings and two thousand (2,000) square feet for two-family dwelling units.

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5.4.6 R-2, High Density Multi-Family Residential District

A. ~~Area and Setback Regulations for~~ Campus Type Multi-Family Developments General Regulations:

1. **Minimum Lot Area**: Multi-family Apartments and Condominiums—Ninety-six hundred (9,600) square feet for the first two (2) units plus two thousand (2,000) square feet for each additional family unit.

2. **Minimum Lot Width**: Eighty (80) feet on a public arterial or collector street at the entrance of the subdivision.

3. **Periphery Boundary**: All buildings including accessory and recreational structures shall have a minimum setback requirement from the periphery boundary of not less than twenty-five (25) feet, with two (2) additional feet for each floor above forty-five (45) feet. A fifteen (15) feet landscaped buffer shall be required when the multi-family development is located adjacent to a single family zoning district in accordance *Article XI*.

4. **Distance between Buildings**: Thirty (30) feet

5. **Maximum Building Height**: See Table 7 for Tier Bonus Provisions.

B. ~~Area and Setback Regulations When~~ Row Type Multi-Family Buildings Facing a Public Street General Regulations:

1. **Minimum Lot Area:**

   Multi-family Apartments and Condominiums—A minimum tract of ninety-six hundred (9,600) square feet for the first two (2) units plus two thousand (2,000) square feet for each additional family unit is required.

   Assisted Living—A minimum tract of two (2) acres

2. **Minimum Lot Width**: Eighty (80) feet for interior lots and ninety (90) feet for corner lots at the front building line. All lots shall have a minimum of forty (40) feet on a public or platted street.

3. **Minimum Setbacks for Principal Structures**:

   Front—Twenty-five (25) feet

   Side—Twenty-five (25) feet for interior and corner lots

   Rear—Twenty-five (25) feet

   Front, side and rear yards shall be increased by one (1) foot for each five (5) feet of building height over forty-five (45) feet

4. **Minimum Setbacks for Accessory structure(s):**

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Front—All accessory structures shall be located in the rear yard of the principal use or in the side yard, behind the main structure front building line.

Side—Ten (10) feet

Rear—Ten (10) feet

6. **Maximum Building Height**: See Table 7 for Tier Bonus Provisions.

6. **Maximum Density**: See Table 7 for Tier Bonus Provisions.

C. Open Space and Recreational Areas.

For apartments of three (3) or more units, a minimum area equal to five (5) percent of the gross site area shall be set aside for passive recreational use, parks, and/or common ground space. This area shall be in addition to any areas used for swimming pools, tennis courts, basketball courts or other active recreational areas and shall not necessarily include spaces between units, unless such areas are landscaped as usable park areas. All recreational, parks and common space areas shall be located on the site in such a manner as to be easily accessible to all dwelling units within the complex.

D. Site Access Requirements

All multifamily dwellings must have direct access to a collector or arterial street as defined by the City of Gautier.

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5.4.7 R-3, Mobile/Manufactured Home Residential District

A. Subdivision and Individually Owned Lot/Parcel General Regulations

1. **Minimum Subdivision Size**: Three (3) acres

2. **Minimum Lot Area** : Five thousand (5,000) square feet

3. **Minimum Lot Width**: Forty (40) feet

4. **Minimum Setbacks for Mobile and/or Modular Homes**:

   Front—Nineteen (19) feet for interior and corner lots. Front Yards shall front on a public or platted street

   Side—Five (5) feet for interior lots and nineteen (19) feet for corner lots

   Rear—Five (5) feet

5. **Maximum Building Height**: Twenty (20) feet for Mobile homes and accessory structures; Thirty-five (35) feet for Community Centers

6. **Maximum Lot Coverage**: None, except that accessory structures shall not exceed twenty-five (25) percent of the rear yard

7. **Minimum Living Area**: Eleven hundred (1,100) Square feet for Single Family Detached Dwelling

B. Manufactured and Mobile Home Park General Regulations

1. **Minimum park size**: Three (3) acres

2. **Periphery Boundary**: The mobile home park perimeter shall be an unoccupied area which shall be fifteen (15) feet along the sides and rear and fifty (50) feet along the front. The inside twenty (20) feet of the fifty (50) foot front area may be used for an interior street, road, driveway, sidewalk or walking trail. Five (5) feet of the side and rear perimeter area shall be a landscaped buffer yard in accordance with *Article XI*.

3. **Minimum area on which a Mobile or Modular home may be parked**:
   Size— Thirty-five hundred (3,500) square feet
   Width—Thirty-five (35) feet

4. **Minimum Setbacks for a Mobile or Modular home from internal roads, buildings or other mobile homes**:

   Front—Fifteen (15) feet

   Side—Seven (7) feet

   Rear—Ten (10) feet

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Minimum space between two mobile or modular homes—Twenty-one (21) feet.

5. **Maximum Gross Density**: See Table 7 for Tier Bonus Provisions.

6. **Maximum Building Height:** Twenty (20) feet for Mobile homes; thirty-five (35) feet for Community Centers.

C. Common Ground Green Space

A minimum of five (5) percent of the total gross area of the Mobile Home Subdivision or Mobile Home Park shall be set aside for common group or green space for the benefit of residents of the neighborhood. Such space shall be reserved in no more than two (2) major areas and used for passive and/or active recreational facilities.

Additional Regulations Regarding

All of the following regulations shall also apply to Mobile Homes and MEMA Cottages except where noted.

1. All mobile home lots shall abut upon a driveway of not less than twenty (20) feet in width, which shall have an unobstructed access to a public street which shall be classified as a collector or arterial street as defined by the City of Gautier.

2. All streets, roadways and driveways within a mobile home park shall be hard surface and meet the minimum construction standards recommended by the City Consulting Engineer and shall be sufficiently illuminated at night with street lights.

3. In Mobile Home Subdivisions, only one (1) modular or mobile home shall be permitted per lot.

4. Each mobile home residence must have two (2) hard surface areas for parking of vehicles.

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SECTION 5.5: Commercial Districts

5.5.1 C-1, Neighborhood Commercial District
~~Area and Setback Regulations~~

1. **Minimum Lot Area**: None required

2. **Minimum Lot Width**: One hundred (100) feet

3. **Minimum Setbacks:**

   Front—Twenty-five (25) feet when parking is in the front of the building, **and** fifteen (15) feet if all parking is on the side and rear of the building

   Side—Fifteen (15) feet on interior lots and in the case of a corner lot abutting a public street the side setback shall be thirty-five (35) feet. Attached buildings shall not require side yards except for the end units. In cases where lot is adjacent to residentially zoned property, the side yard requirement shall be forty (40) feet and the outside ten (10) feet shall be a landscaped buffer area in accordance with *Article XI*.

   Rear—Fifteen (15) feet when parking is in the front of the building and twenty-five (25) feet when parking is in the side and rear of the building. In cases where lot is adjacent to residentially zoned property, the rear yard requirement shall be thirty-five (35) feet and the outside ten (10) feet of the rear setback shall be a landscaped buffer in accordance with *Article XI.*

4. **Maximum Building Height**: See Table 7 for Tier Bonus Provisions

5. **Maximum Lot Coverage:** See Table 7 for Tier Bonus Provisions

6. **Maximum Building and Shopping Center Size:** No individual building or structure shall exceed twenty-four hundred (2,400) square feet per use. The total square footage of neighborhood shopping centers shall not exceed ten thousand (10,000) square feet.

~~7.~~ **Additional Regulations ~~Other Requirements~~**

1. No exterior storage shall be permitted

2. Setbacks for gasoline, fuel or diesel pumps or accessory buildings shall be in accordance with *Article VII*.

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5.5.2 C-2, Community Commercial District
~~Area and Setback Regulations~~

1. **Minimum Lot Area**: None required

2. **Minimum Lot Width**: One hundred (100) feet

3. **Minimum Setbacks**:

   Front— Forty (40) feet when parking is in the front of the building, **and** twenty-five (25) feet if all parking is on the side and rear of the building

   Side—Fifteen (15) feet on interior lots and in the case of a corner lot abutting a public street the side setback shall be thirty-five (35) feet. Attached buildings shall not require side yards except for the end units. In cases where lot is adjacent to residentially zoned property, the side yard requirement shall be increased to thirty-five (35) feet and the outside ten (10) feet of the side setback shall be a landscaped buffer area in accordance with *Article XI*.

   Rear—None; however, if the commercial lot is adjacent to residentially zoned property, the rear yard requirement shall be increased to thirty-five (35) feet. The outside ten (10) feet of the setback shall be a landscaped buffer area in accordance with *Article XI.*

4. **Maximum Building Height**: See Table 7 for Tier Bonus Provisions

5. **Maximum Lot Coverage**: See Table 7 for Tier Bonus Provisions

6. **Additional Regulations** ~~**Other Requirements**~~

   1. No exterior storage shall be permitted

   2. Setbacks for gasoline, fuel or diesel pumps or accessory buildings shall be in accordance with *Article VII*

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5.5.3 C-3, Highway Commercial District
~~Area and Setback Regulations~~

1. **Minimum Lot Size**: None Required

2. **Minimum Lot Width**: None Required

3. **Minimum Setbacks**:

   Front—Forty (40) feet when parking is in the front of the building, **and** twenty-five (25) feet if all parking is on the side and rear of the building.

   Side—Fifteen (15) feet on interior lots and in the case of a corner lot abutting a public street the side setback shall be thirty-five (35) feet. Attached buildings shall not require side yards except for the end units. In cases where lot is adjacent to residentially zoned property, the side yard requirement shall be increased to forty (40) feet and all the outside fifteen (15) feet of the side setback shall be a landscaped buffer area in accordance with *Article XI*.

   Rear—None; however, if the commercial lot is adjacent to residentially zoned property, the rear yard requirement shall be increased to thirty-five (35) feet. The outside ten (10) feet of the setback shall be a landscaped buffer area in accordance with *Article XI.*

   Buildings which are forty-five (45) feet in height shall add two (2) additional feet for each floor above forty-five (45) feet to the required side and/or rear setbacks if adjacent to residentially zoned districts

4. **Maximum Building Height**: See Table 7 for Tier Bonus Provisions

5. **Maximum Lot Coverage**: See Table 7 for Tier Bonus Provisions

6. **Additional Regulations**

   1. Outdoor storage for retail uses shall be on the same lot and connected to the retail entity it serves.

   2. Exterior storage shall be screened in accordance with *Article XI*.

   3. Setbacks for gasoline, fuel or diesel pumps or accessory buildings shall be in accordance with *Article VII*.

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SECTION 5.6: Industrial Districts

5.6.1 General Provisions for Industrial Districts

A. Uses Permitted by Right in All Industrial Districts: The following uses are permitted in all Industrial districts, provided they meet the most restrictive regulations of the particular district in which they are located:

1. Accessory Structures located on the same lot and in accordance with *Article VI*

2. Industrial uses, as hereafter regulated

3. Public utility facilities and structures required to provide essential public services

4. Public facilities and uses necessary for conducting the business of operating the City, County, State, and/or Federal Government

5. Signs as regulated in *Article XII*

5.6.2 I, Industrial District

A. Area and Setback Regulations

1. Minimum Lot Size: Twenty thousand (20,000) square feet

3. **Minimum Lot Width**: One hundred (100) feet

4. **Minimum Setbacks:**

Front Yard—Forty (40) feet from street right-of-way. The outside twenty-feet (20) shall be a landscaped yard in accordance with Article XI and no parking is permitted within this area; however, walks, bikeways, trails, drives and signs will be permitted.

Side Yard—Fifteen (15) feet except when on corner lots the side yard shall be the same as the front yard. In cases where the lot is adjacent to a non-industrial use the side yard requirement shall be as follows:

(a) If adjoining use is a residential use, the side yard shall be eighty (80) feet and the outside thirty (30) feet of the setback shall be a landscaped buffer in accordance with *Article XI.*

(b) If the adjoining use is a commercial use, the side yard requirement shall be increased to thirty (30) feet and the outside twenty (20) feet shall be a landscaped buffer yard in accordance with *Article XI.*

Rear Yard—Twenty-five (25) feet except when the industrial lot is adjacent to non–industrial use the rear yard requirement shall be as

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follows:

(a) If the adjoining use is a residential use, the rear yard shall be eighty (80) feet and the outside forty (40) feet of the rear setback shall be a landscaped buffer in accordance with *Article XI*.

(b) If the adjoining use is a commercial use, the rear yard shall be forty (40) feet and the outside twenty (20) feet of the rear setback shall be a landscaped buffer in accordance with *Article XI.*

5. **Maximum Lot Coverage**: None Required

6. **Maximum Building Height**: Sixty (60) feet.

B. Additional Regulations

1. All principal uses of uses permitted by right must be housed in fully enclosed buildings.

2. All industrial uses must have direct access to a collector or arterial street as defined by the City of Gautier.

3. Loading Docks and Service Areas shall be located on the side or the rear of the property.

4. Outdoor storage areas shall be completely screened in accordance with *Article XI.*

5. Industrial Parks shall have a uniform design master plan which shall coordinate and regulate landscaping, signs and other attributes of the development.

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SECTION 5.7: PUBLIC LAND

5.7.1 PL, Public Land

A. Campus Type PL Uses with Buildings

1. **Minimum Lot Area:** One (1) acre

2. **Minimum Lot Width:** Eighty (80) feet on a public street

3. **Periphery Boundary**: All buildings shall have a minimum setback requirement from the periphery boundary of not less than twenty-five (25) feet.

4. **Distance between Buildings:** Thirty (30) feet

5. **Maximum Building Height**: Forty-five (45) feet

6. **Maximum Lot Coverage**: Sixty-five (65) percent

B. Area and Setback Regulations when PL uses face a Public or Private Street

1. **Minimum Lot Area:** Thirty-thousand (30,000) square feet

2. **Minimum Setbacks for Principal Structures:** Front, Side & Rear—same as adjacent zoning district

C. Landscaping Buffer Yard

All uses which adjoin AG, RE, R-1, or R-1A districts or low-density residential uses, shall provide a landscaped buffer yard in accordance with *Article XI.*

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SECTION 5.8: MIXED USE DISTRICTS

A. Uses Permitted in All Mixed Use Districts:

1. Accessory structures regulated in *Article VI*

2. Public utility facilities and structures required to provide essential public services

3. Public facilities and uses necessary for conducting the business of operating the City, County, State, and/or Federal Government

4. Signs as regulated in *Article XII*

B. Site Characteristics

1. **Underground Utilities:** Every reasonable effort shall be made to place utilities underground.

2. **Uniformity**: Facilities such as sidewalks, landscaping, lighting, street trees and street furniture shall be consistent and in accordance with a master plan of the development area which shall consist of the shopping center, strip center, or in the case of a block, the entire block and facing block.

C. Parking and Access

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

1. In the case of stand-along uses, a minimum of forty (40) percent of the required parking spaces shall be located in the rear or side yard of the principal building.

2. No more than four (4) rows of parking may be placed between out parcel buildings and the street right-of-way.

3. Shared access points are required for adjoining properties in order to eliminate unnecessary curb cuts and to channel traffic into a main entrance point.

4. Cross access to parking lots is required to allow customers to drive to other locations without re-entering the major roadway network.

5. Service entrances and service yards shall be located only in the rear or side yard. Service yards shall be screened from adjacent residentially zoned or used property with in accordance with *Article XI.*

6. Shared access and shared parking shall be required for shopping centers and master planned developments.

7. Drive-through service windows and drive-in facilities shall not be located

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between the principal structure and an intersection or corner of a street.

D. Existing Buildings and Development within Mixed Use Districts

Existing buildings and sites that do not conform to the provision of this Section may continue in use until a substantial modification is requested, at which time the Technical Review Committee shall determine the extent to which the provisions of this Section shall apply.

The modification of existing buildings is permitted by right if such changes result in greater conformance with the specifications of this section.

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5.8.1 TCMU, Town Center Mixed Use District

~~Area and Setback Regulations for New Development~~

A. Minimum Lot Area:

Master planned development sites: One (1) acre

Individual lots not a part of a master planned development: Twenty-four hundred (2,400) square feet

B. Minimum Lot Width:

Sites for detached buildings: Forty (40) feet of frontage on a public street, public courtyard or alley

Lots for attached buildings: Twenty-four (24) feet of frontage on a private or public street, public courtyard or alley

C. Front Yard Setbacks (See Table 7 for Bonus Provisions):

Individual lots or master planned developments that are not part of a Traditional Urban Commercial Development: Twenty-five (25) feet

Lots for attached buildings fronting on a private or public street which are part of Traditional Urban Commercial with public sidewalks: none required

Maximum front yard depth –Eighty (80) feet from the property line adjacent to the public streets

D. Side Yard Setbacks - None required except on corner lots the side yard shall be fifteen (15) feet. Attached buildings shall not require side yards except for the end units. In cases where the lot is adjacent to residentially zoned property, the side yard requirement shall be increased to thirty-five (35) feet and the outside ten (10) feet of the side setback shall be a landscaped buffer are in accordance with *Article XI.*

E. Rear Yard Setbacks - None required except when adjacent to a residentially zoned property, the rear yard requirement shall be thirty-five (35) feet and the outside ten (10) feet of the rear setback shall be a landscaped buffer in accordance with *Article XI.*

F. Maximum Building Height:

Parcels with frontage on streets with one hundred (100) feet width or wider—seventy-five (75) feet

Parcels with frontage on streets with between sixty (60) and one hundred (100) feet–sixty (60) feet

Parcels with frontage on streets less than sixty feet—forty-five (45) feet

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See Table 7 for Tier Bonus Provisions

G. Maximum Lot Coverage:

Commercial, civic and industrial—not regulated

Residential or mixed use buildings—Ninety (90) percent

See Table 7 for Tier Bonus Provisions

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5.8.2 MURC-1, Mixed Use Recreation Commercial
~~Area and Setback Regulations for New Development~~

A. **Minimum Lot Area** – None

B. **Minimum Lot Width** - Sites for detached buildings: Twenty-five (25) feet of frontage on a public street, public courtyard or alley

C. **Front Yard Setbacks (See Table 7 for Bonus Provisions)**:

Individual lots or master planned developments that are not part of a Traditional Urban Commercial Development: Fifteen (15) feet

Lots for attached buildings fronting on a private or public street which are part of Traditional Urban Commercial with public sidewalks: none required

D. **Side Yard Setbacks** - Fifteen (15) feet

E. **Rear Yard Setbacks** - Twenty (20) feet

F. **Maximum Building Height** - See Table 7 for Tier Bonus Provisions

G. **Maximum Lot Coverage** - See Table 7 for Tier Bonus Provisions.

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5.8.3 MURC-2, Mixed Use Recreation Commercial-2
~~**Area and Setback Regulations for New Development**~~

A. **Minimum Lot Area** – None

B. **Minimum Lot Width** - Sites for detached buildings: Fifty (50) feet of frontage on a public street, public courtyard or alley

C. **Front Yard Setbacks (See Table 7 for Bonus Provisions)**:

Individual lots or master planned developments that are not part of a Traditional Urban Commercial Development: Ten (10) feet

Lots for attached buildings fronting on a private or public street which are part of Traditional Urban Commercial with public sidewalks: none required

D. **Side Yard Setbacks** - Seven and a half (7.5) feet

E. **Rear Yard Setbacks** - Twenty (20) feet

F. **Maximum Building Height** - See Table 7 for Tier Bonus Provisions

G. **Maximum Lot Coverage** - See Table 7 for Tier Bonus Provisions

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5.8.4 MURC-MW, Mixed Use Recreation Commercial-MW

A. **Minimum Lot Area** – None

B. **Minimum Lot Width** – Varies

C. **Front Yard Setbacks (See Table 7 for Bonus Provisions)** - ~~Individual lots or master planned developments that are part of a Mixed Use Development:~~ Ten (10) feet

~~All other development with public sidewalks: none required~~

D. **Side Yard Setbacks** - Seven and a half (7.5) feet

E. **Rear Yard Setbacks** - Twenty (20) feet

F. **Maximum Building Height** - See Table 7 for Tier Bonus Provisions

G. **Maximum Lot Coverage** - See Table 7 for Tier Bonus Provisions

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5.8.5 MUMS, Mixed Use Main Street

~~**Area and Setback Regulations for New Development**~~

A. **Minimum Lot Area** – None

B. **Minimum Lot Width** – None

C. **Front Yard Setbacks (See Table 7 for Bonus Provisions)** - Individual lots or master planned developments that are part of a Traditional Urban Commercial Development with public sidewalks: None required

D. **Side Yard Setbacks** - None. As part of a master planned development, a view corridor or alleyway shall be required for pedestrian connectivity when no setbacks are provided

E. **Rear Yard Setbacks** - Twenty (20) feet. For rear parking, no setbacks shall be required

F. **Maximum Building Height** - See Table 7 for Tier Bonus Provisions

G. **Maximum Lot Coverage** - See Table 7 for Tier Bonus Provisions.

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SECTION 5.9 PUD, Planned Unit Development

A. **Area Requirements -** A PUD is a "floating zoning district" and as such, the allowable uses shall meet the intent of the Future Land Use Designation within the Comprehensive Plan.

B. **Minimum Lot Area:**

Total Site or Development Area: Two (2) acres

Lots for single-family detached dwelling units: Seventy-five hundred (7,500) -

Lots for single-family detached patio home or zero lot line dwelling units: Five thousand (5,000) square feet

Lots for single-family attached dwelling units: Twenty-four hundred (2,400) square feet

C. **Periphery Boundary** - To be determined based on PUD

D. **Minimum Setbacks for Single Family detached Units including patio homes and zero lot line homes** - To be determined based on PUD

E. **Distance between Multi-family Buildings** - To be determined based on PUD

F. **Maximum Building Height** - Based on underlying zoning

G. **Maximum Overall Density for Development**: Based on the underlying zoning. In the case that the PUD encompasses more than one district, an aggregate of the districts shall apply. See Table 7 for Tier Bonus Provisions.

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SECTION 5.10 COR, Corridor Overlay District

Area Requirements

The Corridor Overlay District shall include:

1. The rights-of-way and all parcels lying in whole or in part within four hundred fifty (450) feet of each side of the rights-of-way of any road designated as a principal or minor arterial in accordance with the Comprehensive Plan.

2. All parcels lying in whole or in part within five hundred (500) feet of the Town Center District.

3. All parcels in the MURC and MUMS District.

A. The approximate boundary of this district shall be shown on the Official Zoning Map Series.

B. All new development and changes to existing development located in the Corridor Overlay District shall be reviewed by the Technical Review Committee. Applications for a Tier 3 Project shall be approved by the City Council after recommendation by the Planning Commission.

Targeted Area for Expediting Permitting

The challenges of redeveloping aging shopping centers and infill development in urbanized areas are of critical concern for Gautier. Expedited permitting may be granted within a certain boundary of the Overlay District and may, from time to time, be modified by the City Council after recommendation by the Planning Commission once redevelopment occurs. The intent of the expedited review is to allow the issuance of all permits and approvals at staff level by the Technical Review Committee within the confines of the adopted Unified Development Ordinance and Mississippi Statutes. Upon review of the request for expedited permitting, the Economic Development Director may determine a public hearing necessary in accordance with Article III. Any proposed change to the City's adopted regulations shall require review and approval by the appropriate Board according to Article III. The targeted area for expedited permitting shall include:

All parcels lying south of Highway 90 and north of Spanish Trail, east of Beasley Road and west of Johnson Road.

Design Review Guidelines

The compatible relationship of proposed development in the Corridor Overlay District is of critical public concern for any buildings or site improvements. The intent of the design review is not to stifle innovative architecture but to assure respect for and reduce incompatible and adverse impacts on the visual experience. To accomplish this, the Technical Review Committee shall utilize the latest edition of the Gautier Architectural Standards Handbook 2010, and the City's Comprehensive Plan.

Streetscape Improvement Guidelines

Streetscape improvements include those architectural or functional facilities or structures which occur on site but are not part of the building and which encourage and facilitate human interaction with the environment. Examples include, but are not limited to

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decorative light fixtures, fountains, sculpture, benches and tables, planters, retaining walls, pedestrian and bicycle paths, bicycle parking structures, trash receptacles and enclosures, vendor areas, bollards and fences. These improvements shall be designed to be consistent with all guidelines of this Section, and shall be reviewed for aesthetic functionality and compatibility with Gautier character.

~~**Requirements Following Project Completion**~~

~~**A.** All appearance features, lighting and landscaping required by the Technical Review Committee or shown on the approved application shall be maintained to the satisfaction of the Technical Review Committee by the present owner and all subsequent owners of the property.~~

~~**B.** Changes beyond the owner's control shall be restored by the owner, unless otherwise provided.~~

~~**C.** Any changes proposed by the owner shall require approval by the Technical Review Committee.~~

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SECTION 5.11 Tiered Land Use System and Bonus Provisions

A. Purpose and Intent. The intent of the bonus provisions in the tiered land use system is to offer applicants incentives for investing in quality, innovative development that enhances site and building design, enhances compatibility, enhances non-motorized mobility, and provides the opportunities for achieving extraordinary public benefit. The tiered land use system implements the City's Comprehensive Plan.

B. Applicability. This section shall apply to all development within the COR, Corridor Overlay District and zoned one of the following: TCMU, MUMS, MURC, C-1, C-2, C-3, R-2 and R-3. The height, intensity, and density limits of each of the Tiers is set forth within the Table 7 of this Ordinance.

C. Establishment of Tiers. The following land use tiers are hereby established in order to designate the maximum height, density and intensity of development.

Tier 1. Unless otherwise specified, Tier 1 standards represent the maximum "by-right" building height, density and intensity, which can be achieved by adherence to the standard site development criteria established in this code.

Tier 2. Tier 2 standards allows for the attainment of additional building height, density and intensity beyond Tier 1.

Tier 3. Tier 3 standards provide for additional building height, density and intensity beyond Tier 2.

D. Design Review Requirements. The following design review requirements shall be adhered to when applying for Tier 2 or Tier 3 approval:

1. Applicants seeking Tier 2 height, density and intensity bonuses shall submit a development order application, in accordance with the development order review process established in Article IV, requesting Tier 2 approval and must meet the specified supplemental standards specified in subsection F, below.

2. Applicants seeking Tier 3 height, density and intensity bonuses shall meet all of the Tier 2 supplemental standards specified in subsection F, Tier 3 supplemental design analysis, and provide public benefits.

E. The height, intensity, and density limits of each of the Tiers are set forth within the Table 7 of this Ordinance. The Economic Development Director may also grant at his/her discretion the following administrative variances in accordance with Section 4.18.3:

1. 30% of required off-street parking spaces and/or

2. 30% of required setbacks from property lines

F. Tier 2 Supplemental Design Standards. The following supplemental standards shall be met in order to qualify for Tier 2 height, intensity and density bonuses:

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1. **Design criteria.** All developments shall meet the following design criteria requirements, in addition to the standards established by Article VIII.

2. **Building footprint.** Buildings shall be located and designed so as to maximize the "functional open space" on the site. Such functional open space shall take the form of *view corridors, outdoor gardens, walking areas, or areas for the congregation of people for special events*. Such areas may be an integral part of building features such as entranceways and pedestrian amenities providing pedestrian access through buildings and throughout the site. Additionally, buildings shall be oriented towards the public street frontage and shall be constructed as close to the adjacent right-of-way as possible in order to improve access from the transportation network. A continuous facade line shall be used along a block to provide an accessible and attractive streetscape. It is the intent of this section to have building facades along the length of the adjacent rights-of-way, if applicable, except where vehicular or pedestrian access ways are required or needed. In no case however, shall a building or structure be located so as to block the clear visibility triangle for a vehicular access way from the subject property onto adjacent rights-of-way.

3. **Building facade and public art.** Facades shall be designed to provide visual interest that will be consistent with the community's character and identity as “Nature’s Playground” through the use of artistic detail. Such detail may include nautical and/or natural elements such as metal fabricated to look like marine knots or natural grasses and reeds. To break up large unadorned walls, sidewalk displays, public art displays, or other such features that provide visual interest shall be used in the design and construction of facades.

4. **Roofline design:** The use of varied rooflines, through the utilization of parapets and/or sloped roofs, is required.

5. **Supplemental setback and buffering requirements from single-family, duplex, or townhome uses.** All development located in C-1, C-2, C-3, MURC and TCMU zoning designations that abut single-family, duplex or townhome uses located in zoning designations different from abutting uses shall meet the following supplemental setbacks and buffers requirements:

   a. **Setbacks.** Any portion of a building that abuts single-family, duplex or townhome uses shall provide a setback from those uses that is the greater of one (1) foot for every foot in height (e.g. 160-foot tall project will have an 160-foot setback), or the distance required so as not to cast a shadow on such residential uses, as measured to the property line of the residential use, between 9:00 a.m. and 4:00 p.m. central time. The date used in the shadow study shall be the autumnal equinox for the year that the study is performed. The autumnal equinox (the day of the year when night and day are nearly of the same length and the first day of autumn) is typically

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the date between the summer solstice (longest day of the year and the first day of summer) and the winter solstice (shortest day of the year and the first day of winter). Applicants that prefer to use the shadow option may be required to submit a shadow study to demonstrate that a project provides adequate setbacks.

b. **Buffers.** Minimum supplemental buffers shall be provided by the more intense use or zoning district when abutting single-family, duplex, or townhome uses.

i. Areas used or set aside for parking, loading, accessways, or service and utility areas shall not be located within twenty 20 feet of the property line when such property line abuts single-family, duplex or townhome uses.

ii. A minimum of six (6) feet and not higher than eight (8) feet tall decorative, opaque, masonry wall shall be located within five (5) feet of the property line along the extent of any parking, loading, accessway, or service and utility area located adjacent to a single-family, duplex or townhome use.

iii. Supplemental landscaping shall be provided along the property line within the required ten (10)foot wide landscape buffer. One (1) of the following landscaping designs shall be provided.

a. For every ten (10) linear feet of landscape buffer, a minimum of one (1) tree and fifteen (15) shrubs must be planted. The required landscaping may be planted on either side of the required wall. Trees shall be a minimum of fourteen (14) feet in height and have a three and one-half (3.5) inch caliper at the time of planting. Shrubs shall be a minimum of twenty-four (24) inches in height at the time of planting; or

b. For every fifty (50) linear feet landscape buffer, a minimum of one (1) tree and fifteen (15) shrubs, as specified above, must be planted and a continuous row of evergreen trees, not less than fourteen (14) feet in height, spaced in staggered groupings to form a minimum of an eighty (80) percent opaque buffer when planted. Trees may be located on either or both sides of any required wall; or

c. Any combination of the above to achieve effective buffering and good landscape design.

d. Where space allows, berms at a slope of not greater than three to one (3:1) may reduce required tree height by one(1) foot for each two (2) feet of berm height for those trees planted on the top of the berm. All berms must have at least a three (3)foot wide crest.

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6. **Open space.** Development proposed in the R-2, R-3, MURC, and TCMU zoning designations shall provide an additional five percent open space in addition to the required minimum. Developments proposed in the MURC and TCMU zoning designations can omit this provision, provided it meets the definition of infill development.

7. **Landscaping.** All developments shall meet the following landscaping requirements.

   a. *Trees.* The number of required trees shall be increased by twenty (20) percent above the minimum requirements for trees set forth in Article XI. Palm trees cannot comprise more than forty (40) percent of the total number of all required trees.

   b. *Shrubs.* The number of required shrubs shall be increased by twenty (20) percent above the minimum requirements for shrubs set forth in Article XI. All shrubs shall be sized in accordance to the following specifications: one-third (1/3) shall be a minimum of thirty-six (36) inches in height at the time of planting; one-third (1/3) shall be a minimum of eighteen (18) inches in height at the time of planting; and one-third (1/3) shall be ground cover plantings of a one (1)gallon size.

   c. *Landscaping south of the coastal construction control line (CCCL).* For that portion of a development area that lies along the CCCL, all landscaping shall only meet the landscaping standards set forth in the permit issued by the Department of Environmental Quality.

8. **Pedestrian amenities.** All developments shall provide gathering/sitting areas that at a minimum include the following decorative pedestrian amenities: benches, waste containers, planters, and pedestrian lighting fixtures. Other types of pedestrian amenities may be incorporated and include: decorative water fountains, sculptures, drinking fountains, phone booths and bicycle racks.

G. Tier 3 Standards. In order to qualify for Tier 3 height, density and intensity bonuses, an applicant must demonstrate that they have met the Tier 2 supplemental standards, Tier 3 supplemental design analysis, and are providing "public benefits" as stated in subsection 2, below.

1. *Supplemental design analysis*. As part of the application for a Tier 3 project, the applicant shall demonstrate the impact of the project on access to light, impact on airflow dynamics, as well as the visual impacts that may adversely affect adjacent properties, motorists, pedestrians, or segments of the population. This shall be demonstrated by submitting architectural renderings, shadow analysis and/or other analyses that are appropriate to the character of the development proposed as determined by the Economic Development Director or designee.

2. *Public benefits*. The Economic Development Director shall be responsible for consulting with the applicant concerning the Tier 3 public benefit

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requirement of subsection b. The applicant shall bear the burden of demonstrating that the specific character, design, and investment commitment is a significant overall public benefit. The City retains the decision making power to determine whether the specific private investment, including the project amenities, together with the public benefits, are commensurate with the increment of increased height, density or intensity that the applicant seeks. The final determination for what satisfies the Tier 3 public benefit requirement lies with City Council. In order for a project to be approved for the additional height, density, or intensity provided for in Tier 3, the applicant must meet, to the satisfaction of City Council, one (1) of the items listed below in subsections a thru e.

a. Must provide one (1) of the following.

i. Develop senior and/or student housing in the mixed use, medium or high density residential future land use designations in the comprehensive plan. An applicant must satisfy one of the following items or an equitable combination of the two (2).

b. Developments located on property within the R-1 and R-2, TCMU, MUMS and MURC zoning designation shall either:

i. Build one senior or student housing unit on the development site for each ten thousand (10,000) square feet of floor area developed, excluding areas devoted to structured parking and access ways; or

ii. Dedicate two dollars ($2) per square foot of floor area developed into a dedicated "community housing fund" maintained by the City or a housing cooperative within the City of Gautier that would be used for the purpose of providing units owned and operated by seniors/ students.

iii. Provide a proportionate combination of i. and ii. in such a manner that, for example, if half of the required housing units are physically provided, then one-half (1/2) of the two dollars ($2) per square foot dedication would be required. If seventy-five (75) percent of the required housing units are physically provided, then only twenty-five (25) percent of the two dollars ($2) per square foot dedication would be required.

c. Relocation and conversion of above ground utilities to below ground locations. An applicant can qualify for Tier 3 bonuses by relocating and converting all above-ground utilities to below ground locations for that portion of the above ground utilities that are located on the subject property and that are in an adjacent right-of-way. Additionally, the applicant can choose to pay the City the amount it would cost for the relocation and conversion of the above ground utilities to below ground locations, based on a binding cost estimate provided by the power company, instead of performing the work. The City would then place the money into a separate fund (underground utility

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improvement fund), which would be used to accomplish several projects at once instead of piecemeal.

d. Construct open space malls and arcades equipped with pedestrian-oriented furniture and streetscape that serve as gathering spaces for the general public. Encourage private investment in public gathering places. Site plans must demonstrate architecturally designed open space malls and arcades equipped with pedestrian-oriented furniture and streetscape. Pedestrian-oriented furniture and streetscape includes benches, trash receptacles, decorative light poles, paver blocks or stamped and colored concrete, water fountains, statues, splash pads, playgrounds, high quantity and quality landscaping, etc.

e. Create and/or reinforce a pedestrian friendly transit system. Proposed developments shall provide wayfinding signage and construct a transit stop where the City has the greatest need for one in closest vicinity to the project, or make a monetary contribution to the City in the amount that would equal the cost of constructing a transit stop, or some combination of the two (2).

3. Additional required public benefits (must provide at least one (1)).

a. Waterway access improvements. For improved access to the Waterways, this objective shall be carried forth through dedicating pedestrian easements to the public for access from public areas to the shoreline (public access points); the design, permitting, and construction of wetland and/or marsh walkovers facilities; boardwalks along creek, bayous.

b. Off-site public parking garage. Non-residential uses located in the TCMU, MURC, MUMS, C-1, C-2, and C-3 districts are allowed to have up to 80 percent of their required parking located in an off-site parking garage. However, the applicant must also provide an equivalent of thirty (30) percent of the total required parking space for the proposed development in the proposed off-site parking garage be dedicated to the City for public use. This dedication shall be in the form of a license and shall cover the above-mentioned parking spaces and the ingress/egress to said parking spaces. The off-site parking garage is not required to be located within the same district as the non-residential use. All required handicap parking spaces and loading spaces must be provided for on-site.

c. Preserve significant view of Waterways. This incentive is applicable to sites that have direct access to rivers and bays and that have exceptional waterfront views that would clearly be imperiled without this incentive provision. In order to achieve the preservation of a significant view of the waterway the applicant shall be required to take the cumulative total of both side setbacks, minus fifteen (15) feet, and provide the entire combined setback on one (1) side of the property. The opposite side of the property shall provide a minimum fifteen (15) foot setback.

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d. Significant improvements to public infrastructure. In order to satisfy this objective, the applicant must prove that they are encouraging private investment in off-site infrastructure improvements. Such off-site improvements may be located anywhere within the City. This may be achieved by: purchasing and/or dedicating land for needed rights-of-way as indicated in the comprehensive plan or multi-modal plan, improving median landscaping; designing and building public parking located within city rights-of-way; constructing needed multi-use pathways or bikeways identified by the City, constructing recreational improvements; contributions, either in monetary or real property, that will hasten the implementation of any project identified in the Comprehensive Plan; and any other significant public benefit that enhances public infrastructure throughout the City.

4. Wetlands mitigation. Wetlands properties seeking mitigation for development and larger than five (5)acres shall be eligible for Tier 3 status contingent on approval of said mitigation by the appropriate agencies.

5. Additionally, it is the expressed intent of this code that any Tier 3 public benefit has to be met prior to the issuance of any certificate of completion or occupancy for any portion of the development. Bonding a public benefit/improvement to receive certificate of completion or occupancy for the development prior to the completion of the public benefit/improvement is expressly prohibited, unless special circumstances exist that are beyond the developer's control. In this case the City Manager may allow the developer to post a bond to ensure completion of the public benefit/improvement. If the City Manager decides against allowing the developer to post a bond to ensure completion of the public benefit/improvement, then the developer may appeal the City Manager's decision to the City Council.

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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 site 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 site.

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. For corner lots, accessory uses shall be non-adjacent to the street.

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

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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)

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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.

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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

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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.

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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

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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

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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.

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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.

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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.

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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.

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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 Official 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

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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.

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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) apart, not exceeding three (3) feet above ground and reflected downward, or as may be approved by the Building Official 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

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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 additional 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.

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2. Satisfactory evidence of such permit shall be provided to the Building Official 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 faculties

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

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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

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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 lunch 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 Official 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.

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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

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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

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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

Garage or Rummage Sales on residential property are not required to obtain a Permit, but must adhere to the criteria below. Temporary Use Permits for garage or rummage sales on commercial property may be granted provided:

1. The sale ~~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 sales ~~permits~~ are conducted at any one (1) address during any single year and no more than three such permit 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

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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.

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ARTICLE VII: PARKING, LOADING, DRIVEWAY, LIGHTING AND RELATED REQUIREMENTS AND SPECIFICATIONS

SECTION 7.1: Intent and Application

7.1.1 Intent and Purpose

It is the intent of this Article to set minimum standards for vehicular and pedestrian access; off-street parking; accommodations for physically disabled persons; off-street loading facilities and lighting for parking lots and commercial and industrial areas. The purpose of these regulations is to provide for efficient and safe accessibility to buildings and destinations for all users. The regulations recognize the differences in development styles and offer some flexibility.

7.1.2 Applicability

The regulations in this Article shall apply to all new buildings constructed and all new uses established in all districts.

SECTION 7.2: Off-Street Parking

The purpose of this section is to ensure that uses have minimum levels of off-street parking while encouraging shared and cooperative parking facilities which will reduce the cost of development, flooding and non-point source pollution.

7.2.1 General Requirements

A. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

B. The storage of merchandise, motor vehicles for sale or the repair of vehicles on required off-street parking facilities is prohibited.

C. Approval of driveways and other access ways to parking facilities shall be obtained from the proper City or State agency prior to issuance of a Building Permit.

7.2.2 Reduction or Reallocation of Parking Spaces

Off-street parking existing at the effective date of this ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than herein after required for a similar new building or use. Any reallocation of spaces or aisles shall require approval of the appropriate city official or staff person.

7.2.3 Change of Use

A. Additional off-street parking spaces shall be required to accommodate a change in the use of a structure or parcel of land when the new use requires twenty-five (25) percent or more parking spaces than the previous use or twenty-five (25) or more additional spaces. In such situations, the new use must provide at least eighty (80) percent of the number of parking spaces required for the new use on the site.

B. New structures which are built on existing off-street parking areas have the potential of limiting the land use of the building for which the original off-street parking was originally created. A statement from property owner(s) shall be required stating an understanding of this provision and a willingness to comply.

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7.2.4 Administrative Variance

The Economic Development Director shall have the authority to issue an administrative variance for a reduced number of off-street parking spaces not to exceed thirty percent (30%) if, in his opinion, unusual circumstances exist which warrant such a relief from the requirements of this Ordinance.

7.2.5 Required Off-Street Parking Spaces

A. In any determination of parking requirement as set forth in this section, where the resultant figure contains a fraction less than one-half (1/2) may be dropped and any fraction one-half (1/2) or more shall be counted as one (1) parking space.

B. For uses not specifically mentioned, off-street parking requirements shall be interpreted by the Economic Development Director, based on the similarity of the proposed use with those in Table No. 9.

C. Every company car, truck, tractor and trailer normally stored at the place of business shall be provided with off-street parking space in an area reserved for such use as determined by the Economic Development Director.

D. The number of off-street parking spaces to be provided shall be determined in accordance with the following table.

GLA = Gross Leased Area

TABLE No. 9: Off-Street Parking Spaces Required	
Use/Activity	**Minimum Spaces**
Commercial Buildings	
Amusement Arcade	1 per 50 sf GFA or 1 per game table, video game or amusement device plus employee parking
Artisan Studio	1 per each 300 sf GFA
Automobile and Truck Sales, new or used	1 per each 3,000 sf devoted to the sale, display, lease, rental or repair of vehicles
Automobile Gas Station	2 plus 2 per service bay and required stacking spaces for pumps. (Service Bay is not a parking space.)
Automobile Repair Shop	1 per 375 sf GFA including service bays, wash tunnels, and retail areas plus adequate parking lot for overnight storage of vehicles, if needed
Automobile, Truck, Trailer or RV Leasing	1 per 1000 sf GFA
Bank or Financial Institution	1 per 250 sf. GFA plus required stacking spaces for drive through windows
Bar, Tavern or Nightclub	1 per 2 seats
Barber or Beauty Shop, or Day Spa	1 per 250 sf. GFA
Big Box Retail Store	1 per 300 sf GFA
Car Wash, Automated	4 per site plus required stacking spaces. A washing space is not a parking space.

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TABLE No. 9: Off-Street Parking Spaces Required	
Use/Activity	**Minimum Spaces**
Car Wash, Self Service	No parking required. One (1) drying space plus two (2) stacking spaces required per washing space
Community Shopping Center	1 per 300 sf GFA
Convenience Store	1 per 200 sf of GFA
Dry Cleaning, pick up station	3 plus 1 per 500 sf of GLA
Farmer's Market	5 plus 1 per 300 sf of market area
Fish Camp and/or Marina	2 per each 3 boat moorings or storage spaces or boats for rent. If public boat launching facilities are provided, the parking spaces shall be increased by 50 percent.
Furniture Store	1 per 500 sf of GLA
Health Club/Fitness Center	1 per 250 sf of GLA
Neighborhood Shopping Center	1 per 300 sf of GFA of all retail shops and restaurants
Office, General or Professional	1 per 300 sf of GLA
Plant Nursery, Retail	1 per two hundred (200) square feet of retail stock area
Plant Nursery, Wholesale	1 per two hundred (200) square feet of retail stock area
Print Shop or Blueprint Shop	1 per 400 sf of GLA
Radio or T. V. Broadcasting Studio	1 for each employee plus five (5) for visitors
Regional Shopping Center or Mall	1 per 300 sf of GFA (1 per 300 sf of GFA of all retail shops and restaurants)
Restaurant, Carry-Out only	1 per 75 sf of GFA
Restaurant, Drive-in or Fast Food	1 per 75 sf of GFA
Restaurant, Neighborhood or Specialty	1 per 75 sf of GFA
Retail Store, (stand alone)	1 per 250 sf of GFA
Hotels, Motels, or other temporary accommodations	
Bed and Breakfast Inn	1 per guest room plus 2 spaces for owner plus 1 per each 250 sf of floor area devoted to receptions and social gatherings
Hotel or Motel	1 per room plus 1 per 800 sf. of meeting area and restaurant space
Recreational Vehicle Park	1 per RV space plus required spaces for other uses in accordance with use
Rooming or Boarding House	1 per guest room plus 2 for owner
Industrial, Manufacturing, Warehouse or Storage Facility	

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TABLE No. 9: Off-Street Parking Spaces Required	
Use/Activity	**Minimum Spaces**
Manufacturing, warehouse or other industrial use	1 per motor vehicle used and based for operational purposes on the premises; plus: a. 1 for the first 20,000 sf of GFA, plus 1 for each seven hundred fifty (750) square feet of gross floor area over 20,000 sf; and b. For any amount over 20,000 sf of GFA, but less than 120,000 sf of GFA 1 for each additional 1,500 sf of GFA; and c. For any amount over 120,000 sf of GFA, 1 for each additional 3,000 sf of GFA.
Mini-warehouse, climate controlled	1 per 10,000 sf of GFA
Mini-warehouse, self service	5 per each 50 units
Medical or Related Facilities	
Day Care--Adult or Child, Commercial	1 per each 5 adults or children being cared for
Hospital	2 ½ per bed
Medical or Dental Offices/Clinic	1 for each 250 sf of GFA
Rehabilitation Center	1 per each two (2) resident beds
Veterinary Clinic	1 per each two hundred (200) square feet
Public Assembly or Recreational or Community Facilities	
Amusement or Theme Park	1 per 600 sf outdoor recreational area
Art Gallery or Museum	1 per each 400 sf of GFA
Auditorium, Convention Center	1 for each 4 seats or 1 for each 50 square feet of facility less kitchen area
Ballpark or Sports Stadium or Arena	1 per 6 seats or 1 per 30 sf of GFA if no permanent seats
Bowling Alley	5 per alley or lane
Church or other Place of Worship	1 for each 45 sf of GFA of the sanctuary, auditorium, or main place of worship *(or 1 per 3 seats)*
Clubhouse or Lodge	1 per 200 sf of GFA
Community Center (Meeting Spaces and/or Recreational venues)	1 per 200 sf of GFA
Convention Center	1 per 6 seats or 1 per 30 GFA if no permanent seats
Country Club	1 per 5 members
Elementary and Middle Schools	2 per classroom plus 1 for each 6 sf of GFA in the auditorium or assembly hall
Funeral Home	7 for each parlor plus 1 space for each 3 seats in the chapel, if applicable

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TABLE No. 9: Off-Street Parking Spaces Required	
Use/Activity	**Minimum Spaces**
High School, Trade or Vocational School, College or University	5 per classroom plus 1 per each 60 sf. of GFA in the auditorium or assembly hall
Laundromat (coin operated laundry)	1 per each 2 clothes washing machines plus 1 per employee
Library	1 per 400 sf of GFA
Miniature Golf	1 per hole
Skating Rink	5 per 100 sf GFA
Theatre, Professional or Motion Picture	1 per each 5 seats
Residential	
Assisted Living Facilities	1 space for every 4 beds plus 1 for each employee of the largest shift
Day Care, Residential	1 space for each employee in addition to resident parking and drive-way or drop-off parking spaces for a minimum of 3 cars
Group Home for the Handicapped	1 space for every 4 beds plus 1 for each employee of the largest shift
Guest House	None
Manufactured or Mobile Home	2 per each mobile home plus 2 for staff if any
Multi-family dwellings or Residential Condominiums	2 per housing unit plus 1 for staff if any
Nursing Home, Hospice	1 space for every 4 beds plus 1 for each employee of the largest shift
Single-Family attached dwellings including townhouses	2 for main residence plus 1 for guest house or garage apartment, if any
Single-Family detached dwellings including patio homes and zero lot homes	2 for main residence plus 1 for guest house or garage apartment, if any
Two-Family Dwelling Unit (Duplex)	4 spaces

7.2.6 Location and Construction

A. Off-street parking required for single-family detached; two-family (duplex); single-family, attached (townhouse); and mobile home lots shall consist of a driveway, garage, or parking lot or a combination thereof and shall be located on the specific lot they are intended to serve. Additional guest parking may be provided for medium density dwellings in a separate parking area.

B. All off-street parking required in Commercial, Multi-family, Industrial, or Mixed Use Districts shall be located on land owned by the owner or owners of the principal use it is intended to serve except under the Off-Site Cooperative Agreement or Shared On-Site Parking described in 7.2.7 and 7.2.8.

C. Off-street parking for RV Parks, Mobile Home Parks and/or Fishing Camps or Marinas offering overnight facilities shall be on or adjacent to the residential facility or pad. Additional parking for restaurants or other accessory facilities may be provided for in a separate parking area.

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D. The parking of all motor vehicles shall be confined to hard surface parking areas such as driveways or designated parking areas. Parking of motor vehicles in unpaved portions of required front and side yards shall not be permitted on a permanent basis.

E. All off-street parking required shall be provided in a zoning district which permits the principal use proposed to be served by the parking, except that an ancillary parking lot for certain uses may be permitted as a conditional use in Residential Districts upon approval by the City Council.

7.2.7 Off-Site Cooperative Parking

A. Off-street parking for other than residential use shall be either on the same lot or within four hundred (400) feet of the building or complex it is intended to serve. The distance shall be measured from the nearest building within the complex to the nearest point of the off-street parking lot, without crossing any major thoroughfares.

B. Places of worship may establish agreements with other facilities whereby parking lots within five hundred (500) feet are shared; provided that there is no conflict in parking demand and provided parishioners are not required to cross any major thoroughfares. The place of worship must provide fifty percent (50%) or more of the required parking on-site.

C. The owners or lessee of all properties involved in such situations must enter into a formal agreement or lease of five (5) years or longer in duration stating the hours of use and the terms of the agreement. A notarized copy of the formal agreement or lease shall be furnished to the Economic Development Director at the time of site plan review.

D. Should the lease expire or otherwise terminate, the use for which the off-site parking was provided shall be considered nonconforming and any and all approvals shall be subject to revocation. Continuation or expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this Article.

7.2.8 On-Site Shared Parking or Combined Parking Lots

Developments that contain different types of uses which may have different peak parking hours and which are located within the same development or on the same parcel may share off-street parking thereby reducing the number normally required.

A. An application for approval of a cooperative parking plan shall be filed with the ED Director by the owner(s) of the development site and all parties having a legal interest in such land area and structures. Sufficient evidence to establish the status of applicants as owners or parties in interest shall be provided.

B. The application shall include plans showing the location of the uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities, and the schedule of times used by those sharing parking in common.

C. In the future, any such plan may be amended or withdrawn, either partially or completely, if all land and structures remaining under such plan comply with the number of off-street parking spaces required.

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D. The following methodology shall be used to calculate the number of parking spaces required:

1. Determine the minimum parking requirements in accordance with Table 9 for each land use as if it were a separate use;

2. Multiply each amount by the corresponding percentages for each of the five time periods set forth in Columns (B) through (E) of Table 10.

3. Calculate the total for each time period; and

4. Select the total with the highest value as the required minimum number of parking spaces.

Table No. 10: Schedule of Shared Parking Calculations

General Land Use Classification	Weekdays		Weekends		All days 6:00 pm-Midnight
	A	**B**	**C**	**D**	**E**
	Daytime: 9 a.m. – 4 p.m.	**Evening: 4 p.m. – midnight**	**Daytime: 9 a.m. – 4 p.m.**	**Evening: 4 p.m. – midnight**	
Office and Industrial	100	100	19	5	5
Service/Retail	60	90	100	5	5
Mixed Use Residential	80	100	100	100	85
Restaurant	100	100	100	10	10 percent
Hotel/Motel	75	100	75	75	10 percent
Entertainment	40	100	80	100	10 percent

SECTION 7.3: Accessible Parking for Physically Disabled Persons

7.3.1 Number of Accessible Spaces Required

A. Non-residential Uses

All parking lots for non-residential uses shall provide the specific number of accessible parking spaces in accordance with Table No. 11. Such spaces shall be level, marked as described in Section 7.4 and identified by above grade signs in accordance with Section 7.4.

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Table No. 11: Number of Accessible Spaces Required					
Total Parking Spaces in Lot	**Minimum Number of Required Accessible Spaces**	**Minimum Number of Van Accessible Spaces**	**Total Parking Spaces in Lot**	**Minimum Number of Required Accessible Spaces**	**Minimum Number of Van Accessible Spaces**
1 to 25	1	1	201 to 300	7	1
26 to 50	2	1	301 to 400	8	2
51 to 75	3	1	401 to 500	9	2
76 to 100	4	1	501 to 1000	2 percent of total	1 out of every 8 of required accessible spaces
101 to 150	5	1	1000 and over	20 plus 1 for each 100 over 1000	
151 to 200	6	1			

B. Multi-family dwellings.

Multi-family dwellings containing four (4) or more dwelling units shall provide accessible parking spaces as follows:

1. Two percent (2%) of the dwelling units must be provided with handicapped accessible parking.

2. Designated accessible parking space must be provided for facilities that serve community facilities and clubhouses

C. Location.

Accessible parking spaces must be located in close proximity to building entrances and be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path. If possible, the spaces shall be located so that handicapped persons are not required to cross a driving aisle or road.

SECTION 7.4: Parking and Loading Design Standards

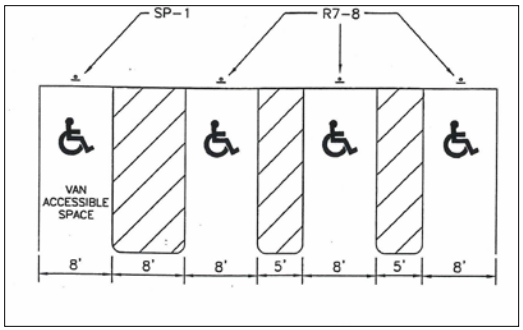
7.4.1 Size of automobile parking spaces and Handicapped Signs

A. Non-Handicapped spaces

Parking stalls shall be in accordance with Table No. 12. A four-inch stripe “hair-pinned” or looped line painted on the pavement, with a minimum of 12-18 inches between the looped lines is required. The width of the parking stalls shall be measured center to center of the hair-pinned lines.

B. Handicapped Spaces and Signs

Spaces reserved for handicapped persons shall be at least nine (9) feet wide with an adjacent six (6) foot pedestrian access aisle. The pedestrian



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aisle width shall increase to eight (8) feet for van-accessible stalls. Parking spaces for the handicapped shall meet federal ADA guidelines and shall be marked by signs that meet "Manual of Uniform Traffic Control Devices" (MUTCD) standards. Such signs shall be mounted between fifty-four (54) inches and sixty-six (66) inches high and on a permanently anchored pole or an exterior wall of the buildings. The curb and striping shall be blue for easy identification.

C. Minimum Parking Space Dimensions

Table No. 12: Minimum Parking Stall Width and Depth		
Parking Angle	Minimum Stall Width	Minimum Stall Depth
45 degree	9'	12.7'
60 degree	9'	20'
90 degree	9'	20'
Parallel	8'	22'

7.4.2 Width of traffic lanes between parking aisles

Widths between parking rows shall be in accordance with Table No.13.

Table No. 13: Traffic Lane Width between Stalls		
45 degree	Two-way	26 feet
45 degree	One–way	15 feet
60 degree	Two-way	26 feet
60 degree	One-way	18 feet
90 degree	Two-way	26 feet
90 degree	One-way	26 feet

7.4.3 Curbing and Wheel Stops

All parking areas, loading areas, and other vehicular use areas shall surrounded by a raised sidewalk, curb, or wheel stops to prevent vehicular access to grassed/landscaped areas. ~~All parking areas and loading areas shall be provided with a permanent Portland cement curb. All landscaped areas that can be encroached upon by a motor vehicle shall be protected by a wheel stop constructed of Portland cement anchored to the pavement and set a minimum of two (2) feet back from the curb to restrict the destruction of landscape materials by vehicles. (See *Article XI* for landscaping requirements).~~

SECTION 7.5: Off-street loading and unloading space.

Off-street space for all commercial and industrial uses and any other use involving the receipt or distribution of merchandise or other material on a regular basis is required for the loading and unloading of vehicles and for vehicles temporarily stopped while waiting to be unloaded or serviced. Loading and unloading spaces shall be provided on the premises of the use served and shall have access to a public street or alley.

A. Retail business

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One (1) space of three hundred (300) square feet in size per location and one (1) space of three hundred (300) square feet in size for each three thousand (3,000) square feet of floor area.

B. Wholesaling and industry

One (1) space of five hundred (500) square feet in size per location or one (1) space of five hundred (500) square feet in size for each ten thousand (10,000) square feet of floor area, whichever is the greater.

SECTION 7.6: Vehicle Stacking Areas

7.6.1 Required Stacking Spaces

All drive-in and drive-through facilities shall provide vehicle stacking in accordance with Table No. 14 below.

Table No. 14 Vehicle Stacking Requirements	
Activity Type	**Minimum Number of Stacking Spaces**
Automated Teller Machine	2 per machine
Bank Teller Lane	4 per teller or window
Car Wash, Automatic	15 per bay at entrance 1 per bay at exit
Car Wash, Self Service	4 per bay at entrance 1 per bay at exit
Day Care Center, Commercial	10 on each driveway
Dry Cleaning	2 per window
Gasoline Pump Island	2 at each end of the pump island
Pharmacy or other Retail Sales	4 per window service
Photo Processing	2 per window
Public Uses such as Utilities Pay Window	2 per window
Restaurant, Fast Food	4 behind menu board 4 behind first window

7.6.2 Design and Layout of Stacking Spaces:

Required stacking spaces are subject to the following design and layout standards.

A. Size: Stacking spaces must be a minimum of eight (8) feet by twenty (20) feet in size.

B. Location: Stacking spaces may not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

C. Design: Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Economic Development Director for traffic movement and safety.

D. Vehicular Traffic Flow: Shall be in accordance with the exhibit below:

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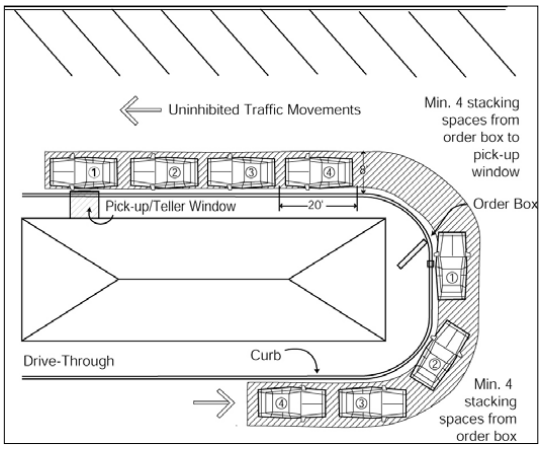

SECTION 7.7: Driveways and Access Specifications for Multi-family, Commercial, Industrial and Civic Uses

A. Vehicular access to property is allowed only by way of driveways. No other portion of the lot frontage may be used for vehicle ingress or egress, nor may any parking area or access drive be arranged in such a way as to require vehicles to back directly onto a street. All driveway cuts must be approved by the City.

B. There must be sufficient on-site space to accommodate queued vehicles waiting to park or exit, without interfering with street traffic.

C. Provisions for circulation between adjacent commercial parcels should be provided through coordinated planning or cross access agreements.

D. Driveways shall intersect the street at right angles.

E. Direct access to an arterial street is prohibited except when the subject property has no other reasonable access to the street.

7.7.1 Number of Driveways Permitted for Multi-Family, Commercial, Industrial and Civic Uses

The number of driveways for multi-family, commercial, industrial and civic uses shall be based on the type of development and the amount of street frontage**.** Table No. 15 shows the acceptable number of driveways for these uses.

Table No. 15: Number of Driveways for Multi-family, Commercial, Industrial and Civic Uses

Lot Frontage	Maximum Number of Driveways
Less than 75 feet	1
75 – 149 feet	1 *
150 – 299 feet	2
Each additional 300 feet	1
**Gasoline service stations and other establishments where service is normally*	

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Table No. 15: Number of Driveways for Multi-family, Commercial, Industrial and Civic Uses
provided to customers without the patron leaving the vehicle may have two (2) driveways if separated by a distance equal to the width of the widest driveway.

7.7.2 Minimum Distances between Driveways

Width regulations and minimum radius for driveways serving multi-family, commercial, industrial and civic or quasi-public uses shall be in accordance with Table No. 16

Table No. 16: Additional Driveway Specifications for Multi-Family, Commercial, Industrial and Civic

Driveway			Driveway Width Regulations		
Functional Classification of Street	**Minimum Distance Between Driveways on Same Lot**	**Minimum Distance to Intersection**	**Minimum**	**Maximum**	**Minimum Radius**
Local	20 feet	40 feet	24 feet	35 feet	25 feet
Collector	20 feet	40 feet	24 feet	35 feet	25 feet
Arterial	30 feet	50 feet	28 feet	44 feet	25 feet

SECTION 7.8: Driveways for Single-Family and Two-Family Residential Uses

Vehicular access to property is allowed only by way of driveways. No other portion of the lot frontage may be used for vehicle ingress or egress. All driveway cuts must be approved by the City.

7.8.1 Number of Driveways Permitted for Single-Family and Two-Family Uses

Single-family residential uses are allowed one driveway per dwelling and one (1) curb cut per dwelling except that in certain circumstances additional driveways or a circular driveway may be permitted subject to approval of the Economic Development Director.

A. Additional Driveways Permitted

Lots which are sixty (60) feet or greater in width may be permitted one (1) additional driveway for access to recreational vehicle or boat parking areas or other permitted uses. Such driveways shall be a maximum width of ten (10) feet and shall be located on the opposite side of the lot from the main driveway or in the case of a corner lot may be permitted access on the side of the lot facing the street.

B. Circular Driveways

Lots which are one hundred (100) feet or greater in width or which need additional access due to excessive traffic may be permitted a circular driveway with the approval of the Economic Development Director.

7.8.2 Driveway Dimensions for Single-Family and Two-Family Uses

A. Minimum Width

The minimum width for a single car driveway shall be nine (9) feet and for a two (2) car driveway shall be twenty (20) feet.

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B. Additional Driveway Specifications for Single-Family and Two-Family Uses

Additional specifications for such driveways shall be as follows in Table No. 17.

Table No. 17: Driveway Specifications for Single-Family and Two-Family Residential Uses		
Lot Widths	**Maximum Width of Driveway**	**Minimum Radius***
50 feet or less	20 feet	5.5 feet
50 – 60 feet	24 feet	5.5 feet
60 – 74 feet	30 feet	5.5 feet
75 feet or greater w/2 car garage	30 feet	5.5 feet
75 feet or greater w/3 car garage	36 feet	5.5 feet
** Radius shall not extend past the property line, unless written consent is obtained from the owner of the adjacent lot upon which the radius encroachment will occur.*		

C. Driveway Turnaround Requirement: Lots that front on a major or secondary arterial and/or where driveways exceed eighty (80) feet in length shall provide a turnaround to allow vehicles to exit property in a forward direction.

D. Emergency Vehicle Turn-around Requirement: Where the farthest point of a structure is located one hundred fifty (150) feet or more from the point of street access, a turnaround area shall be provided which will accommodate the turning radius of fire protection vehicles, unless otherwise waived by the Fire Marshall.

SECTION 7.9: Pedestrian Facilities for Infill Development

New or substantially improved development in developed areas such as commercial, industrial, mixed use, multi-family districts, or any newly subdivided lands, shall be required to provide pedestrian facilities for the convenience of customers and the public.

7.9.1 Sidewalks

A. Along the perimeter: ~~In areas where existing public sidewalks are located, any new development shall provide a continuation of the sidewalks along the entire front and/or side of the new development.~~ See Section 7.14.

B. Across Driveways: Where a sidewalk intersects a driveway to the property or development, the sidewalk will not be required to cross the driveway, provided that appropriate handicapped access ramps are provided on either side of the driveway access.

C. Connecting perimeter sidewalks with building entrances: Parking lots adjacent to a public street with existing sidewalks shall include a pedestrian point of entry and clear and safe access for pedestrians from existing sidewalks to the entrances of the building.

D. Connecting parking lot with building entrances: A sidewalk shall be provided as a part of required divider medians. *(See Article XI; Section 11.6.2.E Interior Vehicular Use Areas (3 and 4).*

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E. Specifications

~~**1.** Public sidewalks shall be a minimum of five (5) feet in width or shall be consistent with the width of existing sidewalks. The location of sidewalks should ideally be a minimum of two (2) to three (3) feet from the back of curb; but should be coordinated with the location of existing sidewalks along that specific thoroughfare.~~

2. Internal or private sidewalks which are part of a divider median or which provide access from parking lots to store fronts shall be a minimum of four (4) feet in width.

3. Pedestrian walkways or sidewalks in parking lots shall be constructed of concrete, stamped or colored concrete, stone, or brick pavers or exposed aggregate.

4. All sidewalks shall be in compliance with ADA requirements.

7.9.2 Crosswalks

Crosswalks shall be provided both internally and externally to the development as identified by the City Consulting Engineer.

A. Public crosswalks: Public crosswalks shall be striped in conformance with the latest edition of the *Manual on Uniform Traffic Control Devices.*

B. Internal Crosswalks: Internal Crosswalks on private property shall either be delineated by white, reflective pavement striping or by materials of a different color and texture from the surrounding parking lot and coordinated to the color scheme of the development.

SECTION 7.10: Fire Lanes

Every non-residential use shall provide access for fire vehicles and emergency apparatus from a public street as follows:

7.10.1 Fire Lanes Required

Fire lanes shall be provided to any structure which is thirty-five (35) feet or less in height and is located one hundred fifty (150) feet or more from the nearest street right-of-way. When the structure exceeds thirty-five (35) feet in height, a fire lane shall be provided if the structure is fifty (50) feet or more from the nearest street right-of-way. The Fire Chief or Fire Marshall for the City of Gautier may require a fire lane to any part of any building which in their opinion has special characteristics that may inhibit rapid, effective fire extinguishment.

7.10.2 Requirements for Fire Lanes

Fire Lanes shall comply with the following requirements:

A. The fire lane shall provide clear, unobstructed access for vehicles and apparatus at all times.

B. Signs shall be erected prohibiting the parking or standing of motor vehicles within the fire lane.

C. Fire lanes shall be a minimum of twenty (20) feet in width.

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D. The fire lane shall be constructed of a hard surface of either Portland cement or aspartic concrete.

E. Vehicular access shall be provided along the rear of all buildings for emergency access purposes, unless waived by local authority based on special circumstances.

SECTION 7.11: Construction Specifications and Required Maintenance

Parking facilities for residential, commercial and industrial uses shall have an all-weather hard surface, be properly drained to prevent ponding and shall be maintained free of trash and rubbish. For the purpose of this ordinance, all-weather hard surface shall mean asphalt or concrete surface with adequate depth for the traffic conditions.

7.11.1 Specifications for Driveways, Parking Areas

Off-street parking areas and driveways shall be built as follows:

A. A surface of four (4) inches of reinforced Portland cement concrete or hot asphalt mixture compacted to a thickness of no less than (3) inches

B. A bed of three (3) inches of well-compacted and well-drained suitable clay, sandy-clay or other material approved by the City

7.11.2 Alternative Parking Surfaces for Overflow Parking Areas:

As an alternative to the surfacing required in the preceding paragraph, areas of low-impact parking such as overflow parking areas may be surfaced with the alternative methods of paving. The surfacing material must be installed per the manufacturer's recommendations, with the pavement and base designed by a professional engineer licensed in the State of Mississippi. The pavement cross-section must demonstrate the structural ability to support the anticipated vehicle loads for the use intended. Alternative paving allowed includes:

A. Grid unit pavers with grass or

B. Concrete, brick, or clay interlocking paver units

C. Other suitable surfaces that comply with sound engineering principals and are approved by the City Consulting Engineer

7.11.3 Alternative Surfaces for Recreational Vehicular Parks, Fish Camps and Marinas

Driveways and Parking areas 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.

7.11.4 Maintenance of Parking Areas

Parking areas shall be maintained in a useful condition free of pot holes; shall be provided with adequate lighting and shall be properly striped to delineate parking areas.

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SECTION 7.12: Traffic Impact Analysis

7.12.1 Traffic Impact Analysis (TIA) required

The City of Gautier may request a traffic impact analysis study at the expense of the owner or developer as part of an application for rezoning, conditional use, subdivision or at the time of an application for a Building Permit when:

A. When trip generation during any peak hour is expected to exceed one hundred100 trips, based on traffic generation estimates of the Institute of Traffic Engineering's Trip Generation Manual, unless local trip generation data demonstrate a higher trip rate;

B. When the original traffic impact analysis is more than two (2) years old, or where increased land use intensity will result in an increase in traffic generation; or

C. Whenever required or authorized elsewhere in this Unified Development Ordinance.

7.12.2 Implementation of TIA recommendations

Recommendations to alleviate traffic congestion within the traffic impact analysis shall be required as a condition to the rezoning, conditional use approval, site plan review approval or preliminary plat approval and shall be so indicated as a part of the site plan or in a separate document if required improvements are off-site.

SECTION 7.13: Exterior Lighting Standards

A lighting plan for all exterior lighting shall be prepared and submitted which complies with the following standards.

7.13.1 General Requirements:

A. Private streets, driveways, parking lots, walks and service areas shall be kept properly and adequately lighted at all times so that the area will be safe for occupants and visitors.

B. Lighting fixtures shall be compatible in style with the architecture of their associated buildings.

C. No exterior light shall have any blinking, flashing, or fluttering light, or other illuminating device which has a changing light intensity or brightness.

7.13.2 Specific Standards:

A. All luminaries shall be the "cut-off type" luminary, with elements such as shields, reflectors, or refractor panels which direct and cut-off the emitted light at a specific angle. All luminaries shall have a cut-off range of ninety (90) degrees or less.

B. All exterior lighting fixtures shall be either high pressure sodium or metal halide fixtures.

C. Lighting levels should be as even as possible, not exceeding an average of 1.0 foot candle for commercial developments and 0.4 foot candles for residential developments, provided that such lighting does not cast light beyond the property's boundaries.

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D. Lighting fixtures within commercial and multi-family developments, whether mounted upon a building or upon a light standard, shall not exceed twenty-five (25) feet in height. Lighting fixtures within industrial developments may exceed twenty-five (25) feet in height except in those instances where the subject property adjoins residentially zoned property.

SECTION 7.14: Sidewalks

Every construction project shall install or cause to have installed a sidewalk within the right-of-way area or easement adjoining the property to be developed, unless an existing sidewalk meeting the City's standards is in place or approval is granted otherwise by the Director of Economic Development and Planning. The sidewalk shall extend the entire length of the property.

Sidewalks shall be constructed within the dedicated non-traffic way portion of the right-of-way or adjacent easement to the public street.

All sidewalks shall be concrete or other suitable materials as approved by the Public Works Director and a minimum of four (4) inches in thickness, sloped toward the roadway and have a minimum of three (3) foot grassed or landscaped median area (amenity area) separating the sidewalk and the adjacent curb, unless otherwise approved by the city. Sidewalks abutting arterial streets shall be a minimum of eight (8) feet in width and a minimum of five (5) inches in thickness. All sidewalks shall be handicapped accessible.

7.14.1 Sidewalk Exemption

Construction projects for existing developed properties are exempt from the requirement to install a new sidewalk if all work performed within a 12 month period meets the following criteria:

A. Work to building(s) does not exceed 50% of the assessed value of the building(s); and

B. Value of all sitework does not exceed $20,000.

SECTION 7.15: Setbacks for Gasoline Pumps and Canopies

7.15.1 **Canopies for Gasoline Pumps**: The leading edge of canopies shall be a minimum of ten (10) feet from any property line.

7.15.2 **Gasoline Pumps**: Petroleum dispensing facilities shall be a minimum of twenty (20) feet from any property line.

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ARTICLE VIII: ARCHITECTURAL STANDARDS

SECTION 8.1: Intent, Purpose and Applicability

8.1.1 Intent and Purpose

The purpose of establishing criteria for architectural design and exterior treatment of buildings is to better insure quality construction which contributes to a community image of permanence, stability and visual aesthetics while preventing the use of materials or building standards that contribute to depreciation of property values or cause blight. The intent of these standards is to ensure coordinated design of building facades, additions to buildings, and accessory structures. For determining compatibility, the Technical Review Committee shall refer to the following standards and the illustrations within the "Gautier Architectural Handbook".

8.1.2 Applicability, Exceptions and Variances

A. Applicability

Architectural Standards in this section shall apply to the exterior of commercial, mixed use and multi-family buildings which are new construction; substantially remodeled buildings and/or buildings rebuilt or maintained after destruction equal to or exceeding fifty percent (50%) of the appraised tax value as appraised by the Jackson County Tax Assessor. Governmental buildings are exempt from the Architectural Standards in this section.

B. Exceptions

In the case of remodeled or rebuilt buildings, the existing appearance of adjacent buildings and the constraints of the sites shall be considered to insure visual harmony and consistency.

C. Variances

Requests for variances shall be considered in accordance with *Article IV.*

SECTION 8.2: General Requirements

The following general requirements are applicable to all sites.

A. **Building Orientation**: The main entrance of a building shall be oriented toward the primary street. Secondary entrances may be oriented toward side streets. Orientation of the primary entrance toward the rear of the property is prohibited.

B. **Building and Site Harmony:** All buildings on the same site or part of a unified development shall be harmonious in architectural style, color, building materials and landscaping. Whenever possible, the character and scale of materials used in the building should be used for pathways, courtyards and areas directly surrounding the building to contribute to a cohesive and integrated image of the development.

C. **Building Configuration**: Buildings on the same site should be arranged to complement one another as well as have a pleasing street appearance and orientation to one another. Landscaping, sidewalks and crosswalks as well as pedestrian areas are required.

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D. **Prominence of Corners**: Buildings, rather than parking or drive-through facilities, should be placed on the corner of intersections to frame the corner and create interest.

E. **Maintenance of Certain Finishes:** If materials are used that require regular refinishing such as wood or stucco, a maintenance program may be required at the time of application for architecture review.

SECTION 8.3: Building Design and Materials

8.3.1 General

Building design should provide a sense of permanence and timelessness. Building materials should suit the architectural style of the building, and should be consistent or complimentary throughout the structure or entire development. Exterior finishes exhibiting quality of workmanship, sustainability and ease of maintenance are recommended.

8.3.2 Classes of Material.

Materials in order of preference are listed in Table No. 18 below:

Table No. 18: Classes of Building Material	
Class 1—Preferred ***At least 25 percent of building façades should use one of these materials.***	• Brick • Natural Stone • Split face block • Specialty Integral Colored Concrete Block (including textured, burnished block, rock face block)
Class 2 ***These materials can be used with Class 1 materials to constitute at least 65 percent of building facades.***	• Masonry Stucco • Architecturally textured concrete precast panels • Limestone • EIFS or Drivet • Vertical Board and Batten Stone
Class 3 **May be used for rear facades only and some industrial buildings.**	• Industrial grade concrete precast panels • Smooth concrete • Scored concrete • Wood (but not plywood)
Accent Materials	• Wood • Glass

8.3.3 Facade Articulation

A strong articulation of building facades is required. Facades should provide elements of architectural scale and proportion that relate to the human scale of the pedestrian environment.

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A. Building Façade Articulation

1. Buildings shall have three (3) clearly identifiable sections:

a. A base or ground level which should contain elements that relate to the human scale such as windows, doors, awnings, canopies, a contrasting base or plinth course.

b. A body forming the majority of the structure, and

c. A cap created by the roofline or parapet.

2. Other architectural elements which may be used to help accomplish delineation of building sections include:

a. Lintels

b. Moldings

c. Fascia

d. Cornice

e. Arches

f. Bays

g. Porches

B. Building Massing

Residential buildings shall have a maximum of fifty (50) feet of an unbroken façade plane; commercial and office uses shall have a maximum of sixty (60) feet. The façade of any building that exceeds these maximum distances shall be interrupted through the use of projections or recesses, portals, courtyards, plazas or other appropriate architectural convention. The design of off-setting wall plane projections or recesses shall have a minimum depth of two (2) feet.

C. One (1) Story Buildings. One (1) story buildings shall be designed to convey an impression of greater height in relation to the street by using pitched roofs with dormers or gables facing the street, a higher parapet, and/or the use of an intermediate cornice line to convey the impression of a two (2) story building.

8.3.4 Entrances

A. Primary building entrances must be clearly defined and emphasized by using architectural features, height, canopies, awnings.

B. All building entrances shall be covered by porches, porticos or vestibules integral to the design of the building to protect patrons from weather.

C. All entrances shall be lighted to provide security.

D. Sidewalks in front of businesses that operate after dark shall be lighted in such a manner that will provide easy access to the building.

8.3.5 Door and Window Openings

Designs should make use of windows and doors to add to the aesthetic appeal of the building.

A. Dimensional Requirements: Windows shall be provided on the ground floor of the primary façade of all buildings that have public activity and along with doors shall be in accordance with the ratios given below:

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1. In retail structures windows, doors, and display windows shall comprise a minimum of fifty percent (50%) of the entry façade of the ground floor area.

2. In office buildings, windows and doors shall comprise a minimum of twenty-five percent (25%) of the total facade.

3. In mixed use buildings, windows, doors and display windows shall comprise a minimum of fifty percent (50%) of the façade of the ground floor area and twenty-five percent (25%) of the façade area of upper floors.

4. In institutional facilities and adaptive use buildings, window and door surface requirements shall be determined on a case by case basis.

5. In multi-family residential units windows shall be in accordance with required building code standards.

B. Type of Glass and Glazing:

1. Glass on windows and doors shall be clear or slightly tinted, allowing views into and out of the interior. Views shall not be blocked by equipment.

2. Faux glazing and reflective glass is not permitted.

C. Window Design and Facing:

1. Window shape, size and patterns shall emphasize the intended organization of the façade

2. Windows shall be emphasized by using one (1) or more of the following:

   a. Exterior window trim

   b. Awnings, canopies or other architectural elements

   c. Recessed or projected windows.

8.3.6 Exterior Colors of Façade

Colors of faces and accents such as trim and doors shall be coordinated to achieve a visually attractive presentation.

A. One (1) color shall be selected for the main surface of the building which should be a neutral color such as an earth-tone (brown, taupe, beige or gray); or a light pastel or white. The main color shall integrate harmoniously with accent colors and masonry material.

B. Accent colors should offer some contrast and can be darker, lighter, brighter or richer than wall colors. The main consideration in choosing accent colors shall be compatibility with the wall color. A maximum of two (2) accent colors is allowed per building.

C. Colors of regional or national franchised businesses may be used with the permission of the Technical Review Committee and the Architecture Review Ad Hoc members provided they fit in contextually with surrounding businesses

D. Florescent colors are prohibited on all exterior surfaces.

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E. Each building is allowed to have a maximum of three (3) colors, excluding unpainted natural stone, brick, and roof materials or natural appearing substitutes.

8.3.7 Roofs, Cornices and Parapets

A. Types of Roofs Permitted

1. Roof shape should be appropriate for the architectural style of the building and consistent or compatible in mass and height to adjacent buildings or buildings within the same development.

2. Pitched or sloped roofs are preferred.

3. Flat roofs are permitted; however long expanses of flat or parapet roofs shall be articulated and interrupted with elements such as gable sections at entrances or a delineated cornice.

B. Prohibited Roofs, canopies and awnings

1. False mansard canopies.

2. Backlit awnings used as a part of a mansard or canopy roof.

3. Plastic, fiberglass, glass or metal visible to the public.

C. Roof Materials and Colors

1. Roof materials and colors should complement the building materials. On sloped roofs a single roofing color and material is recommended for visual continuity.

2. Preferred roofing materials are enameled standing seam metal, flat tiles of concrete or clay, or copper metal.

3. Wood textured composition shingles and architectural shingles may be considered especially for small structures.

D. Roof Top Appurtenances and Equipment.

With the exception of fire place chimneys or smoke stacks, no appurtenances or equipment such as signs, antenna, satellite dishes, and air conditioning equipment shall project above the roof line.

SECTION 8.4 Fencing and Mechanical Equipment

A. Fencing

1. Fences shall be composed of materials similar to the main structure and complement building design through materials, color, shape and size.

2. No barbed wire or razor wire shall be permitted.

3. In commercial districts chain link fence or similar elements shall not be visible from any public plaza, ground level or sidewalk level outdoor dining area or public right-of-way.

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B. Mechanical Equipment

1. Mechanical equipment shall not be visible from adjacent streets and pedestrian walks.

2. Ground level mechanical equipment shall be screened with opaque fencing and landscaping.

3. If roof equipment is necessary, such equipment shall be screened from public view with parapets or other architectural elements that are in context with the overall building design and which do not appear to be an ancillary structure or structure installed specifically for the purpose of screening unsightly equipment. Whenever possible, parapets should be used to screen rooftop mechanical units.

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ARTICLE IX: PROCEDURES FOR SUBDIVISION OF LAND

SECTION 9.1: Purpose

The purpose of these regulations is to promote and protect the public health, safety and general welfare of the City of Gautier by:

A. Establishment of reasonable standards of design and procedures for the subdivision of land;

B. Ensuring that adequate public facilities and services are available concurrent with development and insure sufficient capacity to serve the proposed development;

C. Preventing and controlling erosion, sedimentation and other pollution of surface and subsurface waters;

D. Ensuring for the adequate provision of transportation, water, sewerage, stormwater management, and other public facilities;

E. Promoting the wise use, development, conservation and protection of the soil, water, wetland, and natural resources;

F. Providing for open spaces through the most efficient design and layout of the land;

G. Providing opportunities for public input by establishment of predictable procedures and public meetings for review of certain development; and

H. Protecting the public from inadequate, inferior and unsafe development.

SECTION 9.2: Pre-Application Conference

Whenever a new or replatted subdivision located within the city is proposed, the subdivider and his engineer shall schedule a pre-application conference with the Economic Development Director. The conference should be attended by other city staff or department Directors and the consulting engineer as needed. The purpose of the Pre-application Conference is to assure that the applicant is familiar with the city's overall land development regulatory process, to assist the applicant in determining those reviews and approvals required for his project, to develop an anticipated timeline for such review and approvals, to call the applicant's attention to applicable standards as identified in the Ordinances and regulations, and to give the city an opportunity to explore and comment on the scope and impact of the project.

Upon receiving input from the city staff, if the subdivider or developer wishes to proceed, he should submit the required plats and/or master plans using the recommendations and application forms supplied by the staff.

9.2.1 Requirements for Pre-Application Conference

The applicant shall provide copies of any existing surveys of the property and a concept or sketch plan showing the proposed layout of streets, blocks, lots and other features in relation to existing conditions.

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SECTION 9.3: Master Development Plan

9.3.1 Master Plans are required for the following types of development:

A. Master Planned Community

B. Phased Development

C. Developments which deviate from the adopted design standards of the City

D. Conservation Subdivision

E. Traditional Neighborhood Development

F. Cluster Development

G. Planned Unit Development (PUD)

9.3.2. General Information Needed for Master Development Plan

The subdivider shall prepare and file with the Economic Development Director three (3) copies of the Master Plan, at least fifteen (15) days prior to review by the Technical Review Committee drawn at an appropriate scale. Sheet size shall not exceed twenty-four inches by thirty-six inches (24" x 36"). The Master Plan shall be prepared by a licensed professional(s) such as engineer(s), architect(s), and landscape architect(s). The Master Plan shall be clearly marked, and shall show, or have attached thereto, the following data:

A. Name, address and contact information for property owner, developer(s), development engineer(s), architect(s), builder(s) and property manager(s)

B. Survey of existing property showing existing structures, utilities, ~~significant and~~ protected trees, rights-of-way, easements and adjacent property use and zoning

C. Map showing existing and proposed contour of land with cut and fill calculations

D. Demolition plan for existing structures

E. General Layout (site plan) of proposed development which shows lot dimensions; streets; alleys; utilities; easements; landscaping; table of proposed uses including type and number of housing units; square footages of proposed buildings; location of required off-street parking areas; civic uses and any other pertinent information.

F. General Landscaping and Buffering Design Plan

G. Proposed phasing of project

H. Any other information deemed pertinent by the applicant or requested by the city

9.3.3 Specific Requirements and Procedure for a Planned Unit Development

A. Quality of Design Required

The proposed development must be designed to produce an environment of stable and desirable character which is in harmony with surrounding land uses and must provide standards for open space, landscaping, creative layout and facilities for traffic control, recreational facilities and adequate parking. Architectural harmony is required for all types of buildings.

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B. Additional Information Required at Time of Application for a PUD

In addition to the requirements for a subdivision given in *Article 9.3.2*, applications for a PUD shall include:

1. Architectural renderings of all commercial, civic and multi-family uses proposed.

2. Architectural renderings and floor plans for examples of each different type of residential structure that is representative of each.

3. Draft of the legal instrument establishing the Homeowners Association and/or Restrictive Covenants.

C. Review by Planning Commission

The Planning Commission may impose conditions regarding density, lot sizes, lot size or arrangement, circulation and any other matters that will in their opinion improve the adequacy of the neighborhood or better protect adjacent areas.

After any required changes have been made to the Master Plan, Preliminary Plat or architectural design of buildings, the Planning Commission shall hold a final public hearing for the purpose of approval or denial of the PUD.

D. Effect of Approval by City Council

After approval of the Master Plan, Preliminary Plat and architectural design by the Planning Commission, the Economic Development Director shall place the proposed subdivision on the agenda of the City Council for their review and approval.

Approval of the zoning change to a Planned Unit Development constitutes approval of the Master Plan prepared by the applicant and reviewed as a part of the application. The Master Plan establishes new and specific requirements for land use, residential densities, development regulations and location of specific elements of the development such as open space, landscaping and other elements.

The PUD classification replaces any previous zoning district classification on a parcel.

E. Minor Amendments and Adjustments to Master Plan prior to Final Plat Approval

The Economic Development Director shall be permitted to approve minor amendments and adjustments to the PUD Master Plan provided the project boundaries are not altered; no additional uses are added; the land allocated to particular uses is not altered more than fifteen percent (15%); housing density is not altered more than ten percent (10%); open space and parks are not decreased; and the height, setback and lots coverage requirements are not substantially altered.

F. Duration of PUD approval

The approval of a PUD Master Plan by the City Council shall be valid for a period of three (3) years from the date of such approval, after which such plat shall be void, except upon application to and approval by the City Council for an extension not to exceed a maximum of two (2) one (1) year periods.

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G. Reversion of PUD Zoning and Project

Should the Master Plan become invalid due to inaction of the developer or at the request of the developer; the zoning of the property shall revert back to the original zoning classification and the Economic Development Director shall cause such changes to be made to the Official Zoning Map.

SECTION 9.4: Infrastructure Construction Plans, Checks and Inspections.

9.4.1 General Process

A. The developer shall submit two (2) sets of blue-line prints of the construction plans for the required improvements and such plans shall be approved prior to construction of any type begins in the subdivision.

B. Developer's Engineer:

1. All improvements required in these regulations and within this Ordinance shall be designed by and constructed under the supervision of a qualified professional engineer registered in the State of Mississippi and employed by the developer.

2. The developer's engineer shall inspect the improvements as they are installed and certify to the appropriate city staff person or consultant that each improvement has been constructed in accordance with the approved plat, construction plans and specifications and requirements of this Ordinance.

3. The Developer's engineer shall furnish the appropriate city staff person or consultant with a certificate stating that all work has been completed in conformity with the approved construction plans and specifications.

9.4.2 Construction Plan Requirements

Prior to infrastructure construction, construction plans must be submitted along with a Certificate from MDEQ and a Flood Plain Certificate, if required. Construction plans shall be submitted on twenty-four inches by thirty-six inches (24" x 36") sheet and shall consist of the following:

A. Water and Sanitary Sewer System—Detailed plans for the water and sanitary sewer system drawn at a scale of one (1) inch equals one hundred (100) feet horizontal and one (1) inch equals five (5) feet vertical and shall be based on U. S. Geological Survey Datum (mean sea level).

B. Streets, sidewalks and roads

C. Drainage structures and bridges—Or, if applicable standard plans issued by the State Aid Division of MDOT may be included for reference.

D. Drainage plan— Drainage plan shall consist of the plat of the development showing the following:

1. Existing and proposed contour lines

2. Finish centerline grades at one hundred (100) foot intervals on all street and drainage ditches

3. Finish flow-line grade on all gutters and culverts at one hundred (100) foot intervals. At the option of the developer's engineer, flow directional arrows may be used in lieu of gutter flow line grades.

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4. Size, length, flow-line gradient and the volume of flow in cubic feet per second on each culvert, open ditch and other drainage structures. This information shall be provided in tabular form with appropriate indexing system.

9.4.3 Test Reports

It shall be the responsibility of the developer and/or his engineer to furnish the following test reports as construction progresses:

A. Concrete—twenty-eight (28) day test cylinder break representing each thirty (30) cubic yards of each days pouring on concrete for curbs and gutters, drainage structures or street and road pavement

B. Base Materials— Base shall be limestone or treated, MDOT State Aid Specifications:

1. One (1) gradation sample per five hundred (500) L. F. or base in place

2. One (1) density sample with depth check per five hundred (500) L. F. or base in place

C. Cement Treated Bases:

1. Soil – cement test to determine required cement perennial.

2. One (1) density sampler per five hundred (500) L.F. or base in place

3. One (1) compression strength cylinder per five hundred (500) L.F. or days run

D. Bituminous Hot Mix Surfacing

1. Job mix design

2. Extraction and stability text sample for each four hundred (400) tons

3. In place density for each four hundred (400) tons in place

E. Any other test reports that may be specifically required by the city which are requested at the time of approval of the construction plans.

9.4.4 Construction Inspections and Checks

The subdivider/developer shall assure the City is adequately advised of any/all activities to construct the project and shall endeavor to maximize the city's opportunity to observe the work.

City of Gautier Inspection--The following inspections shall be completed during the construction phase:

A. The Streets Division representative shall review all street grades and materials.

B. Construct curbing in the presence of the City of Gautier Streets Division representative

C. Proof roll sub-base in the presence of a City of Gautier Streets Division representative

D. Proof roll base in the presence of a City of Gautier Streets Division representative

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E. Inspection of Stormwater Pollution Prevention Controls shall be completed by a Economic Development/Planning Department representative.

9.4.5 Final Field Inspection

The City Consulting Engineer shall make a field inspection of the completed work to verify that the required improvements have been properly constructed in conformity with the approved construction plans and specifications as appropriately certified by the developer's engineer and reflected in the Record Drawings prepared, sealed and signed by the developer's engineer. Such a field inspection shall not relieve the developer of responsibility for any subsequent failure of the constructed improvements in whole or in part.

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ARTICLE X: REQUIRED UTILITIES AND IMPROVEMENTS FOR SUBDIVISIONS

SECTION 10.1: General

10.1.1 Adequate Public Facilities and Construction

No Subdivision Plat shall be approved unless the City Council determines that public facilities will be adequate to support and service the area of the proposed subdivision. It is the responsibility of the owner of the development to construct improvements in accordance with the requirements set forth in this Article and other applicable state and federal regulations that govern the development of land.

10.1.2 Industry Standards

Where no City standard exists governing the design or construction of required public improvements, the City Consulting Engineer shall determine the requirements for design and/or construction predicated on the following:

A. Streets: Latest edition of "A Policy of Geometric Design of Roadways and Streets," AASHTO; and the latest edition of the Mississippi Department of Transportation Standard Specifications for Road and Bridge Construction

B. Water: American Water Works Association Standards

C. Sanitary Sewers: Mississippi Department of Environmental Quality Standards

D. Storm Drainage: Latest Edition of MDOT Design Manual and Specifications to Roads and Bridge Construction

SECTION 10.2 Classification of Residential Development

For the purpose of determining appropriate public improvements and widths of right-of-way and pavement, two (2) types of development types have been identified in accordance with proposed lot sizes and other criteria. Specific requirements for each type of development including the types of stormwater drainage, water systems, width of street and rights-of-way are enumerated in Table No. 19.

Table No.19: Development Types and Required Improvements

Development Type	Description of Type	Required Improvements
Type A	Lots up to 20,000 square feet in size	Public water and sewerage systems, curb and gutter, underground storm drainage.
Type B	Lots larger than 20,000 in size	Public water and sewerage systems, culverts for driveway crossings ditches. Lots with less than 100 foot frontage require curb and gutter.

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SECTION 10.3: Lots

10.3.1 General Requirements

The following general standards shall apply to lots:

A. The lot size, width, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the site for the type of development and use contemplated and in compliance with the Unified Development Ordinance requirements for minimum lot size and minimum frontage.

B. Depth and width of properties reserved or laid out for multi-family, commercial and industrial purposes shall be adequate to meet the needs of this type of use and the development contemplated to properly provide for off-street loading and unloading and parking facilities.

C. Lot arrangement and design shall be such that all lots shall provide building sites except for those lots which are designated open space or designated parks or other public facilities. Such lots shall be so indicated on the plat.

D. All lots shall abut a public street.

E. Residential lots shall not front, or have direct access to arterial streets, except where unavoidable because topographical constraints. In such cases the subdivision shall be so designed to minimize the number of lots fronting on arterial streets.

F. Residential development abutting or containing proposed arterial streets, may utilize reverse frontage lots. A landscaped buffer and a wooden or masonry fence shall be required along the rear lot lines which abut arterial streets in accordance with *Article XI.*

G. Commercial or industrial development should be oriented toward arterial streets or have direct access to collector or arterial streets.

H. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where a variation to this provision will provide a better street and lot layout.

I. Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

J. The lot line common to the street right-of-way shall be the front line. All lots shall face the front line and a similar line across the street. Whenever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.

K. Where platted lots and lands of a development are subject to inundation in tidewater bottoms or along lakes, streams, bayous, or uncontrolled lakes the limits of such areas subject to inundation shall be clearly indicated on the Preliminary and Final Plats.

L. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

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SECTION 10.4: Blocks

10.4.1 General Requirements:

The following general standards shall apply to blocks:

A. The length, width and shape of blocks shall be determined with due regard to:

1. Provision of adequate building sites suitable to specific needs of the type of use contemplated

2. Zoning requirements as to lot sizes and dimensions

3. Needs for convenient access, circulation, control and safety of street traffic

4. Limitations and opportunities of the topography

5. Property fire and police protection

B. No residential block shall be shorter than three hundred (300) feet nor longer than twelve hundred (1,200) feet unless the subdivision being platted is a part of a PUD, a conservation subdivision or a subdivision which applies alternative design standards throughout the development. Block lengths of six hundred (600) feet or longer may require a ten (10) foot easement for pedestrian traffic through the middle of the block to provide for access to schools, playgrounds, and other facilities.

C. The width of blocks should be arranged so as to allow two (2) tiers of lots, with utility easements.

SECTION 10.5: General Grading

The City Consulting Engineer shall, in accordance with plans and profiles, approve grading and centerline gradients.

10.5.1 General

A. Areas to be graded by cutting or filling shall be rough-graded to within 0.5 of a foot of the accepted elevation after necessary allowance has been made for the thickness of topsoil, paved areas and other installations.

B. Final cross-sections and profiles of streets and other installations shall conform to grades approved by the Street Manager. Elevations shall be based on mean sea level.

10.5.2 Disposal of rubbish

All timber, logs, trees, brush, vegetation waste and other rubbish shall be removed or otherwise disposed of so as to leave the areas that have been disturbed with a neat and finished appearance. Measures shall be taken to prevent erosion as deemed necessary by the Building Official and/or the Economic Development Director.

SECTION 10.6: Monuments

Monuments shall be placed at all corners or changes in alignment along the boundary of the development and at all block corners, angle points, or points of curves in street right-of-way lines. These monuments shall be an iron rod or pipe three fourths (3/4) inchesto one and one-fourth (1-1/4) inches in diameter and at least eighteen (18) inches long, driven flush with the surface of the ground. Concrete monuments shall be placed in strategic locations and these

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monuments shall consist of four (4) inch by four (4) inch concrete posts not less than thirty (30) inches in length, reinforced with a single one-half (1/2) inch steel rod extending not less than one-fourth (1/4) inch or more than one-half (1/2) inch above the top of the concrete.

Markers shall be placed at all lot corners or changes in alignment in lot boundaries. These markers shall consist of iron pipe not less than one-half (1/2) inch in diameter and not less than twenty-four (24) inches in length.

All monuments or markers shall be set with the top thereof flush with finish grade. Where farming operations or other land uses might destroy or disturb the monument, it shall be sunk underground and referenced to permanent landmarks.

SECTION 10.7: Streets

The arrangement, character, extent, right of way and pavement width, grade and location of all streets shall be considered in their relation to existing and planned streets, to the size of adjacent lots, to topographical conditions, to public convenience and safety, and in appropriate relationship to the proposed uses of adjacent land which is to be served by such streets. For the purpose of this Ordinance the term “streets” shall be interchangeable with the word “roads.”

10.7.1 General Regulations

No subdivision shall be approved unless the area to be subdivided has frontage on and access from an existing street with adequate capacity to handle the increased traffic generated by the new development.

A. The design of streets shall conform to the minimum criteria below, and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety and their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of arterial and collector streets in a subdivision shall:

1. Provide for the continuation of or appropriate projection of existing principal streets in surrounding areas

2. Conform to the Comprehensive Plan, including the transportation plan for area development adopted by the City Council

3. Conform to the long-range transportation plan prepared by the Metropolitan Planning Organization

B. All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers; to population densities, and to the pattern of existing and proposed land uses.

C. Access from properties zoned industrial or commercial in terms of driveways to state maintained roadways shall require an access permit from the Mississippi Department of Transportation.

D. Where a residential subdivision contains thirty (30) or more houses, such subdivision shall provide two (2) separate entrances. Where only one (1) entrance is physically achievable, the City may require that the entrance roadway be designed as a divided road for a length of not less than two hundred fifty (250) feet to better insure accessibility by emergency vehicles.

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10.7.2 Horizontal and Vertical Alignment

A. Reverse curves shall be avoided; however, if reverse curves are necessary, a tangent of at least one hundred (100) feet shall be introduced between curves or as necessary to provide sufficient super elevation run-off.

B. Street centerline offsets, or street jobs with centerline offsets, of less than one hundred twenty-five (125) feet shall be avoided.

C. The horizontal alignment for all streets shall not be less than those enumerated in Table No. 20, except in cases of unusual topographical conditions.

Table No.20: Horizontal Alignment—Centerline Radius	
Arterial and major street	500 feet minimum
Collector Street	300 feet minimum
Minor Street	100 feet minimum
In case of any minor street with a delta angle within the range of 65 degrees to 115 degrees, the centerline radius shall be such as to provide a minimum turning radius of 25 feet at the inside curb line.	

D. The vertical alignment for all streets shall not be less than those shown in Table No. 21, except in cases of unusual topographical conditions. All changes in street grades shall be made with vertical curves that provide minimum sight distances of not less than the following, except in cases of unusual topographical conditions.

Table No. 21: Vertical Alignment	
Arterial and major streets with median	500 feet minimum
Arterial and major streets without median	800 feet minimum
Collector Street	300 feet minimum
Minor Street	200 feet minimum
Sight distances for vertical alignment shall be determined by measuring from a point 4.0 feet above the roadway surface along a line of sight to a point 4.0 inches above the roadway surface.	

E. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.

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10.7.3 Street Width and Categories

A. Requirements for street widths and paving widths are enumerated below.

Table No. 22: Required Street R. O. W. Widths and Paving Widths			
		Pavement Width (Back to Back of Curb)	
Streets	**Minimum ROW**	**Type A Development**	**Other Types of Development**
Arterial	120 feet	2- 25' lanes & median	2- 24" lanes & median
Major	80 feet	49 feet	48 feet
Collector	60 feet	40 feet	20 feet
Minor	50 feet	27 feet	20 feet
Frontage or service	50 feet	27 feet	20 feet
Cul-de-sac Street	50 feet	27 feet	20 feet

B. All streets shall have curb and gutter except those streets located in Type A developments with individual lot frontages of one hundred (100) feet or greater.

C. Half Streets shall be prohibited.

D. Cul-de-sacs shall be provided at the closed end with a turning radius of ninety-six (96) feet. The maximum length of cul-de-sac streets shall be seven hundred (700) feet.

10.7.4 Traffic Calming and Connectivity

A. Local residential streets shall be designed whenever possible to avoid conformity of lot appearance.

B. Local streets shall be laid out in such a way as to discourage use by through traffic and to permit efficient and drainage systems.

C. In districts where strict adherence to grid pattern street systems is not required nor appropriate, the creative use of loop streets, eyebrow streets and other alternatives to cul-de-sac streets shall be used.

D. Dead-end streets are prohibited, except where a street is planned to continue beyond the boundary of a subdivided property, in which case a temporary dead end stub out may be allowed provided sufficient turning radius is provided for emergency vehicles.

E. Streets, which are, or will become extensions of existing streets, shall be given the same name as such existing streets. New street names shall not be the same as existing streets and shall not sound like the names of existing street names.

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10.7.5 Street Construction Standards

A. The Base and sub-base shall be proof rolled in the presence of the appropriate city staff person or representative.

B. The developer shall construct streets, including all grubbing, grading, laying of sub-base, base, pavements, curbs and gutters, culverts, bridges and other structures in accordance with the standard specifications for road and bridge construction, State Aid Road Division, Mississippi State Highway Department. A qualified professional engineer employed by the developer shall do design and supervision of all work. The design of the work shall be submitted to the appropriate city staff person prior to the initiation of construction.

C. All pavement or surfacing design plans must be approved by the city before any construction is undertaken to insure adequate design for the existing soil conditions and proposed use to which it is to be subjected.

D. Asphalt surface course shall be hot bituminous pavement – surface cores No. SC-1, two (2") inches minimum thickness, Mississippi Department of Transportation, State Aid Specifications.

E. Concrete pavement will be allowed only by special permission of the City Council, and the base shall be limestone or treated, Mississippi Department of Transportation, State Aid Specifications.

F. The base course shall be six (6) inch minimum thickness, crushed limestone, size 610, or ten (10) inch treated base in accordance with the Mississippi Department of Transportation specifications. Clay gravel and mechanically stabilized base courses are not acceptable. Design data for treated bases shall be stamped and signed by Professional Engineer, registered in the State of Mississippi and provided to City.

G. Specifications for all materials and street work shall conform to the appropriate provisions of the Standard Specifications for Road and Bridge Construction, State Aid Division, Mississippi Department of Transportation.

10.7.6 Intersections

A. Street intersections and approaches shall be designed on as flat a grade as possible. Street gradients within one hundred (100) feet of intersections shall not exceed two percent (2%).

B. The minimum curb radius permitted at intersections shall be twenty (20) feet for residential streets, and twenty-five (25) feet for collector streets, and forty (40) feet for streets serving industrial developments.

C. Two (2) streets intersecting the same street (T-intersection) shall be offset a minimum of one hundred fifty (150) feet (centerline offset).

D. Turning lanes shall be provided at heavily traveled intersections as determined by the City Consulting Engineer.

10.7.7 Street signs and traffic control

A. Regulatory signs shall be in compliance with the current MUTCD manual and shall be installed accordingly.

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B. Street Names or road name markers shall be placed at the corner of all street or road intersections. Said marker shall be of a standard design in current use and placed at appropriate locations.

10.7.8 Street Lights

Street lights shall be installed by the developer and shall be maintained for one (1) year at the developer's expense. This includes the monthly expenses of operation. This one (1) year period shall begin at the time final approval is granted or for a period of one (1) year if a deferred installment is deemed feasible by the developer. The portion of the bond will remain in effect until installment.

10.7.9 Alleys

A. Alleys Required

Alleys shall be provided in commercial and industrial developments, unless alternative service access elements such as off-street loading, unloading and parking can be provided for in alternative locations. Residential alleys are not required; but may be allowed for vehicular access from the back of a lot when such lots are a part of a PUD, Planned Residential Subdivision or a Mixed Use Development.

B. Alley Arrangement and Standards

1. Dead-end alleys shall be avoided whenever possible, but if unavoidable, shall be provided with adequate turn-around facilities at appropriate places.

2. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut-off sufficiently to permit safe vehicular movement.

C. Specific Standards for Alleys

1. The minimum width of residential alleys shall be twenty (20) feet.

2. The minimum width of commercial and industrial alleys shall be thirty (30) feet.

SECTION 10.8: Storm Drainage Systems

The design of storm water drainage systems shall insure adequate control of storm water runoff through the use of properly sized and positioned drainage structures including but not limited to curb and gutter, curb and grate inlets, stormwater sewer pipe, box culverts, intersectional drains, open ditches and bridges. Storm drainage systems shall be designed to carry not less than the storm water from the maximum twenty-four (24) hour rainfall expected to occur once in twenty-five (25) years with a run-off factor of ninety (90%) percent for pavements and buildings and a variable run-off factor for ground areas, dependent upon topographic conditions and other characteristics in accord with accepted engineering practices. A culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision.

10.8.1 Types of System Required and Design Criteria

A. In Type A subdivisions streets shall be drained by curbs and gutters with drop inlets and storm drains underground.

1. Vertical

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2. Roll Curb

B. Type B subdivisions with lot areas greater than twenty thousand (20,000) or street frontage greater than one hundred (100) feet open ditches may be used.

C. A gravel base on shoulders shall be required.

10.8.2 Open Ditches

A. In the case of surface drainage, the full width of the street between property lines shall be utilized in the graded section in order to permit easy maintenance and grassing of the section from the edge of the shoulders to the property lines.

B. Driveways crossing side ditches shall be constructed to a minimum width of fifteen (15) feet with head walls at both ends or twenty (20) feet or more without head walls at both ends of the culvert pipe drains laid to the profile of the ditch invert. Fill material shall be Class nine (9) or better with a minimum of four (4) inches compacted thickness of clay gravel or other suitable material. Driveway culverts of proper size shall be installed at each lot by developer prior to the issuance of a building permit.

C. All drainage pipes, culverts, structures and ditches shall be sized by determining a volume of flow in cubic feet per second using known drainage areas and generally accepted engineering formulas, but in no case shall any culvert be less than fifteen (15) inches in diameter. All open drainage ditches other than swales and existing waterways that exhibit a constant natural flow shall have adequate erosion controls. All open ditches shall have a maximum side slope of two-to-one (2.1) and shall be sprigged, seeded or soil sodded from the invert to the natural ground line. Any deviation whatsoever from the above requirements must be approved by the City Consulting Engineer or appropriate staff person.

D. Piping of ditches will not be allowed unless plans are submitted for review by a professional engineer registered in the State of Mississippi. Also, a permit or approval letter by the Mississippi Department of Environmental Quality to the City of Gautier Street Manager shall be provided.

SECTION 10.9: Easements

Adequate easements shall be appropriated for the purpose of providing for utilities and underground and above ground stormwater facilities. Easements shall be shown on both the Preliminary and the Final Plat.

10.9.1 Utility Easements

Easements across the front of lots or if needed centered along the rear and side lot lines shall be provided for utilities and/or stormwater.

A. Utility facilities, including, but not limited to, water, sewer, gas, electric power, telephone and telecommunication cable shall be located underground throughout Type A Developments. Certain types of overhead utilities are permitted in Type B Developments.

1. Easements for utilities shall be at least twenty (20) feet wide at ground level with an additional six (6) feet wide overhang on each side from twelve (12) feet above the ground and up.

2. Whenever possible, easements shall be equally divided between abutting lots.

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3. Where easements intersect or sharp changes in alignment are necessary, corners shall be cut off sufficiently to permit equipment access, subject to the approval of the Utilities Division Manager.

4. Crossing of overhead telephone and power lines shall provide for a vertical clearance of at least eighteen (18) feet above the pavement, or a minimum vertical clearance adopted by the National Electric Safety Code and the Mississippi Public Service Commission.

5. Underground utilities shall be installed prior to the application of the final surface course on the roads of said subdivision. All utility trenches shall be thoroughly tamped upon being backfilled and maintained by refilling the retamping and settlement.

6. Underground utilities paralleling the final surface course and said roads shall be located no closer than three (3) feet to the edge of said surface course and shall have a minimum cover of thirty-six (36) inches.

7. After installation of final surface course on roads or streets is made, no underground crossing under said roads or utilities shall be made without first obtaining a permit from Economic Development/Planning Department.

B. Stormwater and Drainage Easements: Where a development is traversed by a water course, drainage way, channel or stream or where topography of other conditions require natural drainage swells or underground drainage facilities along the front side or rear of lots, perpetual, unobstructed easements shall be required.

1. Drainage easements of not less than twenty (20) feet in width, conforming substantially to the alignment of such water course, drainage way, channel or stream shall be provided.

2. Stormwater easements for drainage may be of greater widths as determined by the Street Division Manager to accommodate anticipated storm flows, future construction and channel maintenance.

3. No building, fence, pole, or other obstruction shall be permitted within the drainage right-of-way. Bulkheads, concrete paving of drainage channels or other appropriate methods to prevent erosion of drainage channel banks may be required by Economic Development/Planning Department and the Street Division Manager.

4. Whenever possible, easements shall be equally divided between abutting lots.

5. Low-lying lands along watercourse subject to flooding or overflowing during storm periods shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for computing the area requirements of any lot.

C. Widths Required for Utilities and Drainage Easements shall be:

1. Twenty (20) feet for utilities

2. Twenty (20) feet for drainage

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3. Thirty (30) feet for a combination of utilities and drainage

SECTION 10.10: Sidewalks

For new subdivisions, sidewalks shall be installed on both sides of all streets, bridges, and around cul-de-sacs. The subdivision developer shall have the option to install all sidewalks within the subdivision or convey the responsibility to the individual property owners within the subdivision. The subdivision developer in any case shall be responsible for installing sidewalks along all public area properties or other areas along the street that are not adjacent to individual lots prior to Final Plat. If the developer chooses to convey the sidewalk responsibility to the individual property owners, a provision shall be included on the Final Plat, as well as within the subdivision covenants where applicable, that sidewalks will be installed for every lot prior to occupancy of any structure, provided that, five years from approval of the subdivision Final Plat by the City Council, the owners of any lots for which sidewalks have not been installed shall be required to do so at their own expense at that time.

If sidewalks are not installed as prescribed in this Subsection, the Department of Public Works shall be authorized to cause to have the sidewalk installed, the cost of which shall become a special assessment against the affected property.

Sidewalks shall be constructed within the dedicated non-traffic way portion of the right-of-way or adjacent easement to all streets.

~~Sidewalks shall be required with the development of two (2) or more adjoining lots, and in all subdivisions with typical lot widths of less than one hundred (100) feet unless otherwise approved by the Planning Commission.~~ All sidewalks shall be concrete or other suitable materials as approved by the Public Works Director and a minimum of four (4) inches in thickness, sloped toward the roadway and have a minimum of three ~~two~~ (3 ~~2~~) foot grassed or landscaped median area (amenity area) separating the sidewalk and the adjacent curb, unless otherwise approved by the city. Sidewalks abutting arterial streets shall be a minimum of eight ~~five~~ (8 ~~5~~) feet in width and a minimum of five (5) inches in thickness. ~~All other sidewalks shall be a minimum of four (4) feet in width.~~ All sidewalks shall be handicapped accessible.

SECTION 10.11: Recreational Areas, Open Space, Lakes and Ponds

10.11.1 General

Reservations for common ground, open spaces, conservation areas, or playgrounds shall be shown and marked on the plat in an appropriate manner such as “Reserved for Park and/or Recreational Purposes,” or “Common Ground.”

10.11.2 Maintenance

The maintenance of such areas shall be the responsibility of the developer and/or the Home Owners Association. Responsibilities for perpetual maintenance shall be a part of the Restrictive Covenants of the subdivision. Articles of agreement of the Home Owner’s Association and/or Restrictive Covenants shall be submitted for review by the City Attorney prior to Final Plat approval.

If and when problems arise with parks, lakes or any other type of recreational facility due to inadequate maintenance, the Economic Development Director or his designee may inspect the improvements and compel the correction of the problems by written notice. Should required corrective action not be completed by the responsible party, the City shall have such situations

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corrected and a lien shall be placed on the property by the City Attorney equal to the cost of the corrective action plus any administrative expenses incurred.

10.11.3 Playgrounds and Parks

A. Parks and playgrounds shall be improved and landscaped consistent with other development within the subdivision, contain park benches or other related equipment certified by the Developer's Engineer and approved by the appropriate City official.

B. Existing natural areas may be used to meet the open space requirements, provided they are not unusable due to flooding, steep slope or for other reasons.

10.11.4 Lakes or Ponds Within or Adjacent to Development

A. Any lakes or ponds included within any development shall be designed in accordance with accepted engineering practices for containment and outlet structures. All lakes or ponds shall be developed to Natural Resources Conservation Service (NRCS) minimum standard and have all DEQ or Army Corps of Engineers Permit where required.

B. Outlet control structures shall operate automatically and designed to limit discharges into existing or planned downstream channels or conduits so as not to exceed predetermined safe capacities.

SECTION 10.12: Water Supply System

The subdivider shall provide suitable water mains and provide a water connection in accordance with the City minimum design standards for required improvements for each lot to a water supply approved by the Mississippi State Board of Health and City of Gautier Utility Division. The water mains shall be of sufficient size to adequately supply the requirements of the subdivision for domestic use and fire protection in accordance with the standards of the Mississippi State Rating Bureau and the Mississippi State Board of Health, and shall conform to the following requirements:

10.12.1 General Requirements

A. The applicant shall extend the existing water-supply district for the purpose of providing a water-supply system capable of providing domestic water use and fire protection.

B. The subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the City of Gautier Utility Division and system shall be designed in accordance with the city minimum design standards for required improvements.

C. Water main extensions shall be approved by the City of Gautier Utility Division and the Mississippi State Board of Health.

D. To facilitate the above, the location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance bond to be furnished by the developer.

E. Materials shall conform to the City minimum design standards for required improvements.

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10.12.2 Individual Wells and Central water systems

Within the discretion of the Public Works Director and/or Economic Development Director, if a public water system is not available, individual wells may be used or a central water supply system shall be provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water samples shall be submitted to the Mississippi State Board of Health for its approval. All design requirements and acceptance of individual wells and central water systems shall be approved by the Mississippi State Board of Health. Orders of approval shall be submitted to the Public Works Director and/or Economic Development Director.

A. Based on a schedule from the City of Gautier Utility Division, if the Public Works Director and/or Economic Development Director determines that public water may be provided within five (5) years, as a condition to approval of an individual well or central water system, the applicant shall provide the design and approvals for future water service at the time the plat received final approval. Performance or cash bonds shall be required to insure compliance.

B. There shall be no physical connection between public and private potable water supply systems.

10.12.3 Future Water System:

To eliminate street openings for future water systems, the Public Works Director and/or Economic Development Director shall require any of the following:

A. The entire water system to be constructed and capped for future connections; or

B. Pipe casings to be installed at all street crossings; or

C. Boring methods.

In all cases the design engineer shall be required to design and furnish design drawings of the complete water system to be installed.

10.12.4 Fire Hydrants

Fire hydrants shall be installed in accordance with local fire prevention codes. Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located no more than one thousand (1000) feet apart and within five hundred (500) feet of any residential structure and within four hundred (400) feet of any commercial structure. Fire Hydrants shall be designed and installed per requirements of the Mississippi State Rating Bureau. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed before any final paving of all streets shown on the subdivision plat. Hydrants shall be served by a minimum size water main of eight (8) inches or six (6) inches if lines are looped or as supported by engineering calculations.

SECTION 10.13: Sanitary Sewer System

The developer shall provide a sanitary sewer system, complete with treatment facilities that will adequately meet the needs of the development and shall provide sewer connection for each lot within the development. The developer shall submit to the City a letter of approval by Mississippi

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Air and Water Pollution Control Commission for plans for such system prior to the initiation of construction.

10.13.1 Sanitary Sewers; General Requirements.

A. The subdivider shall provide a sanitary sewer system. Connections for each lot within the subdivision shall be made. The sanitary sewer system shall be designed in accordance with the city minimum design standards for required improvements and shall be approved by the Mississippi Department of Environmental Quality, Office of Pollution Control and the City of Gautier Utility Division. The developer shall furnish the Public Works Director and/or Economic Development Director with a certificate from each agency that they have made a physical inspection of the subdivision and approved such system. The City Consulting Engineer shall also make such a physical inspection and shall submit his recommendations to the Public Works Director and/or Economic Development Director for their approval or disapproval.

B. Materials shall conform to the city minimum design standards for required improvements.

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ARTICLE XI: TREE PRESERVATION, LANDSCAPING, SCREENING, BUFFERING AND FENCES

SECTION 11.1: Intent and Purpose

11.1.1 Intent

The intent of this article is to establish regulations and minimum standards for: (a) the protection of existing valuable vegetation including protected ~~and significant~~ trees; (b) for installation, maintenance and protection of new landscaping on certain sites, (c) for buffering between different types of uses and around refuse and service areas; and (d) for installation of fencing.

11.1.2 Purpose

The purpose if this article is:

A. To preserve the natural beauty and defend the ecological integrity of the City of Gautier;

B. To conserve energy and to aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground water recharge, and storm water runoff retardation, while at the same time aiding in noise, glare and heat abatement;

C. To provide visual buffering and enhance the beautification of the city;

D. To safeguard and enhance property values and to protect public and private investment;

E. To provide a better transition between the various land use zones permitted by the city;

F. To insure that the local stock of native and naturalized trees and vegetation is replenished;

G. To protect the public health, safety and general welfare; and

H. To preserve the existing natural landscape character and prohibit indiscriminate clearing or stripping of the natural vegetation.

SECTION 11.2: Applicability

11.2.1 Tree Protection Provisions

The regulations of this article pertaining to tree protection shall apply to all real property within the City limits now and in the future and more specifically:

A. Any and all property on which clearing, development or cutting of trees is proposed

B. Any and all property on which new or redevelopment development is proposed

11.2.2 All other Provisions of this Article

The regulations of this Article pertaining to landscaping, buffering, fencing and related provisions shall apply to

A. All new structures, sites and/or vehicular use areas within the city.

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B. Expansion of existing structure if the expansion is five percent (5%) or more of the total existing building floor area or is two hundred fifty (250) square feet or larger or if the remodeling to the existing building will increase the value of the property to one hundred twenty-five percent (125%) of the current valuation

C. All parking spaces added to an existing parking lot or facility shall comply with the landscaping, buffering, maintenance and fencing provisions of this article

D. If the proposed expansion or reworking of the parking facility is in conjunction with the remodeling or expansion of an existing structure or building on site which exceeds No. 11.2.2 (B) above, or if the expansion of the parking lot exceeds ten percent (10%) of the existing number of spaces; the entire parking lot shall be brought into conformance with the landscaping, buffering, maintenance and fencing provisions of this Article.

11.2.3 Exemptions

A. Individual lots on which detached single family residences are located are exempt from the landscaping requirements.

B. Permit Procedures for the removal of trees may be waived by the Mayor and City Council in the case of protected ~~or specimen~~ trees in public right-of-way, and also in consideration of certain emergencies, such as windstorms or other disasters, so that efforts to restore order to the City will not be hampered.

SECTION 11.3: Prohibited Acts

It shall be unlawful for any person to:

A. Cut or remove any protected tree or its roots without prior approval

B. Disfigure, mutilate, injure, or destroy any portion of a protected tree

C. Pave with concrete, asphalt, or other impervious material within five (5) feet of the dripline of a protected tree

D. Grade, trench, dig, or perform construction work (including storage of equipment or materials) within the drip line of a protected tree

E. Compromise the any of the area within the dripline of an existing protected tree by adding dirt or compaction of the soil

F. Paint or put harmful chemicals or other harmful foreign substances on the soil around the tree trunk

G. Fail to adequately protect trees in accordance with Section 11.4

H. Build a vehicular access area or parking lot or expand such facilities without submittal and approval of a landscaping plan.

SECTION 11.4: Tree Preservation and Protection

11.4.1 Trees to be Preserved and Protected ~~(Significant and Protected)~~

Trees of a certain size, condition, and species ~~statute~~ are considered ~~"significant and/or~~ protected trees" and shall be preserved until such time as approval is obtained from the City of Gautier City Council to ~~alter or~~ remove such trees. Unless otherwise authorized, the entire tree and the area within the dripline of an existing protected tree shall be naturally preserved or provided with pervious landscape material and shall be maintained at its original grade.

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A. At least fifteen percent (15%) of the existing native species of significant size trees on the site, exclusive of the required perimeter landscape area shall be preserved as a part of new development or lot clearing.

B. All native species of significant size trees in the required perimeter landscaping area that will not constitute a safety hazard in the opinion of the Economic Development Director shall be preserved.

C. Portions of the site that are to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements are exempt from this requirement, except for the protected trees as defined in the Ordinance.

11.4.2 Methods of Tree Protection during Development Activity

A. Prior to commencement of development activity, all trees designated as protected trees ~~including significant trees~~ which are located in the area of development activity shall be indicated on a location map or the site plan and approved by the Economic Development Director.

B. During development activity, the area under the drip line of any tree to remain on site shall be protected from activities that may injure the tree. Such activities include, but are not limited to, cut and fill activities, building slab and foundation placements, road bed construction, temporary parking of vehicles and storage of construction materials.

C. The applicant shall erect protective barriers around protected ~~and significant~~ trees as follows:

1. Protective barriers shall be installed around each protected tree or group of protected trees that are designated for protection.

2. Barriers shall not be supported by the plants they are protecting but shall be self-supporting.

3. Protective barriers shall be a minimum of four (4) feet high and constructed of a durable material that will last until construction is completed.

4. Protective barriers shall be installed at least one (1) foot from the drip line or one (1) foot from the trunk of the tree for each one (1) inch of tree caliper.

D. Where compaction might occur due to traffic or materials storage, the tree protection zone must first be mulched with a minimum four (4) inch layer of processed pine bark or wood chips or a six (6) inch layer of pine straw.

E. Where the Economic Development Director determines that irreparable damage has occurred to a tree within a tree protection zone, the tree shall be removed and replaced and protective fencing installed as provided in *Section 11.4.2*.

~~11.4.3 Permit Required for Significant/SpecimenTree Removal~~

~~In accordance with the procedures in *Article IV, Section 4.23.2 Tree Removal Permit*, a Tree Removal Permit shall be issued by the Economic Development Director prior to issuance of a building permit, if the site proposed for development contains trees. Preservation of native trees including, but not limited to oaks, magnolia, cedar, elms, and pecan shall take priority in determination of trees to be preserved.~~

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~~11.4.4 Replacement of Significant/Specimen Trees~~

~~In the event trees have already been removed prior to the issuance of a tree removal permit, the number of trees on the schedule shall be doubled. Table No. 23 shows the normal replacement number of trees required.~~

~~Table No: 23 Schedule for Replacement of Specimen Trees~~			
~~Diameter of Tree Removed~~	~~Minimum Number of Trees~~	~~Height (Feet)~~	~~Diameter (As Measured After Planting)~~
~~61--72"~~	~~10~~	~~12~~	~~2"~~
~~49--60"~~	~~9~~	~~12~~	~~2"~~
~~43--48"~~	~~8~~	~~12~~	~~2"~~
~~37--42"~~	~~7~~	~~12~~	~~2"~~
~~31--36"~~	~~6~~	~~10~~	~~2"~~
~~25--30"~~	~~5~~	~~10~~	~~2"~~
~~19--24"~~	~~4~~	~~10~~	~~2"~~
~~13--18"~~	~~3~~	~~7~~	~~1"~~
~~7--12"~~	~~2~~	~~7~~	~~1"~~
~~4--6"~~	~~1~~	~~7~~	~~1"~~

11.4.5 Permit Required for Protected Tree Mitigation

The Economic Development Director shall issue a tree removal permit for a protected tree only upon Council adoption of a resolution finding a necessity for the removal of the protected tree(s). To determine whether a request warrants a finding of necessity, the Council shall consider the Comprehensive Plan, the intent of this ordinance to preserve protected trees, and also the following:

A. Whether the continued preservation of the tree(s) places a significant hardship on the property owner; and

B. Whether the continuation of the tree(s) would threaten public safety and welfare; and

C. Whether all other options for preservation and/or relocation have been explored and found unsatisfactory.

Except for owner-occupants of single-family residential homes, applicants who request permits to remove protected trees shall be required to prepare and implement a tree mitigation and preservation plan. Mitigation plans shall include provisions for planting the same species of protected tree, temporary or permanent irrigation, and monitoring for a two (2) year period, or an in-lieu fee.

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A. The on-site mitigation plan shall include, but not be limited to, the following:

1. A site plan depicting all living protected trees to be removed, utilizing clear and concise graphics.

2. The plan shall include tree planting locations, size and species of trees to be planted, and planting and irrigation methods.

B. Off-Site Mitigation Plan. The applicant may request that the approving authority approve one of the following methods for off-site mitigation within the City:

1. Payment of an inch-for-diameter-inch replacement in-lieu fee, as set by City Council resolution, to cover the cost of purchasing, planting and initial cost of the off-site plantings. Such fee shall be calculated based on one thousand dollars ($1,000) per caliper inch, and shall be placed into the tree planting and maintenance fund to provide for tree planting and maintenance on public projects.

2. A mitigation credit towards the value of the replacement in-lieu fee may be approved by Council for public amenities provided at the subject site, upon the submittal of project estimate and approval by Council.

3. Planting of trees on either public property, property within a conservation easement, or on property with an irrevocable offer of dedication to the city, pursuant to the ratios set forth in subsection C of this section.

C. Mitigation Tree Planting and Tree Preserve Replacement Ratios

Table No: 24 Schedule for Replacement of Protected Trees	
Diameter of Tree Removed	**Minimum Number of Trees**
40" and above	35 twenty-four inch box protected trees, or fee set by Council resolution
Above 35--40"	50 fifteen-gallon protected trees, or 25 twenty-four inch box protected trees, or fee set by Council resolution
Above 30--35"	40 fifteen-gallon protected trees, or 20 twenty-four inch box protected trees, or fee set by Council resolution

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Table No: 24 Schedule for Replacement of Protected Trees	
Above 25--30"	35 fifteen-gallon protected trees, or 17 twenty-four inch box protected trees, or fee set by Council resolution
Above 20--25"	30 fifteen-gallon protected trees, or 15 twenty-four inch box protected trees, or fee set by Council resolution
Above 15--20"	20 fifteen-gallon protected trees, or 10 twenty-four inch box protected trees, or fee set by Council resolution
Above 12--15"	15 fifteen-gallon protected trees, or 6 twenty-four inch box protected trees, or fee set by Council resolution
~~6--10"~~	~~8 fifteen-gallon protected trees, or 4 twenty-four inch box protected trees, or fee set by Council resolution~~

11.4.6 Relocation of ~~Specimen and~~ Protected Trees

Existing trees may be relocated with the permission of the Economic Development Director subject to the following requirements:

A. Trees to be relocated shall be removed with a root ball sized in proportion to their calipers. Root balls shall be twelve (12) inches in diameter for each one (1) inch of tree caliper. Trees four (4) inches in caliper and smaller are to be measured six (6) inches from the ground. Trees four (4) inches to eight (8) inches in caliper are measured twelve (12) inches from the ground, and trees eight (8) inches in caliper or larger are measured at breast height.

B. Trees which are to be relocated in areas which do not require grading are to be placed directly into their new location. Trees to be relocated in areas which will have site work, shall have tree barriers put in place in accordance with *Section 11.4.2.*

C. Trees to be planted offsite in full leaf shall be covered entirely with a protective cloth covering prior to transporting. Trees to be planted on site do not require a covering.

D. Trees which are to be relocated in areas to be graded are to be stockpiled. Stockpiled trees shall be well heeled in and protected from excessive wind and sun. The contractor shall provide water to maintain a healthy condition.

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SECTION 11.5: Landscaping Requirements

The installation of landscaping of building sites and vehicular use areas is required for any new or redeveloped development site with the exception of individual lots for single family residential uses.

11.5.1 General Requirements for All Developments

A. Preservation and Credit for Existing Trees.

1. At least fifteen percent (15%) of the existing native species of significant size trees must be retained. Preservation of existing live natural trees between the principal building and the public street right-of-way may be credited towards the landscaping requirements of this Ordinance in accordance with Table No. 25. To be included in the computation for credit for preserved trees, each preserved tree must be at least twelve (12) inches in caliper; however, any existing tree less than twelve (12) inches in caliper, but meeting the minimum planting size requirements of this Ordinance, may be credited for one (1) required tree. Credited trees shall be uniformly encircled by a protected ground area of sufficient size to insure the health of the tree. During any construction on the site, the protected ground area shall be clearly marked in the field.

2. No credit will be allowed for any tree proposed to be retained if there is any encroachment within the "protected ground area" defined by a circle, which has as its center the trunk of the tree, or if the tree is unhealthy or dead. If any preserved tree being used for credit dies or fails to thrive, the owner shall plant new trees equal to the number of credited trees and such replacement plantings shall meet the requirements of this Ordinance.

3. In no case shall credits for preserved trees eliminate the requirement that the front setback shall contain at least one (1) natural tree.

Table No.25: Credit for Existing Trees

Diameter of Existing Tree	Number of Trees Credited
36" or greater	7
30--35"	6
26--29"	5
20--25"	4
13--19"	3
9--12"	2
4--8"	1

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B. Design of Landscaped Areas—Trees

1. Minimum Caliper and Height

a. Deciduous trees shall have a minimum caliper of one (1) inch and a minimum height of eight (8) feet at the time of planting.

b. Evergreen trees shall be a minimum of six (6) feet at the time of planting.

2. Distance from Curbs, paving edge or sidewalk

The minimum distance from curbs, paving or sidewalks for trees shall be as follows:

a. Large trees—Eight (8) feet

b. Medium trees—Five (5) feet

c. Small trees—Three (3) feet

3. Distance from Street Corners and fireplugs

No tree may be planted within thirty-five (35) feet of any street corner or within ten (10) feet of any fireplug.

4. Distance from Utilities

No large or medium tree shall be planted under or within twenty (20) lateral feet of any overhead utility electric wire or within ten (10) lateral feet of any underground water, sewer or transmission line or any other type of utility line.

5. Native Species and Variety of Species

a. At least fifty (50) percent of trees shall be of a variety native to the Mississippi Gulf Cost area.

b. No less than fifty (50) percent of required trees shall be canopy trees.

c. When more than twenty (20) trees are required on a site to meet these regulations, a variety of species shall be provided. The variety of trees shall be in accordance with Table No. 26.

Table No.26: Minimum Tree Species Required

Required Number of Trees	Minimum Species Required
20-30	4
31-60	6
61-100	8
101-200	10
More than 200	15

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C. Design of Landscaped Areas—Shrubs

1. Upright shrubs shall be a minimum of two (2) feet in height and spreading shrubs shall be a minimum of sixteen (16) inches in height at the time of planting.

2. At least seventy-five percent (75%) of required shrubs shall be evergreen unless otherwise noted in specific sections.

D. Perennial or Annual Flowers

The planting of perennial or annual flowers is encouraged as accent plantings for all landscaped areas and especially those areas adjacent to the street. Flowers shall be planted in season and dead or out-of-season plants shall be replaced on a regular basis.

11.5.2 Commercial, Industrial and Mixed Use Development

A. Total Landscaped Area Requirement

All commercial, industrial and mixed-use developments and/or buildings shall have a minimum of twenty percent (20%) of the total available area dedicated to landscaping. The total available area shall be calculated by subtracting the land area covered by buildings from the total land area of the site and then multiplying this difference by twenty percent (20%). The landscaped areas shall not be encroachable by vehicles except for approved access ways. The following may contribute toward the required twenty percent (20%):

1. Areas with protected existing trees provided they meet the twenty-five (25) square foot requirement

2. Required front yard landscaping

3. Landscaped perimeters of parking areas

4. Landscaping islands within parking areas

5. Any additional landscaped areas which are a minimum of twenty-five (25) square feet and are not a part of the required front yard landscaping, parking area interior, perimeter landscaped areas or landscaped divider medians may contribute toward the required twenty percent (20%) requirement.

B. Perimeter Landscaping

1. A landscaped area shall be required along the perimeter of the property line which shall be a minimum of ten (10) feet in width along the front property line and five (5) feet along sides and rear property line. The width of sidewalks shall not count toward the front perimeter landscape requirement.

2. One tree is required for every thirty (30) feet linear feet of the property line perimeter. Species of trees shall be in proportion to the number of trees planted in accordance with Table No. 26.

3. The remainder of the perimeter landscaped area shall be landscaped with lawn grass, ground cover and if desired, areas for planting of perennial or annual plants.

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4. Such areas may also contain shrubs required for landscaping around the perimeter of parking areas as described in (c) below.

C. Shrubs around Parking Areas

Shrubs shall be placed around the perimeter of parking areas in such a manner as to screen the vehicular area from adjacent properties and/or from public streets. A minimum height of three (3) feet is desired for plantings; however, plantings shall not cause visibility problems for the safe movement of traffic on or adjacent to the site.

D. Landscaping along the Front or Side of Buildings

A landscaped area of not less than four (4) feet in width is required along the front of all buildings except for those which are designed as a part of a traditional development where commercial buildings are immediately adjacent to sidewalks and service stations or convenience stores.

Service Stations and Convenience stores shall provide a landscaping area of not less than three (3) feet in width along the sides of the building in addition to required Perimeter Landscaping.

E. Interior Vehicular Use Areas

Landscaping is required for the interior of parking lots and shall be evenly distributed to create a canopy effect and to divide and break up expanses of paving and long rows of parking spaces according the following standards:

1. All rows of parking spaces shall be provided a terminal island to protect parked vehicles, confine moving traffic to aisles and driveways and provide space for landscaping. Each island shall be a minimum of seventy (70) square feet, with the smallest dimension to be no less than seven (7) feet. A terminal island for a single row of parking spaces shall be planted with at least one (1) canopy/shade tree. A terminal island for a double row of parking spaces shall contain not less than two (2) canopy/shade trees. Each terminal island shall be one hundred percent (100%) landscaped with trees, evergreen shrubs, ground cover or turf grass and if desired annual flowers for accent. Gravel, sand and pavement are not permitted in landscaped terminal islands.

2. If more than twenty (20) consecutive spaces are required in one (1) row; landscaped islands shall be located every twenty (20) spaces. The size of each island shall be a minimum of twenty-five (25) square feet with the minimum smallest dimension of seven (7) feet. A minimum of one (1) tree is required for each island and the remainder shall be landscaped with turf grass or ground cover and shrubs. Annual flowers may be used for accent, if desired. Gravel, sand and pavement are not permitted in landscaped islands.

3. Divider medians that form a continuous landscaped strip are required for parking areas that contain ten (10) or more vehicular parking aisles and shall be installed every fifth (5th) row. The minimum width of a divider median shall be eight (8) feet if wheel stops or raised curbs prevent vehicle overhang of the median. Divider medians shall contain a minimum of one (1) canopy tree spaced on center every thirty (30) linear feet combined with shrubs and ground cover.

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4. If a sidewalk is required in accordance with *Article VII.* The minimum width of the divider median shall be twelve (12) feet with a four (4) foot sidewalk in addition to the planting area.

F. Unoccupied Areas to be Landscaped

All areas of a developed lot not occupied by buildings, structures, pedestrian and vehicle circulation ways, off-street parking and outside storage shall be appropriately improved with ground cover, trees and/or shrubbery.

G. Use of Landscaped Areas

No required landscaped area shall be used for accessory structures, garbage or trash collection, parking, or any other use not specifically allowed by this Ordinance.

11.5.3 General Requirements for All Types of Residential Development

A. Landscaped Entrance

A landscaped area of not less than fifteen (15) feet shall be required at the entrances of all residential subdivisions which shall be landscaped with a combination of trees, shrubs, grass and groundcovers in conjunction with any existing mature trees which have been preserved.

B. Perimeter of Development

One (1) tree shall be planted for every thirty (30) feet of linear feet of green space along the property lines of all residential subdivisions except when a landscaped buffer yard if required.

11.5.4 Additional Requirements for Multi-Family Developments

A. Green Area Between Buildings and Parking Areas

A landscaped area of no less than ten (10) feet in width shall be required between the building and any and all parking areas except sidewalks providing access to building entrances and exits.

B. Foundation Plantings

All buildings shall be fully landscaped with shrubs around the foundation.

C. Parking Lots

Parking Lots shall conform to the requirements of *Section 11.5.2 (E).*

D. Service Areas

Service areas shall be screened.

E. Parks, Common Areas and Areas Between Buildings

Parks, common areas and areas between buildings shall be landscaped with trees and grass.

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SECTION 11.6: Transitional Landscaped Buffer Yards

11.6.1 Intent

This section requires landscaped buffers to be provided and maintained when incompatible land uses are being developed or expanded adjacent to one another. The purpose of the transitional landscaped buffer yard is to mitigate potential nuisances such as noise, glare, signs, unsightly buildings, parking areas or other areas of a site. When required, transitional landscaped buffer yards are in addition to other required landscaping and in addition to the required setbacks for buildings.

11.6.2 Expansion of an Existing Structure

Expansion of existing structures which are included in a category or zoning classification which requires landscaped buffers will require the installation of a buffer yard.

11.6.3 Location and Maintenance of Buffer Yards

Landscaped buffers are placed on the perimeter of the side and/or rear of the developing property. Such areas are considered permanent and may not be removed or developed unless the incompatible land uses change and the City grants permission for removal of the buffered area. If underground utilities need to be located along the property line where a buffer is required, the utility lines shall be located along the edge of the buffer.

11.6.4 Responsible Party

One hundred percent (100%) of the applicable buffer requirements shall be the responsibility of the developing land use(s).

11.6.5 Determination of Buffer Requirements

To determine the type of buffer required between two adjacent parcels, the following procedure shall be followed:

A. Identify the zoning classification and use of subject property.

B. Identify the zoning classification and use of the adjacent property.

C. Determine the buffer yard requirements, if any, by referring to Table No. 27.

11.6.6 Location and Dimension of Transitional Landscape Buffer Yards

A. Difference between Required Open Space and Transitional Landscape Buffer Yards

Certain zoning districts and types of uses require an unoccupied open space along the side, rear and/or perimeter of the property with a width or portion of that open space along the outside perimeter to be a transitional buffer yard planted with trees shrubs and grass as specified in this section. The Open Space requirements are found in the specific zoning district requirements or regulations pertaining to that specific use.

B. Widths of Yard Required

The widths of transitional landscaped buffer yards required are shown in Table No. 27 below.

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Table No. 27: Width of Transitional Landscape Buffer Yard Required								
Proposed Use	**Fence***	**Abutting Use or Zoning and Required Buffer Width (feet)**						
		Single Family, 2-Family or TH Comm.	**Multi-Family**	**RV or Fish Camp**	**Mobile Home Park or SD**	**Any Use in Zoning District**		
						C-1	**C-2 or C-3**	**Ind.**
Rear of Reverse Frontage Lots+	**Yes**							
2-Family	**NR**	10	10	10	10	10	10	10
Townhouse Community	**Yes**	10	10	10	10	10	10	10
Multifamily	**Yes**	15	15	15	15	15	15	15
RV Park	**Yes**	20	20	--	20	20	20	20
Fish Camp or Commercial Marina	**NR**	15 for Single Family use, all others 20		15	15	15	15	15
Mobile Home Park or SD	**Yes**	10	10	10		10	10	10
C-1 Zoning	**Yes**	10	10	10	10	--	10	10
C-2 Zoning	**Yes**	10	10	10	10	10	--	--
C-3 Zoning	**Yes**	15	15	15	15	--	--	--
Industrial Zoning	**Yes**	30	20	20	20	20	20	--
+When backing up to main thoroughfare. *Fence: NR-Not Required, ~~Opt—May be used as an option along with landscaping~~								

C. Partial Buffering Required

The following situations require buffering around specific areas of the lot:

1. Ancillary Parking Lots shall be screened with a ten (10) foot wide buffer along any portion of the parking lot that adjoins residential or mixed use property. In some instances a wall may be required by the Technical Review Committee.

2. Back and Side Yard Play areas for Residential Day Care facilities shall be fenced with a six (6) foot wooden fence. Shrubs and trees may be added to help screen noise from adjoining property.

3. Outdoor Eating Areas for coffee shops, restaurants and similar uses when adjacent to residential uses shall be fenced and have a five (5) foot wide landscaped buffer area.

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4. Parking Areas for Bed and Breakfast Inns or Boarding Houses shall have a six (6) foot wooden fence or a five (5) foot wide landscaped buffer area.

5. 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. Areas where wrecked cars are stored temporary such as a Wrecker or Towing Service shall required a six (6) foot wooden fence and a five (5) foot buffer area on the outside of the fence.

D. Uses not specified

The Economic Development Director shall have the authority to require a landscaped buffer area for uses not listed above if the there is a potential of a nuisance which could be mitigated by using a transitional landscaped buffer. The width and type of buffering required shall be determined by looking at the most similar use stipulated Table No. 27.

11.6.7 Design Standards for Transitional Buffer Yards

The buffer area shall consist of trees and shrubs of such a type, height, spacing and arrangement to effectively buffer the activity on the lot from the adjoining property. Plants shall be spaced to cover the entire buffer area.

A Five-Foot (5') Wide Buffers shall consist of:

1. A double staggered row of evergreen shrubs spaced ten (10) feet on center with overlapping coverage **plus** a six (6) foot fence, **or**
2. A continuous three (3) gallon row hedge spaced three (3) feet on center at least twenty-five (25) inches in height at the time of planting and attaining a minimum of three (3) feet height within one (1) year; **or**
3. Three (3) canopy trees planted an average of thirty (30) feet on center; **plus** two (2) evergreen trees; plus ten (10) shrubs planted per every one hundred (100) feet.

B. Ten-Foot (10') Wide Buffers shall consist of a mixture of trees and shrubs and a mixture of species which will create visual interest and diversity.

1. For every one hundred (100) feet: Six (6) trees shall be planted consisting of three (3) canopy trees planted an average of thirty (30) feet on center; plus; three (3) medium evergreen trees **and**

2. Ten (10) shrubs including seven (7) evergreen shrubs.

C. Fifteen-Foot (15') Wide Buffers shall consist of a mixture of a mixture of trees and shrubs and a mixture of species to form a densely planted semi-opaque visual buffer.

1. For every one hundred (100) feet: Twelve (12) trees shall be planted consisting of three (3) canopy trees planted an average of thirty (30) feet on center; plus four (4) understory or ornamental trees; plus five (5) medium evergreen trees **and**

2. Ten (10) shrubs including seven (7) evergreen shrubs.

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D. **Twenty-Foot (20') Wide Buffers shall consist of** a mixture of trees and shrubs and a mixture of species to form a densely planted semi-opaque visual buffer.

1. For every one hundred (100) feet: Thirteen (13) trees shall be planted consisting of three (3) canopy trees planted an average of thirty (30) feet on center; plus four (4) understory or ornamental trees; plus six (6) medium evergreen trees, **plus**

2. Twelve (12) shrubs including ten (10) evergreen shrubs.

E. **Thirty-Foot (30') Wide Buffers shall consist of** a mixture of trees and shrubs and a mixture of species to form a densely opaque visual buffer.

1. For every one hundred (100) feet: Twenty-four (24) trees shall be planted consisting of four (4) canopy trees planted an average of twenty (25) feet on center; **plus** ten (10) understory or ornamental trees; plus ten (10) medium evergreen trees, **plus**

2. Thirty (30) shrubs including fifteen (15) evergreen shrubs.

3. A wooden fence with a minimum height of six (6) feet may be required in accordance with the use being developed.

F. **Variations in 20 – 40 foot Buffer Width**

Buffer width shall normally be calculated as perpendicular to the property line; however, design variations may be allowed and shall be calculated based on the average width of the buffer per one hundred (100) feet or portion thereof. In no case shall the width of the buffer be less than one-half (1/2) the required width.

G. **Existing Vegetation to be Utilized**

To very extent possible, existing trees, vegetation and unique site features shall be retained and incorporated into the required buffer area along with the newly planted material which is required.

SECTION 11.7: Screening Around Loading Areas, Mechanical Equipment and Dumpsters

Screening of certain facilities and areas on development sites is intended to provide one hundred percent (100%) opaque thereby completely screening potentially unsightly places.

A. **Loading and Service Areas**

All loading and service areas not screened by an intervening building shall be screened from view from any public street right-of-way for their entire length, except for industrial uses and necessary access. Screening for loading and service areas shall be accomplished by a closed fence or wall which is at least six (6) feet high and is made of the same or compatible materials, in terms of texture and quality, with the material and color of the principal building; along with additional natural evergreens, shrubs or trees so that no more than two-thirds (2/3) of the surface area of the closed fence or wall is visible from the street within three (3) years of erection of the structure.

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B. Dumpsters and Refuse Areas

All refuse areas with receptacles (dumpsters) shall be completely screened from the street and from adjacent properties by a solid wood or masonry fence at least six (6) feet high and by natural plants or trees of equal minimum height, so planted as to provide maximum opacity. No refuse receptacle shall be located in the public right-of-way.

SECTION 11.8: Installation, Irrigation, Maintenance and Protection

11.8.1 Installation.

All landscaping shall be installed in accordance with "Standards of the American Nurseryman Association's" planting practices.

A. All landscaped areas shall have an irrigation system or readily available water outlets. All landscaped areas shall have sufficient drainage to allow for normal, healthy growth of the plant species.

B. All trees shall be properly guyed or staked and mulched (three (3) – four (4)inch layer) in accordance with accepted practices in the landscape industry, to prevent winds from loosening the roots.

11.8.2 Irrigation

A. Type Required

All required landscaping shall be irrigated with an automatic irrigation system except required landscaping within the interior of a parking area, common ground or open space areas and sites with less than fifty (50) square feet of landscaping which may provide access to water outlets for manual watering of plants in lieu of a automatic irrigation system.

B. Specifications

Specifications of fully automated irrigation systems are as follows:

1. Automatic controllers shall be screened from view, locked and not easily assessable to pedestrian traffic.

2. Required back flow prevention devices connected to the public water system shall be screened from view and shall not be set in lawn areas.

3. Shrub and lawn sprinkler heads adjacent to pedestrian walks, parking spaces, driveways and structures shall be high pop-ups installed one-half (1/2) inch from the edge of curbs and walks and six (6) inches from architectural structures.

11.8.3 Maintenance

The owner of the property shall be responsible for maintaining all landscaping in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. Dead or severely damaged or diseased plants or plant material shall be replaced within the appropriate planting season of the species.

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Trees having limbs and foliage trimmed so that the cross-visibility is not obscured shall be allowed to overhang within the sight visibility triangle, provided that the location of the tree itself does not create a traffic hazard.

Irrigation systems shall be maintained in proper working condition as part of a regular maintenance program.

11.8.4 Protection

All required landscape areas shall be protected from vehicular encroachment by the use of wheel stops, curbing, or other suitable methods that are not otherwise prohibited. It shall be unlawful for any person to attach to any tree on any public property any rope, chain, sign, or any other device, except for the purpose of protecting the tree or the public.

SECTION 11.9: Reduced Parking Bonus

If the proposed landscape plan incorporates the retention of existing native species of significant sized trees above as required by this Article, the Economic Development Director may approve a reduction of up to ten percent (10%) of the required number of parking spaces if adequate parking will remain on the subject property, and if land area for the required number of spaces remains available for future development.

SECTON 11.10: Fences, Walls and Hedges

11.10.1 General Requirements for Fences, Walls and Hedges

A. Fences, walls and hedges shall not impede or divert the flow of storm water.

B. Walls, fences and hedges shall not block access to any above ground, pad mounted transformer, and shall provide a minimum clear access o the transformer door as required by the utility company.

C. Any solid wall or fence except for those around individual residential lots shall avoid a stockade appearance by using columns and/or offsetting sections of the fence or wall. Fences or walls over sixty (60) feet in distance around subdivisions, commercial or industrial uses shall have offset sections every thirty (30) feet to avoid fencing along a continuous line. Alternating sections shall be offset a minimum of six (6) feet with trees or evergreen shrubs planted within the offset area.

11.10.2 Residential Districts

Fences, walls and hedges may be permitted to enclose portions of residential yards in accordance with the following requirements:

A. All fences and walls shall be constructed of materials expressly designed for fences.

B. Masonry walls, brick, stone, wrought iron or combinations thereof are limited to the perimeter of subdivisions unless approved in conjunction with the overall master plan of the subdivision.

C. Barbed wire, razor wire, spiked posts of similar fencing is prohibited.

D. Rear yard fencing and/or hedges shall not exceed eight (8) feet in height and shall not extend beyond the front building setback.

E. On corner lots, back yard fencing must be positioned in such a way as to not

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intrude on the required sight visibility triangle.

F. Fences and/or hedges not to exceed four (4) feet in height are permitted between side property lines provided they do not extend beyond a point ten (10) feet from the street right-of-way and do not intrude on the required sight visibility triangle.

11.10.3 Commercial and Industrial Uses

Fencing around commercial and industrial uses shall be prohibited except for required screening, buffering requirements.

11.11 Clear Visibility Triangle

When any public right of way or private driveway intersects a public right-of-way or when the subject property abuts the intersection of two (2) or more public rights-of-way, no fence, wall, hedge or other structure or planting shall be erected, placed or maintained that obstructs view at a level between three (3) feet and ten (10) feet above the street grade and within the sight visibility triangles as defined in A and B below. Unobstructed cross-visibility shall be provided within the clear visibility triangle. Trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the unobstructed cross-visibility area shall be allowed provided they do not create a traffic hazard. Minimum Clear Visibility Triangle Distances are shown in Table No. 28.

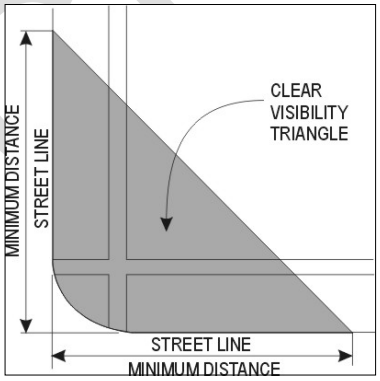
A. Corner Lots

On a lot at the corner of two (2) public streets or a public street and a private street, the sight visibility triangle shall be formed by the intersecting street lines and a straight line joining the street lines at points which are the following minimum distances from the point of intersection.

B. Driveways and other Access ways

For an access way other than a public or private street, the clear visibility triangle shall be formed by the intersecting lines of the access way or driveway and the public or private street and a straight line joining those two (2) lines at points which are fifteen (15) feet distant from the point of intersection. This distance shall be on both sides of the subject property.

Table No. 28: Clear Visibility Triangle Distance Requirements



Street Classification	Minimum Distance (feet)
Alley or Driveway	15
Local Street	30
Collector	60
Arterial	120

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ARTICLE XII: SIGNS, BILLBOARDS AND ADVERTISING MATERIAL

SECTION 12.1: Signs, Billboard and Advertising Material

All signs must meet the standards of the City's Architectural Regulations upon review by the Technical Review Committee. The City encourages monument signs constructed of a variety of materials and offers the Gautier Architectural Handbook for illustration.

The purpose and intent of this section is to promote the public health, safety and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements. Further, it is the intent of these regulations to assure the economy of the City, while protecting the public investments in streets and highways and to preserve the reasonable orderly and effective display of advertising.

With these concepts in mind, these regulations are adopted to achieve the following purposes:

A. To balance public and private objectives by allowing adequate signage for identification of businesses and civic entities.

B. To promote the free flow of traffic and protect pedestrians and motorists from injury and property damage which may be fully or partially attributable to cluttered, distracting and/or illegible signage.

C. To protect the natural beauty of the landscape, and natural attributes of the community.

D. To promote the use of signs which are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings and landscape, in order to meet the community's expressed desire for quality development.

E. To protect property values and the quality of life of citizens by preserving and enhancing the appearance of the streetscape.

F. To provide sign design standards which are consistent with the City of Gautier's zoning district classifications in terms of placement, size and height.

Section 12.2: Exempt Signs

The following signs are exempt from the permit requirements of this ordinance:

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 non-commercial nature.

B. Temporary on-site real estate signs, provided such signs in residential districts shall not exceed twelve (12) square feet of sign area and have no more than one advertiser per street side not to exceed a total of two (2) signs per lot. In all other districts the sign area shall not exceed forty (40) square feet. They shall be immediately removed once their purpose has been achieved but not later than ten (10) days thereafter.

C. Any political sign erected on a site by the owner or with owner consent, provided that any such sign shall not be erected more than sixty (60) days before the election or referendum it pertains to or, if a series thereof, the first of such, and

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provided further that it shall be removed within ten (10) days after such election or referendum, or, if a series thereof, after the last of which the message of the sign pertains to.

D. Signs painted on or attached to vehicles solely for identification purposes and limited to operable vehicles. Not included is any vehicle permanently used for signage purposes.

E. One (1) construction sign per construction project not exceeding twenty (20) square feet of sign area in residential districts and forty (40) square feet of sign area in all other districts. Such signs shall be erected not more than sixty (60) days before the beginning of construction for which a valid building permit exists, they shall be removed within ten (10) days after completion of the project.

F. Non-electrical signs of no more than four (4) square feet of sign identifying restrooms, public telephones, and similar matters.

G. Memorial signs or tablets for names of building, dates of erection, and other commemorative matters when cut into a masonry surface or inlaid so as to be a part of the building or when constructed of bronze or similar material and securely affixed to the building or structure it pertains to.

H. Public signs and warning signs.

I. Nameplate signs in commercial, industrial, and special use districts that are not more than four (4) square feet in sign area which are fastened directly to and mounted flat against the building or structures to which it pertains.

J. Religious symbols, commemorative plaques of historical agencies, provided that they shall not be more than four (4) square feet in sign area and shall be mounted flat against the building or structures to which they pertain.

K. Signs having not more than four (4) square feet of sign area pertaining to drives or events of civic, philanthropic, educational, or religious organizations, provided that said signs are posted only during said drive or not more than thirty (30) days before the event and they shall be removed not more than ten (10) days after the event.

L. One (1) on-site sign per street frontage having not more than thirty-two (32) square feet of sign area per sign identifying churches, schools, clubs, golf courses, country clubs, cemeteries, and similar uses.

M. One (1) sign per subdivision entrance or one (1) sign per apartment complex entrance. Sign shall not exceed twenty-four (24) square feet of sign area and not more than six (6) feet in height.

N. Seasonal, holiday, school and special event signs for no more than thirty (30) days before the season, event or holiday, which signs are to be removed within ten (10) days after such season, holiday or special event. These signs may be tacked, tied, posted or hooked to "private property" in a safe, secure and presentable manner and must comply with the rest of this Ordinance.

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O. Garage sale signs not exceeding four (4) square feet in sign area which shall only be placed on the site of such sale.

P. Flags of non-commercial and non-advertising display to include but not be limited to flags of national, state, religious, fraternal, or similar display. One (1) corporate flag is permitted as exempt.

Q. A-frame signs not to exceed six (6) square feet per face and only exhibited during business hours and limited to one (1) sign per tenant.

R. Grand opening signs are allowed for no more than thirty (30) days.

SECTION 12.3: Prohibited Signs

C. Any sign, other than one which is nonconforming within the terms of this ordinance, which fails to meet the requirements of this ordinance.

D. Any sign which is tacked, tied, or posted to any hydrant, protected tree, lamppost, utility pole, fence, post, rock, or building unless otherwise authorized herein.

E. Any sign not complying with the requirements of the standard building code in effect at time of its erection.

F. Any sign that is hung or supported from another sign and which is not built as an integral part thereof.

G. Temporary signs except such as are exempt from permitting requirements.

H. Any sign, which is animated by means of beaming, flashing, scintillating, blinking or traveling lights. Electronic changeable copy signs, or reader boards, utilizing light emitting diode (LED) are not subject to this prohibition, nor are public service information signs.

I. Any sign placed wholly or partially on or encroaching upon the space above a street right-of-way or any other public property unless otherwise authorized herein.

J. Abandoned signs.

K. Unsafe signs.

L. Unlawful signs.

M. No person shall park any motor vehicle or trailer on a public street or on public property or on private property so as to be visible from a public street, which has attached thereto or located thereon any sign. This is not to be construed to prohibit normal vehicle signs attached to or painted thereon identifying the owner or business or activity such vehicle is used in.

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N. Bench signs on private property without written approval of the Economic Development Director.

O. Signs which purport to be or are an imitation of or resemble an official traffic sign or signal.

P. Any sign which 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.

Q. Any portable sign as defined herein to include portable message board signs, unless otherwise authorized.

R. Any sign on public property, excepting only signs placed upon such property by a governmental entity.

S. Any device designed solely to attract attention by projecting light beams.

SECTION 12.4: Permits, Fees, Inspections, Etc.

Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect a sign in the city, or cause the same to be done, without first obtaining a sign permit for each such sign from the Building Official as required in this ordinance. This shall not be construed to require a permit for change of copy on a sign, nor for the repairing, cleaning, and other normal maintenance of a lawful sign or sign structure so long as the sign or sign structure is not modified.

An application for a sign permit shall be filed with the Building Official on a form provided by him/her which shall contain the following information along with any other relevant information required by the Building Official:

A. Name and address of the owner of the sign.

B. Name and address of the owner of the site where the sign is to be located.

C. A sketch showing the position of the sign in relation to other buildings, structures, and signs on the site.

D. If requested by the Building Official, a drawing of the sign showing dimensions, type of construction, attachment method to the ground or building, and any related information asked for.

E. Name of the person erecting the sign.

F. Such other information as the Building Official may require to ensure compliance of said sign with this ordinance and any other law of the city.

G. If deemed necessary by the Building Official, the following signs may require certification by a registered engineer. The following signs shall be designed, signed and certified by a Mississippi registered structural engineer or architect, certifying to the structural integrity of the structure and foundation meeting all

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wind loads as set forth by the building code, and who shall submit sufficient data to enable the Building Official to determine whether the sign complies with this code:

1. Signs over twelve (12) feet high, including billboards on-site or off-site.

2. Signs with unusual structural features.

3. The Building Official shall issue a permit for the erection of a sign when the application is properly prepared and filed if the applicant or the sign meets the requirements of this ordinance and any other applicable ordinance of the city, and when all required fees have been paid.

If the application is for an electrical sign a separate electrical permit shall be required plus the fee therefore.

4. The work under a sign permit must be begun within three (3) months of its issue date and must be completed no more than six (6) months after the permit issue date, otherwise the permit shall lapse.

5. The Building Official may, in writing, revoke a sign permit if it was issued on the basis of a misrepresentation of fact, fraud, or for failure to comply with the terms of the permit, or for a violation of this ordinance. If a sign permit is denied or revoked by the Building Official, he shall give written notice thereof to the applicant or permittee, together with a brief written statement of the reasons for the denial or revocation. This action shall constitute a decision of the Building Official which may be appealed as other decisions.

6. All billboards and free-standing, on-site signs shall be subject to a footing inspection prior to erection of the sign. All signs shall be subject to a footing inspection to ensure that they comply with the sign permit and this ordinance. If the Building Official determines that the sign as erected does not comply with the terms of the permit and this ordinance, he shall direct the permittee to bring it into compliance within a time specified. On a failure to do so the permit shall be revoked and the sign removed.

7. When a sign is erected before issuance of a permit as required by this ordinance, the fee specified herein shall be multiplied by five (5).

SECTION 12.5: Standards of Sign Construction

Any sign constructed under a sign permit issued under this ordinance shall be constructed in accordance with the provisions of the Building Code in effect at the time such sign permit is issued. If there is a conflict between the provisions of this ordinance and said Building Code, the provisions of the more restrictive shall apply.

SECTION 12.6: Maintenance, Repair, and Removal

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A. Every sign, including exempt and nonconforming signs, shall be maintained in a safe, presentable, attractive, and good condition at all times, including, if needed, replacement of defective parts, painting, repainting, cleaning, and any other action required for the maintenance of said sign.

B. The Code Enforcement Officer shall cause the abatement or removal of unsafe, unlawful, or abandoned signs in accordance with the remedial and enforcement provisions of this ordinance. If the Code Enforcement Officer has to remove any sign, the owner thereof shall bear the cost of removal. The cost shall be billed to the owner and upon a failure to pay within a reasonable time suit may be brought to recover the sum due.

SECTION 12.7: Signs Permitted in Residential Districts

In all residential districts all exempt signs are permitted subject to the conditions of the exemption applicable to residential districts.

SECTION 12.8: Signs Permitted in Commercial, Mixed Use and Industrial Districts

The following signs are permitted in all commercial, mixed use and industrial districts, subject to the conditions and limitations herein:

A. Free-standing, on-site signs
B. Wall signs
C. Canopy signs
D. Under-canopy signs
E. Roof signs
F. Projecting signs
G. Exempt signs
H. Special sale and promotion signs

12.8.1 Lots Abutting Highway 90 or Highway 57:

A. Major Shopping Centers, defined as one hundred thousand (100,000) square feet of building space or larger with linear Highway 90 or Highway 57 frontage equal to or greater than five hundred (500) feet:

1. Two (2) free-standing, on-site signs shall be permitted, provided both signs are located on Highway 90 or Highway 57 frontage.

2. Each sign shall not exceed twenty (20) feet in height. However, within one-half (½) mile of Interstate-10, signage shall not exceed thirty-five (35) feet.

3. Total sign square footage shall not exceed two hundred fifty (250) square feet. The subject signs shall be separated by a minimum of one hundred fifty (150) linear feet.

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4. Each store, office, or other place of business within the major shopping center shall be permitted one (1) canopy sign and one (1) wall sign subject to the area limitation of subsection 12.10, below.

5. Each store, office or other place of business located in a section of a shopping center with frontage that is perpendicular to Highway 90 or Highway 57 and is an end suite, shall also be allowed a canopy sign and a wall sign on the Highway 90 or Highway 57 side. The area limitation allowed in subsection 12.9 below shall be allowed for the interior side as well as the highway side.

B. Major Shopping Centers with linear Highway 90 or Highway 57 frontage less than five hundred (500) feet but greater than three hundred (300) feet:

1. One (1) free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.

2. Sign shall not exceed ten (10) feet in height. However, within one-half (½) mile of Interstate-10, signage shall not exceed thirty-five (35) feet.

3. Sign square footage shall not exceed two hundred (200) square feet.

4. Each store, office, or other place of business within the shopping center shall be permitted one (1) canopy sign and one (1) wall sign subject to the area limitation of subsections 12.10, below.

5. Each store, office or other place of business located in a section of a shopping center with frontage that is perpendicular to Highway 90 or Highway 57 and is an end suite, shall also be allowed a canopy sign and a wall sign on the Highway 90 or Highway 57 side. The area limitation allowed in subsection 12.9 below shall be allowed for the interior side as well as the highway side.

C. Major Shopping Centers with linear frontage along Highway 90 or Highway 57 up to three hundred (300) feet:

1. One (1) free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.

2. Sign shall not exceed ten (10) feet in height. However, within one-half (½) mile of Interstate-10, signage shall not exceed thirty-five (35) feet.

3. Sign square footage shall not exceed one hundred fifty (150) square feet.

4. Each store, office, or other place of business within the shopping center shall be permitted one (1) canopy sign and one (1) wall sign subject to the area limitation of subsection 12.10, below.

5. Each store, office or other place of business located in a section of a shopping center with frontage that is perpendicular to Highway 90 or

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Highway 57 and is an end suite, shall also be allowed a canopy sign and a wall sign on the Highway 90 or Highway 57 side. The area limitation allowed in subsection 12.9 below shall be allowed for the interior side as well as the highway side.

D. Minor Shopping Centers (no minimum linear Highway 90 or Highway 57 frontage requirement):

1. One (1) free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.

2. Sign shall not exceed ten (10) feet in height. However, within one-half (½) mile of Interstate-10, signage shall not exceed thirty-five (35) feet.

3. Sign square footage shall not exceed one hundred twenty five (125) square feet.

4. Each store, office, or other place of business within the minor shopping center shall be permitted one (1) canopy sign and one (1) wall sign subject to the area limitation of subsection 12.10, below.

5. Each store, office or other place of business located in a section of a shopping center with frontage that is perpendicular to Highway 90 or Highway 57 and is an end suite, shall also be allowed a canopy sign and a wall sign on the Highway 90 or Highway 57 side. The area limitation allowed in subsection 12.9 below shall be allowed for the interior side as well as the highway side.

E. Commercial and industrial parcels with linear Highway 90 or Highway 57 frontage:

1. One (1) free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.

2. Sign shall not exceed ten (10) feet in height. However, within one-half (½) mile of Interstate-10, signage shall not exceed thirty-five (35) feet.

3. Sign square footage shall not exceed sixty (60) square feet.

4. Each store, office, or other place of business shall be permitted one (1) canopy sign and one (1) wall sign subject to the area limitation of subsection 12.9 below.

F. Commercial parcels located in C-3 Highway Commercial zoning districts with linear frontage along Highway 90 or Highway 57 equal to or greater than four hundred (400) feet but less than five hundred (500) feet:

1. One free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.

2. Sign shall not exceed twenty (20) feet in height.

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3. Sign square footage shall not exceed seventy (70) square feet.

4. Each store, office, or other place of business shall be permitted one (1) canopy sign and one (1) wall sign subject to the area limitation of subsection 12.9, below.

G. Commercial parcels located in C-3 Highway Commercial zoning districts with linear frontage along Highway 90 or Highway 57 equal to or greater than five hundred (500) feet:

1. One (1) free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 or Highway 57 frontage.

2. Sign shall not exceed thirty (30) feet in height.

3. Sign square footage shall not exceed eighty (80) square feet.

4. Each store, office, or other place of business shall be permitted one (1) canopy sign and one (1) wall sign subject to the area limitation of subsection 12.9, below.

H. Commercial parcels located in TCMU Town Center Mixed Use zoning districts with linear frontage along Highway 90:

1. One (1) free-standing, on-site sign shall be permitted, provided the sign is located on the Highway 90 frontage.

2. Sign shall not exceed ten (10) feet in height. However, if it is a multi-tenant sign for commercial businesses within one thousand (1,000) feet of Highway 90, signage shall not exceed fifteen (15) feet in height.

3. Sign square footage shall not exceed sixty (60) square feet. However, if it is a multi-tenant sign for commercial businesses within one thousand (1,000) feet of Highway 90, total signage shall not exceed one hundred fifty (150) square feet with individual stores not exceeding fifty (50) square feet.

4. Each store, office, or other place of business shall be permitted one canopy sign and one wall sign subject to the area limitation of subsection 12.9, below.

I. Master planned commercial developments, defined as consisting of two hundred thousand (200,000) square feet of building space or larger, with linear footage along Highway 90 or Highway 57:

1. Two (2) free-standing, on-site, multi-tenant signs shall be permitted on Highway 90 or Highway 57 frontage, and one (1) free-standing, on-site, multi-tenant sign shall be permitted on other public street frontage.

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2. Each sign on Highway 90 or Highway 57 frontage shall not exceed thirty (30) feet in height. Each additional sign allowed on public streets shall not exceed twenty-five (25) feet in height.

3. Total sign square footage for each sign on Highway 90 or Highway 57 frontage shall not exceed five hundred (500) square feet. Total sign square footage for each additional sign allowed on public streets shall not exceed three hundred (300) square feet.

4. Each store, office or other place of business shall be permitted one (1) canopy sign and one (1) wall sign subject to the area limitation of subsection 12.9, below.

12.8.2 Lots That Do Not Abut Highway 90 or Highway 57:

A. Major and Minor Shopping Centers:

1. One (1) free-standing, on-site sign shall be permitted.

2. Sign shall not exceed eight (8) feet in height.

3. Sign square footage shall not exceed one hundred (100) square feet.

4. Each store, office, or other place of business within the major, minor, shopping center shall be permitted one (1) under canopy sign and one (1) wall sign or one (1) canopy sign subject to the area limitation of subsection 12.9, below.

B. Commercial, Mixed-Use and Industrial parcels:

1. One (1)free-standing, on-site sign shall be permitted.

2. Sign shall not exceed eight (8) feet in height.

3. Sign square footage shall not exceed twenty (20) square feet.

4. Each store, office, or other place of business one (1) under canopy sign and one (1) wall sign or one (1) canopy sign subject to the area limitation of subsection 12.9, below.

SECTION 12.9: Wall, Roof, Projecting, Canopy, Incidental and Directional Signage

A. Wall Signs

1. Wall signs are permitted for a total area not exceeding the maximum area allowed for a free standing sign for the lot as specified in sub-section 12.9 above. In developed sites with multiple occupancies, the permitted area for a wall sign shall not exceed fifty (50) square feet for developments having frontage on Highway 57 or Highway 90, and shall not exceed

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twenty (20) square feet for lots that do not abut Highway 57 or Highway 90.

2. One (1) wall sign shall be permitted for each occupancy within a developed site. If such occupancy is on a street corner, one (1) wall sign is permitted for each frontage.

3. Occupancies located within a shopping center shall be allowed a wall sign with a maximum area that does not exceed fifty (50) square feet. Anchor tenants located within a shopping center shall be permitted a wall sign with total area not exceeding eighty (80) square feet.

B. Roof Signs

One (1) roof sign is permitted per building, except in shopping centers. A roof sign shall not exceed the area limitations of subsection 12.8 above for free standing signs. A roof sign may exist instead of, but not in addition to, a free-standing, on-site sign or a permitted projection sign. The maximum overall height above said roof shall not exceed five (5) feet.

C. Projecting Signs

1. An occupant with building frontage on a public street is permitted to have one projecting sign along that street. The projecting sign may exist instead of, but not in addition to a permitted free-standing, on-site sign or a permitted roof sign. A projecting sign shall not exceed the area limitation of subsection 12.9 above for freestanding signs.

2. Projecting signs may extend over public property only in the TCMU and MUMS Districts (central business district). No projecting sign shall extend over public property more than ten (10) feet or beyond a vertical plane two (2) feet inside the curb or roadway edge line or have a vertical clearance of less than nine (9) feet above grade. Projecting signs that extend over public property shall have an area that does not exceed eight (8) square feet.

D. Canopy Signs and Under Canopy Signs

1. The copy area of a canopy sign may be forty-eight (48) square feet. Subject to a minimum height limit of nine (9) feet from the sidewalk, copy may be installed above or on the face of the canopy proper, provided that when such sign is installed above or on the canopy proper, copy area will be computed on the total of the sign face and the canopy apron proper.

2. Under-canopy signs shall have a sign area no greater than six (6) square feet, have a minimum clearance of eight (8) feet above the sidewalk and are limited to one (1) per site.

3. No portion of a canopy sign shall be closer than four (4) feet to a vertical line from the adjacent curb face or roadway edge in the absence of a curb.

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4. On places of public entertainment, such as theaters, arenas, coliseums, and meeting halls, the copy area allowance is six (6) square feet per linear foot of canopy as measured along the margin of the canopy.

E. Incidental and On-Site Directional Signs

1. Up to two (2) incidental signs may be attached to a freestanding, on-site sign or to a building wall. If attached to a wall such signs may not be mounted perpendicular thereto. These incidental signs are restricted to messages concerning trading stamps, credit cards which are accepted, official notices required by law, and trade affiliations. The area of each sign may not exceed four (4) square feet, and the total area of all signs on site shall not exceed eight (8) square feet.

2. Two (2) directional signs are permitted for each driveway onto a public street. The area of each such sign shall not exceed six (6) square feet. The maximum height for such signs shall be four (4) feet above grade.

3. The square footage of these incidental signs shall not be charged against the total allowable sign area otherwise permitted under this ordinance.

SECTION 12.10: Temporary Promotional Signs/Banners

A. Special Sale and Event ~~Promotion~~ Signs/Banners Standards

1. Special sale and promotion signs are permitted for special ~~anniversary~~ events and special sales. Such displays shall be limited to a maximum of thirty ~~sixty~~ (30 ~~60~~) days per sale/event ~~year~~, and no more than four ~~three~~ (4 ~~3~~) events per year per business ~~address~~.

~~**2.** A time period of no less than thirty (30) days is required between each displayed event. These signs shall be permitted by an annual permit fee. Once it has been permitted, the business owner will be given a sign permit shingle. This shingle shall be displayed at the location of said sign(s) and should be returned at the end of such promotion. Applicant shall indicate the number of days that the sign(s) will be displayed. If shingle is returned and sign(s) is removed prior to expiration of the permit, then the balance shall be credited towards the annual balance of days.~~

3. ~~Signs that are not removed at specified date shall be charged an additional fifteen (15) days.~~ This shall continue until sign(s) is removed or sixty (60) days has expired. These signs may be tacked, tied, posted, or hooked to 'private property' in a safe, secure and presentable manner, and must comply with the rest of this Ordinance (nothing shall be permitted to be nailed to any protected tree). Grand opening signs are excluded from these requirements and are allowed for no more than thirty (30) days.

B. Special Sale and Event ~~Promotion~~ Signs/Banners Location and Size

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1. The minimum clearance for these signs/banners over walkways (on private property) shall be 8'0".

2. The minimum clearance for these signs/banners over a driveway and/or an occupied parking space (on private property) shall be 10'0".

3. The minimum clearance for streamers, other than listed above, shall be 8'0".

4. The overall maximum height for all special sale and promotion signs/banners shall not exceed eight (8) feet in height.

5. The total combined square footage of all special sale and event ~~promotion~~ signs/banners shall not exceed fifty (50) square feet.

6. Special sale and event sign placement shall comply with Section 11.11, Clear Visibility Triangle.

SECTION 12.11: Off-Site Directional Signage

Commercial business off-site directional signs are allowed under the following conditions:

A. It is located on privately owned commercial property.

B. It is maintained in good repair.

C. It meets all the height and setback requirements, and other restrictions set forth in this ordinance.

D. Provided any such sign shall be attributable towards the maximum allowable signage on such property and shall not exceed thirty- two (32) square feet.

E. The signage and location comply with the Gautier Architectural Regulations and are approved by the Economic Development Director.

F. An off-site directional sign shall not contain the name of the business, logo, or any other advertising materials, except as allowed by Section 12.18 Sign Overlay District. Any sign that meets the requirements and applicability of the Sign Overlay District section will be referred to as an Off-Site Directional Sign Marquee.

SECTION 12.12: Billboards (Non Digital) Standards and Conditions

A. Outdoor Advertising Signs (Billboards) shall be permitted in C-3 Highway Commercial Districts only.

B. Billboards are not allowed as an accessory use or structure on a lot and shall be located on undeveloped lots or parcels of not less than one-half (1/2) acre.

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C. The maximum sign size of all single billboards shall be four hundred (400) square feet including both sides of a back-to-back “v-type” sign.

D. The maximum height of all outdoor advertising signs shall be thirty-five (35) feet measured from the adjacent roadway grade to the top of the sign.

E. No outdoor advertising sign shall be erected, placed or hung closer than twenty-five (25) feet from the street right-of-way line.

F. An engineering certification signed and with a seal from a professional engineer shall accompany the application for an outdoor billboard stating the billboard does not present a safety hazard.

G. All outdoor advertising signs erected after the passage of this ordinance shall be a minimum distance of one thousand (1,000) feet from any other such outdoor advertising sign on the same side of the road as measured along a line parallel to such road, except that any electronic or LED billboard shall be a minimum distance of twenty-four hundred (2,400) feet from any other such sign.

SECTION 12.13: Billboards (Digital) Standards and Conditions

Digital billboards are regulated by the standards and conditions above. Billboards that can be changed at intervals by electronic mechanical process or a sign using light emitting diodes (LED) shall only be permitted with the following restrictions:

A. Digital outdoor advertising signs which display more than one (1) static message shall do so sequentially, with each static message having a dwell time of no less than twelve (12) seconds and a transition time between static messages of no more than one (1) second.

B. All moving parts or illumination shall move or change simultaneously and the sign cannot display any illumination that moves, appears to move or changes in intensity during the static display period.

C. Digital outdoor advertising signs shall not display an illuminative brightness exceeding three hundred (300) NITs at any time between one half (1/2) hour after sunset until one half (1/2) hour before sunrise or sixty-five hundred (6,500) NITs between one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset and such settings shall be attested to by the operator in written form.

D. Digital outdoor advertising signs shall not display an illuminative brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle.

E. Digital outdoor advertising signs shall not be permitted to operate unless they are equipped with a default mechanism that shall freeze the sign in one (1) position or static message if a malfunction occurs.

F. Any digital outdoor advertising sign shall be separated a minimum distance of twenty-four hundred (2,400) feet from any other digital outdoor advertising sign facing the same traveled way, measured from the ground from the center on one sign to another.

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G. Digital outdoor advertisings if visible from a residential district shall be setback from such areas a minimum distance of two hundred (200) feet.

H. No outdoor advertising sign which is a legal nonconforming sign at the time of the adopting of this Unified Development Ordinance , shall be modified, changed or converted into a digital outdoor advertising sign.

I. No digital outdoor advertising sign shall be located within fifty (50) feet of a signalized intersection.

J. No such digital sign shall exceed an illumination of seventy (70) foot candles measured at two (2) foot distance from the sign.

SECTION 12.14: Historic Districts, Sites or Landmark Protection Areas

In addition to other requirements set forth herein, any sign located within an historic district, individual sites or landmark protection areas in the City of Gautier shall comply with this Ordinance.

The appearance, color, size, position, method of attachment, texture of materials and design of such signs shall be in keeping with the collective characteristics of the structures located within the appropriate development zone. The signs allowed in the underlying zones shall further be limited as follows:

A. Off-site signs shall not be permitted.

B. Freestanding signs shall be limited to one (1) sign per premises.

C. Maximum area of any signs shall be as follows:

1. Schools with at least twenty-five (25) students from and including prekindergarten through high school or any grades thereof, or churches:

a. One (1) name sign, maximum of twelve (12) square feet.

b. One (1) information sign (bulletin board), maximum of eighteen (18) square feet.

c. No sign permitted wider than six (6) feet.

d. One (1) additional bulletin board not visible from the street, maximum of thirty-two (32) square feet.

e. Traffic flow directional signs, maximum one (1) square foot.

2. Museums, community centers, civic (nonprofit) organizations, or historic sites:

a. One (1) sign, maximum of eighteen (18) square feet.

b. No sign permitted wider than six (6) feet.

3. Mixed use or commercially zoned historic property:

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a. Businesses with less than one hundred (100)foot street frontage:

1. One (1) sign, maximum of twelve (12) square feet.

2. No sign wider than six (6) feet.

b. Businesses with one hundred (100) feet or more street frontage:

1. Maximum area computed at twelve (12) square feet per one hundred (100) feet of street frontage.

2. No sign wider than twelve (12) feet.

D. Maximum total square feet of freestanding signs on single premises with multiple businesses:

1. Premises with total street frontage of less than one hundred (100) feet, maximum area of twenty-four (24) square feet.

2. Premises with total street frontage of one hundred (100) feet or more, maximum area of forty-eight (48) square feet.

3. Signs on all other properties may not exceed four (4) square feet.

4. No sign may extend above the top of the nearest facade, eaves, or firewall of a building or structure.

5. Design and materials of signs. Visible bulbs, not exceeding ten (10) watts per bulb, are allowed. Neon tubing is not allowed. Clear Plexiglas and acrylic, when used as a substitute for glass, are allowed; otherwise plastics are not allowed. Luminous paints are not allowed.

6. Buildings and signs within the historic district may be illuminated by remote light sources, provided that these light sources are shielded to protect adjacent properties.

7. Any nonconforming signs that are replaced or undergo repairs exceeding fifty (50) per cent of their value must conform to these regulations.

8. The Historic Preservation Commission may recommend to the Planning Commission exceptions to these requirements where it can be shown that the proposed sign is consistent with the purpose and intent of the historic district and is historically authentic.

SECTION 12.15: Signs on Trust Lands

The following rules shall apply to signs on Trust Lands:

A. On privately-owned land the regulations that apply in commercial and industrial districts shall be followed.

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B. On trust lands of the State of Mississippi that are not leased to anyone there shall be no signs except those erected by or on the authority of the State of Mississippi or a political subdivision thereof.

C. Signs shall be erected on trust lands of the State of Mississippi that are leased to private persons if and as authorized in any such lease.

D. Unless the government lessor rules to the contrary, signs on trust lands of the State of Mississippi that are under lease to a private person on the effective date of (3) above shall be erected in accordance with the regulations that apply in commercial and industrial districts.

SECTION 12.16: Nonconforming Signs

A nonconforming sign may remain until it loses its nonconforming status in any of the following ways:

A. It is altered in any way in structure or copy (except for changeable copy signs and normal maintenance) that makes the sign less in compliance with this ordinance than it was before the alteration.

B. It is relocated in such a way as to make it less in compliance with the requirements of this ordinance.

C. It is changed to another nonconforming sign.

D. It is enlarged.

E. It is damaged in an amount greater than fifty percent (50%) of its value at the time the damage occurs.

F. It is abandoned.

On the happening of any of the events in (A), (B), (C), (D), (E), or (F), the sign shall be immediately brought into compliance with this ordinance, or it shall be removed.

SECTION 12.17: Miscellaneous Rules

A. Unless otherwise provided, signs erected under the provisions of this ordinance shall be set back so as not to be on or over any public right- of- way.

B. To provide an adequate and safe line of sight for motor vehicle operators, no sign shall create a material impediment to visibility between the heights of three (3) feet and eight (8) feet above the grade of the adjacent roadway. If a sign encroaches into this visibility space, the street front setback shall be increased until a safe line of sign is accomplished.

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C. No part of a sign shall be closer than ten (10) feet to a utility pole or an electric power line, except signs exempt from permitting requirements may be placed closer than ten (10) feet to a utility pole.

D. Billboards and freestanding, on-site signs shall be securely anchored in concrete foundations.

E. No signs shall be suspended by rope, wire, string, or the like.

F. For the purpose of this ordinance, a fence under the roof of a building's perimeter shall be considered as an exterior wall. In addition:

1. Any signage mechanically attached to the outside of this fence shall be permitted as a wall sign.

2. Any signage mechanically attached to the inside of this fence (and which cannot be read from the outside) shall be considered indoor advertising which is exempt from this ordinance.

SECTION 12.18: Sign Overlay District

12.18.1 District Creation and Purpose:

The Sign Overlay District is hereby created and includes lands conterminous with the Corridor Overlay District.

The Purpose of the Sign Overlay District is to increase tourism in tourism-related areas of the city. It shall be the purpose of the ordinance to encourage multi-tenant free-standing signs whenever possible, but also provide for single-business free-standing signs, in order to limit the proliferation of “snipe signs” and aesthetic disharmony in high density areas.

12.18.2 District Regulations

A. General

1. Off-site directional signage located within the City may not contain business name, business logo, or other advertising material, except as allowed within the Sign Overlay District. Any sign that meets the requirements and applicability of the Sign Overlay District section will be referenced as an Off-Site Directional Sign Marquee.

2. Marquees shall be referred to as Single Off-Site Marquee or Shared Off-Site Marquee.

3. Shared Off-Site Marquees are encouraged and will be given more flexibility than single Off-Site Marquees.

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B. Applicability – Only tourism related businesses may install or be located on an off-site directional sign which includes the name of the business, logo of business, or any other advertising material. A tourism-related business is defined as a business whose customer base consists largely of non-local patrons, such as hotels, specialty retail, destination shopping venues, and restaurants. Franchise restaurants and retail shall be allowed to advertise on an off-site sign in such instances when the franchise is located within a multi-tenant destination center.

C. Number of Signs Allowed – A business will only be allowed one Single Off-Site Marquee. There is no limit on the number of Shared Off-Site Marquees a business may be displayed on, but a particular business may only be listed once per marquee.

D. Location and Visibility

1. Shared Off-Site Marquees may be located within the Sign Overlay District at roadway intersections or within 500' of the intersection. If roadway intersections are spaces more than ½ mile apart, an intermediate sign may be placed approximately mid-way between intersections as approved by the Economic Development Director.

2. Single Off-Site Marquees may be located within the Sign Overlay District, but shall be spaced at least 1000 feet apart along the adjacent roadway.

3. Off-Site Marquee Signs with space for three (3) or more listed businesses may be located on a parcel in conjunction with the allowable number of free-standing business signs in accordance with this Article. Off-Site Marquee Signs with less than three (3) listed businesses on the marquee may not be located on the same parcel as other free-standing business signs.

4. Visibility – Off-Site Sign Marquees shall not block the visibility of another existing business or business sign. The TRC may require a temporary field representation of the location and height before approval is granted. In addition, if there is any question about visibility, the TRC or the Economic Development Director may send the Sign Marquee request to Planning Commission and City Council for a public hearing.

5. Off-Site Sign Marquees shall not be placed in the clear visibility triangle as shown in Table No. 28 in Section 11.11 of this UDO.

12.18.3 District Off-Site Sign Requirements

A. Appearance and Materials – Within the sign overlay district, the Off-Site Sign Marquee must incorporate a minimum of two architectural elements from the official Gautier entrance signs, park entrance signs, directional signs, and/or town center gateway signs. Namely, these architectural elements include: stone, brick, black aluminum, pitched copper roof type cover, copper metal backing, square wooden columns, fluted columns, natural roughhewn wood with routed lettering, or some other detail keeping with the theme "Nature's Playground" and

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the historic fishing village feel. In addition, the marquee may incorporate the City's crane (bird) insignia or Nature's Playground logo/theme.

B. Sign Size Limitations

1. Single Off-Site Marquees shall be limited to the same size requirements as a regular business sign.

2. Shared Off-Site Marquees shall be limited to the same size requirements as a regular business sign per businesses listed on the marquee.

C. Height Limitations

1. Single Off-Site Marquees shall be limited to the same height requirements as a regular business sign.

2. Shared Off-Site Marquees shall be limited to the same height requirements as a regular business sign for two (2) businesses listed on the marquee. Five (5) additional feet may be added to the maximum height of the sign per every two (2) additional businesses listed on the marquee.

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ARTICLE XIII: NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND

SECTION 13.1: Purpose and Intent

The purpose of this Article is to regulate and limit the development and continued existence of uses, structures and lots established prior to the effective date of this Ordinance which do not conform to the standards of this Ordinance. The intent of the regulations in this Article is as follows:

A. To permit these nonconformities to continue until they are eventually removed, but not to encourage their continuation.

B. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, not be used as grounds for placing additional signs, adding other structures or uses except in conformance with this ordinance.

SECTION 13.2: Nonconforming Structures

Any non-conforming structure which was lawful before the adoption of this ordinance may continue to be used as long as it is adequately maintained and does not constitute a public hazard or nuisance.

13.2.1 Enlargements and Additions

A nonconforming structure shall not be expanded, extended, enlarged in floor area or changed in basic structural design and integrity. A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions or enlargements and use is made to conform to all of the regulations of the district in which it is located.

13.2.2 Changes which result in compliance

Any non-conforming structure which has been improved and altered to comply with the provisions of this Ordinance shall be considered as conforming.

13.2.3 Vested Interest Provision

Any non-conforming use of buildings and land which was lawful before the adoption of this Ordinance may be continued, and further no structure that was lawfully approved or on which construction has begun prior to the effective date of adoption of this Ordinance shall be required to change plans or proposed use of any building provided construction takes place in the time required by this Ordinance. Within the MURC-MW zoning district, mobile homes existing as of June 21, 2011, may be replaced so long as the nonconforming structure meets all other requirements of the Code.

13.2.4 Repair and maintenance of nonconforming structure.

Ordinary repairs and replacement of nonbearing walls, fixtures, wiring or plumbing may be performed provided that the nonconforming structure is not increased in size.

13.2.5 Moving a Nonconforming Structure

Should a nonconforming structure be moved for any reason, for any distance whatever, it shall thereafter conform to these regulations for the district in which it is located after it is moved.

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13.2.6 Major Damage to Nonconforming Structures

Should a nonconforming structure be destroyed or damaged by any means to an extent that would be in excess of fifty percent (50%) of the true value as determined by the Jackson County Tax Assessor it shall not be reconstructed or use made of except in conformity with the provisions of these ordinances, however, this provision shall not apply to any nonconforming use which at the time of destruction or damage is owned by the same persons or entity who was the owner at the time of the passage of the Unified Development Ordinance, dated December 7, 2010.

SECTION 13.3: Nonconforming Use of Structures and Premises

A nonconforming use shall not be expanded, extended or enlarged in floor area, or changed to another nonconforming use. Structures housing a nonconforming use may be improved or extended to an extent which does not exceed fifty percent (50%) of the market value as appraised by the Jackson County Tax Assessor's appraisal on record.

13.3.1 Termination of Nonconforming Use

A nonconforming building, structure, dwelling, or land use or portion thereof, existing at the time of adoption of these regulations which is or hereafter becomes vacant for any reason, for a period in excess of sixty (60) consecutive days any subsequent use shall conform to the regulations of this Ordinance for the district in which it is located.

SECTION 13.4: Catastrophic Provisions

In the event of a natural disaster, which is determined by the State of Mississippi or the United States Government; any damaged nonconforming uses may be continued, where such continuance is declared to be in the public interest by the City Council.

SECTION 13.5: Outdoor Advertising and Structures

When any commercial advertising structure or billboard, being an outdoor sign whereby the advertising content is for lease or rent, that is legally in existence either as a conforming sign or a nonconforming sign that is required to be removed for public purposes, just compensation shall be paid for the removal thereof according to the terms and conditions as found in the laws of the State of Mississippi controlling outdoor advertising.

SECTION 13.6: Nonconforming Lots of Record.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single nonconforming lot of record at the effective date of adoption or amendment of this ordinance, not withstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. Variance of yard requirements shall be obtained only through action of the ~~Planning Commission~~ City Council.

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ARTICLE XIV: TELECOMMUNICATION FACILITIES

SECTION 14.1: Purpose and Intent

The purpose of this section is to establish general guidelines for the siting of wireless telecommunications facilities (WTFs), specifically towers and antennas. The Intent of the guidelines is to:

A. Protect residential areas from potential adverse impacts by encouraging the location of facilities in nonresidential areas

B. Enhance the ability of providers of wireless telecommunications services to provide those services quickly, effectively and efficiently

C. Encourage the joint use of new and existing sites

D. Minimize the total height of towers within the community

E. Encourage service providers to locate and configure facilities in such a way as to minimize adverse impacts through careful design, siting, landscaping, buffering and innovative camouflaging techniques.

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SECTION 14.2 Applicability and Exceptions

All WTF proposals made in the city, whether for new construction or for modification of existing facilities, shall be subject to the regulations set forth in this code, except as provided below. WTFs shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential public services.

14.2.1 Exceptions

The following are exempt from the provisions of this section and are allowed to remain as either a legal or legal non-conforming use:

A. Existing Uses

WTFs that currently exist on the date of adoption of this ordinance, or for which a valid building permit has been obtained and is in effect on the date of adoption of this ordinance are considered legal if they comply with the standards of this Article and are considered legal non-conforming otherwise. This exemption does not apply to future modifications of existing facilities.

B. Industrial/Scientific Equipment

Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC are exempt from the requirements of this Article.

C. Amateur Radio Station Operators or Receive-only Antennas

Any tower or antenna that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas is exempt from requirements of this Article.

D. Home Satellite Services

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Satellite dish antennas less than two (2) meters in diameter, including direct-to-home satellite services, when used as a secondary use of the property are exempt.

E. COW

A COW or other temporary WTF may be used in any area of the city for a period not to exceed thirty (30) days, unless extended by permit issued by the Economic Development Director or unless the City has declared an area-wide emergency.

F. Public Safety WTFs and Equipment

Public safety WTFs and equipment, including, but not limited to, the regional 911 system are exempt from the requirements of this Article.

SECTION 14.3: General Standards

A. FCC Licensing

The City will only process WTF permit applications upon a satisfactory showing of proof that the applicant is an FCC licensed telecommunications provider or that the applicant has agreements with an FCC licensed telecommunications provider for use or lease of the facility.

B. Compliance with Other Laws

Applicants must show, to the satisfaction of the Economic Development Director, that the proposed tower is in compliance with current FCC and FAA rules and regulations and all other applicable federal, state, and local laws, rules, and regulations.

C. Principal or Accessory Use

WTFs may be considered either principal or accessory uses. A different use of an existing structure on the same lot shall not preclude the installation of WTFs on that lot.

D. Co-Location Requirement

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or other structure can accommodate the applicant's proposed antenna within a one (1) mile search radius (one half (1/2) mile for towers under one hundred twenty (120) feet in height, one quarter (1/4) mile for towers under eighty (80) feet in height) of the proposed tower. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements

2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements

3. Existing towers or structures do not have sufficient structural capacity to support applicant's proposed antenna and related equipment and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost

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4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna

5. The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower construction are presumed unreasonable

6 Property owners or owners of existing towers or structures are unwilling to accommodate reasonably the applicant's need

7. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable

8. Any evidence submitted to the governing authority in order to meet the requirements of this section shall be documented by a qualified and licensed professional engineer

SECTION 14.4: Types of WTF Permitted

A. Towers

Monopole construction required. All towers will be of a tapering monopole construction.

B. Rooftop or Building Mounted

1. Towers and antennas shall be designed to blend into the surrounding environment to the extent possible, through the use of color and camouflaging architectural treatment, unless the FAA or other federal or state authorities require otherwise or that the goal of the co-location would be better served by an alternate design.

2. Towers shall be of a monopole design unless the zoning authority determines that an alternative design would better blend in to the surrounding environment.

3. The use of guyed wires is prohibited.

SECTION 14.5: Zoning District

The location of new Wireless Telecommunications Facilities shall be In accordance with the provisions of *Article IV*; however, antennas which do not add more than twenty (20) feet may be added to certain existing facilities or structures in accordance with the following regulations:

A. Existing towers regardless of the zoning district; and

B. Free-standing non-residential structures such as a water tower which are located within industrial areas and are fifty (50) feet or taller.

SECTION 14.6: Minimum Distances and Setbacks on lots

A. Separation distances between towers.

1. Monopole, lattice or guyed Telecommunication Towers shall not be located within one-quarter (1/4) mile or one thousand three hundred fifty (1,350) feet of any existing monopole, lattice or guyed telecommunication tower.

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2. Separation distances between towers shall be measured from the base of tower to base of tower, excluding pad, footing, or foundation. The separation distances shall be measured by drawing or following a straight line between the nearest point on the base of the existing tower and the proposed tower base, pursuant to a site plan of the proposed tower.

B. Distance from Residential Uses

The distance from the perimeter of the tower or monopole to any residence shall be equal to the height of the tower plus thirty (30) feet.

C. Lot setbacks.

All towers, support structures, accessory buildings and guy wires shall be in accordance with the required setback requirements of the base zoning district.

D. Calculation of Setback

For purposes of determining whether the installation of WTFs complies with district development regulations including, but not limited to, setback requirements, lot-coverage requirements, and other requirements, the dimensions of the entire lot shall control, even though the WTFs may be located on leased parcels within that lot.

SECTON 14.7: Tower Specifications

A. Height

Unless further restricted in this Ordinance, WTFs which are proposed as a stand-alone tower may not exceed the following height and usage criteria:

1. For a single user, up to ninety (90) feet in height; and

2. For two (2) or more users, up to one hundred twenty (120) feet in height.

3. Towers integrated into an architectural element of an existing or proposed structure such as a church steeple shall not exceed the height of the existing architectural element, unless a variance is obtained from the City Council.

B. Lighting

1. Towers shall not be illuminated through the use of artificial lights such as strobe lights or other lighting devices unless specifically required by the FAA or other state and federal government agencies. Light fixtures may be attached if it is part of the design incorporated into the tower structure to be used for the illumination of athletic fields, parking lots, streets or other similar areas. Lighting of the accessory buildings for basic security purposes is permissible but may not result in unnecessary glare on adjacent properties in residentially zoned areas.

2. Should lighting be required by state or federal law, such lighting shall be placed on the tower and designed in such a way as to minimize the glare on adjacent residential properties. White strobe lights may not be used unless required by the FCC.

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C. Signs

Towers shall not display signs or advertisements for commercial or non-commercial purposes, unless such signs are for the purpose of providing warning or specific equipment information and or/unless required by any federal or state regulations.

D. Colors

Except where superseded by the requirements of a state or federal regulatory agency possessing jurisdiction over Telecommunication Towers, towers shall be constructed of galvanized or unpainted metal or shall be painted in a neutral color, designed to blend into the surrounding environment such as gray.

E. Co-Location Standards

Any proposed tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred (100) feet in height or for at least one (1) additional user if the tower is over sixty (60) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

SECTION 14.8: Accessory Utility Buildings

All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Use of approved tower sites is approved for telecommunication purposes only. Secondary uses such as maintenance shops, contractor's offices or similar uses shall be reviewed as a conditional use and approved by the City Council upon recommendation of the Planning Commission.

SECTION 14.9: Buffering and Landscaping

An eight (8) foot fence or wall as measured from the finished grade of the site shall be required around the base of any telecommunication tower and around any necessary buildings or structures.

A. A minimum five (5) foot landscaping buffer shall be installed around the entire perimeter of the site outside of the required fence or wall consistent with the requirements of Article XI. Additional landscaping may be required around the perimeter of a fence or wall if deemed necessary to buffer adjacent properties.

B. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the architectural character of the surrounding neighborhood. The governing authority may require additional screening or otherwise require design modifications to insure that the attractiveness and the aesthetic quality of the area is not adversely impacted.

SECTION 14.10: Removal of Abandoned or Unused Facilities

The owner of a telecommunication tower which has been abandoned or is unused shall provide the Economic Development/Planning Department with a copy of the notice to the FCC of intent to cease operations. The obsolete tower and accessory structures shall be removed within six (6) months after the date of ceasing operations. In the event that a tower and its associated

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facilities are not removed within six (6) months of cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.

SECTION 14.11 : Applications for New Construction of WTFs

Application for approval of a telecommunications facility or tower shall require site plan review, a public hearing before the Planning Commission and approval by the City Council. Submittal requirements and accompanying applications shall in accordance with the requirements of *Article IV*.

A. Anyone who applies to construct a WTF or to modify or add to an existing WFT shall demonstrate to the City's satisfaction that the proposed facility is located at the least obtrusive and the most appropriate available site to function in the applicant's grid system. Such compliance shall be judged by using the following criteria:

1. That the height of towers has the least visual impact and that the height is no greater than necessary to achieve service area requirements and to provide for potential co-location.

2. That the owner or operator has, to the greatest extent practical, selected a site that provides the least visual impact on residential areas. This shall be demonstrated by an analysis of the potential impacts from other vantage points in the area to illustrate that the selected site and design provides the best opportunity to minimize the visual impact of the proposed facility.

3. That the site selected is not visually prominent when viewed from surrounding areas, especially residential areas.

4. That the facility will be camouflaged to the maximum extent feasible.

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ARTICLE XV: MOVING OF BUILDINGS

SECTION 15.1: Purpose

The purpose of this Article is to set forth a standard set of rules by which structures may be moved into, out of or within the City of Gautier, Mississippi. As a general policy statement it is the intention of the City of Gautier to assure that all relocated structures meet the construction standards as set forth in the International Building Codes as well as all associated codes including, but not limited to electrical, plumbing, mechanical, fire, and housing as adopted by the City Council of the City of Gautier.

Any structure, whether intended for residential or for other uses, that is moved into or within the city shall meet new construction standards in accordance with the above referenced codes.

SECTION 15.2: Structure Inspection.

A. All structures intended for moving over the streets and highways within the City of Gautier shall first be inspected by the Building Official and shall meet the following standards prior to issuance of a moving permit.

B. A structure to be moved shall be sufficiently sound so as to assure that it will not disintegrate or otherwise fall apart during transit.

C. Said structure shall not have deteriorated in excess of fifty percent (50%) of its original value. Should such deterioration be evident the Building Official shall require that partial rehabilitation be performed prior to issuance of a moving permit. Deterioration shall include aging, storm, insects, fire, or any other event or process.

D. Following inspection the applicant shall be given a list of deficiencies in the structure. It shall be the responsibility of the Building Official to determine not only if the building can be safely transported but also necessary upgrades including structural, electrical, mechanical, plumbing, general housing requirements, as defined by the Standard Housing Codes; living area requirements according to the zone in which said structure is to be located; and, other requirements as set forth by the City of Gautier for new house construction.

SECTION 15.3: Refusal of Applications

If in the opinion of the Building Official or the Economic Development Director, the moving of any building will cause serious injury to persons or property or serious injury to the streets or other public improvements, or the building to be moved has deteriorated more than fifty percent (50%) of its original value by natural disaster or other elements, or the moving will violate any of the requirements of this code or of the zoning regulations of the City of Gautier, the permit shall not be issued.

Applicants/owners shall acknowledge in writing that they have been made aware of these deficiencies and that they are required to complete repairs and/or up-grade sufficient to meet those requirements within one hundred twenty (120) days of placing a structure on a new location within the City of Gautier.

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SECTION 15.4: Prefabricated or Modularly Constructed Buildings

Newly constructed, prefabricated components or modularly constructed components are not considered to be a structure when being moved and, therefore, are excluded from the moving requirements set forth herein. However, all such construction is considered new work and as such, will require issuance of a building permit and inspections in accordance with adopted codes of the City of Gautier.

SECTION 15.5: Necessary repairs

It shall be the responsibility of the building permit holder to make within the prescribed one hundred twenty (120) day period, all repairs defined on the evaluation report. Said repairs may include, but are not limited to the following:

A. All electrical wiring, service panels, load centers, necessary ground fault breakers, receptacles and other electrical appurtenances shall be installed in accordance with standards set forth in the National Electrical Code.

B. All plumbing shall be in accordance with the Southern Standard Plumbing Code and structures are required to be properly connected to city water and sewage.

C. Gas piping will be pressure tested following relocation and must meet standard gas codes.

D. Heating and ventilation shall meet standard mechanical codes.

E. From a structural perspective all relocated buildings must meet new construction standards. Building permit holders shall be required to comply with the Building Official's evaluation report which may require, where necessary, the following:

1. All deteriorated exterior surfaces shall be replaced with matching materials or approved substitutes. This may include, but is not limited to, facias, soffits, external wall, window and door frames and facings and porches.

2. Where roofs are required to be repaired the entire roof, including sheathing if necessary, will be replaced when more than twenty-five percent (25%) of the existing roof is damaged or deteriorated.

3. Structural framing, including but not limited to rafters, ceiling joists, headers, studs, floor joists and sills will be examined for proper sizing, spacing and for termites or rot damage. Relocated structures must meet hurricane clip and strip requirements. Findings will be noted in the evaluation report and all such deficiencies will be repaired prior to issuance of a Certificate of Occupancy.

4. Minimum housing codes as defined in the International Building Code which has been adopted by the City shall be met with particular reference to required facilities such as sanitary facilities, availability of hot and cold water, cooking devices, fire and smoke detectors and adequate heat, light and ventilation.

5. Additionally, relocated buildings must meet City codes relative to proper zoning; setbacks; minimum lot size; in the case of residential structures, minimum living area (heating and/or cooled); and, necessary hard surface parking-either concrete or asphalt parking pads suitable for two (2)

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parking spaces per household or as defined by the Economic Development/Planning Department for nonresidential structures.

F. Inspection of repairs. It shall be the responsibility of the building permit holder to call for inspections of all repair work, within the prescribed one hundred twenty (120) day period.

G. Extension of the repair period may be granted by the Economic Development/Planning Department provided that repair efforts have been curtailed due to inclement weather, natural disasters, or other physical constraints beyond the control of the building permit holder. Said extension must be requested in writing and presented to Economic Development/Planning Department on or before the end of the one hundred twenty (120) day period. Extensions for any cleared and cleaned property, other reasons or a second extension may only be approved by the Planning Commission.

SECTION 15.6: Prohibited Activities

A. Where structures are found to have been moved into the City without a moving permit, the Economic Development/Planning Department shall notify the owner and give them ten (10) days in which to request a permit. Fees for said permit will be double the normal fee and the owner will be subject to all other provisions pertaining to inspections, repairs and time periods as set forth herein.

B. Where structures are found to be in the process of being moved into the City without a moving permit, the Economic Development/Planning Department or any police officer of the City shall sign an affidavit charging the owner of the structure being moved and the person or persons moving said structure with a violation of this ordinance.

C. Where in the process of being moved, permit holders fail to comply with repairs and/or upgrades as specified in the evaluation report defined in section 3.2 of this policy and where no extension has been granted in accordance with section 4.3 of this policy, the Economic Development/Planning Department shall notify the permit holder in writing that an affidavit will be filed within ten (10) days requiring the permit holder to appear before the municipal court for final disposition.

D. The Building Official or the Economic Development Director shall refuse to issue a Certificate of Occupancy to any permit holder who fails to meet requirements as set forth herein; he may also petition the municipal courts to authorize removal of any structure found not in compliance of these regulations or may petition the City Council to condemn said property and to have the structure removed and all costs levied as a lien against taxes on the property on which said structure is located.

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ARTICLE XVI: MINIMUM PROPERTY MAINTENANCE AND APPEARANCE STANDARDS

SECTION 16.1: Maintenance and Appearance Standards

16.1.1 Scope

The provisions of this Article shall apply to all existing residential, commercial and industrial properties and premises and constitute minimum requirements and standards for premises, structures, and facilities for the health, safety, and welfare of the community. The owner or tenant of all real property within the City shall maintain the property and premises in such a manner as to conform to this Article as well as other codes and ordinances in order to avoid blighting influences on neighboring properties and causing depreciation of property values.

16.1.2 Intent

This article shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare as far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be repaired or maintenance performed to provide a minimum level of compliance of this article.

SECTION 16.2 Duties of the Code Enforcement Official

A. The code enforcement official shall enforce the provisions of this article and shall have the authority as necessary in the interest of public health, safety and general welfare of the City, to interpret and implement the provisions of this article.

B. The code enforcement official shall make all of the required inspections involving complaints and enforcement of this article in the performance of their daily duties.

C. The code enforcement official shall carry proper identification when inspecting structures or premises in the performance of duties under this article.

D. The code enforcement official shall keep records of all reported and observed violations. Records shall be retained in the property records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations. Additionally, monthly reports will be presented to the Economic Development Director as deemed necessary.

SECTION 16.3 Violations

16.3.1 Prosecution of violations

Any person failing to comply with a notice of violation may be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Penalties for violations are found in Section 3.8.1 and 3.8.2.

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16.3.2 Abatement of violation

The imposition of the penalties herein prescribed shall not preclude the Economic Development/Planning Department of the jurisdiction from instituting appropriate action to abate a violation as authorized by state laws.

16.3.3 Transfer of ownership

It shall be unlawful for the owner of any property who has received a code violation notice to sell, transfer, mortgage, and lease or otherwise dispose of such property to another until the provisions of the code violation notice have been complied with. Unless such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any code violation notice issued by the code enforcement official and shall furnish to the code enforcement official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such code violation notice and fully accepting the responsibility without condition for making the corrections or repairs required by such code violation notice.

SECTION 16.4 Notification Procedures

16.4.1 Notice to person responsible

Whenever the code enforcement official determines that there has been a violation of this article or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Section 16.4.2 to the person responsible for the violation as specified in this code.

16.4.2 Prescribed notification procedures shall:

A. Be in writing (violation notice or letter)

B. Include a description of the real estate sufficient for identification

C. Include a statement of the violation or violations and why the notice is being issued

D. Include a reasonable time to make the repairs and improvements required to bring the property or premises into compliance with the provisions of this code

E. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally or left at the residence in a conspicuous place

2. Sent by first-class mail addressed to the last known address; or

3. If the notice is returned showing the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice

SECTION 16.5 General Requirements

16.5.1 Scope

The provisions of the article shall govern the minimum conditions and the responsibilities of owners and tenants for maintenance of property and premises.

16.5.2 Responsibility

The owner or tenant of the property shall maintain the property in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy

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premises which are not in a sanitary and safe condition and which do not comply with the requirements of this article.

16.5.3 Vacant Property and land

All vacant property and premises or vacant land that has been previously cleared shall be maintained in a clean, safe, secure and sanitary condition as provided in Section 16.7 below so as not to cause a blighting problem or adversely affect the public health, safety or welfare of the community.

SECTION 16.6 Care of Property and Premises

It is unlawful for the owner or occupant of a residential, commercial and industrial property, building, structure, or parcel of land to utilize the premises of such property for the open storage of any abandoned motor vehicle or parts thereof, appliances, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner, manager or occupant to keep the premises and property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc. Furthermore, the general site and/or premises shall be maintained in general with particular references to insuring that the appearance will be and remain compatible and harmonious with properties in the general area and will not be so at variance with other properties in the general area as to cause a substantial depreciation of such property values.

A. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, maintained and free from hazardous conditions. All right-of-ways will be maintained free and clear of any temporary or permanent objects or potential hazards; such as, but not limited to, building, fences, poles, vehicles, signs, yard ornaments, basketball or soccer goals, or other obstructions shall not be permitted.

B. The owner or tenant is responsible for maintaining all landscaping in good condition to present a healthy, neat, and orderly appearance. All property and yards shall be maintained free from weeds or plant growth in excess of six (6) inches. Weeds shall be defined as all grasses and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated plants, flowers and gardens. Shrubs and trees will be trimmed or pruned as necessary to prevent line-of-sight problems and any interference with entranceways, windows and rooflines. All premises shall be maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

C. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

D. No inoperative motor vehicle shall be parked, kept or stored on any premises. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. **Exception:** A motor vehicle is permitted to undergo major overhaul, including bodywork, if such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

E. The following shall not be placed or stored on any lot or parcel unless a current building permit for the premises has been obtained and posted and the vehicles or equipment are used pursuant to that building permit. **Exception:** Storage of

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the following equipment types on large lots or parcels where the equipment is not readily visible to neighbors may be permitted subject to review by the Economic Development Director on a case-by-case basis.

1. Backhoes

2. Trenching machines

3. Bulldozers and other tracked equipment

4. Lifts and cranes

5. Front-end loaders including bobcats

6. Flatbeds

7. Landscaping equipment for commercial landscaping business

8. Heavy trucks and trailers

9. Similar equipment and vehicles

F. The outdoor storage or parking of any recreational vehicle, utility trailer, motorized home and equipment shall be prohibited for a period greater than forty-eight (48) hours in all residential districts, unless the following minimum conditions are met:

1. All such vehicles or equipment shall be placed within a completely enclosed building, or located behind the front building line or lines in the case of a corner lot, but no closer than three (3) feet to any side or rear lot line.

2. Storage or parking shall be limited to a lot or parcel of land which has an inhabited dwelling unit, and the vehicle or equipment is owned by the occupant.

3. In the case of multifamily structures, all such recreational vehicles and utility trailers shall be stored at one location and shall be screened from view by a fence or landscaping buffering adequate to conceal the vehicles/trailers from view from the premises.

4. Recreational vehicles and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilitates, or have fixed connections to electricity, water, or gas.

5. Out of town guests of a property owner may be permitted to park within the premises driveway only for a period of seven (7) days provided no portion of the equipment extends into the road right-of-way or where provided, sidewalks.

6. At no time will any recreational vehicles, equipment, trailers or boats be parked overnight on any city street.

G. The parking of all motor vehicles shall be confined to hard surface parking areas provided i.e., streets and driveways or designated parking areas of multifamily dwellings. Parking of motor vehicles in unpaved portions of yards, or on street median shall not be permitted on a routine basis. Parking of any vehicle or equipment which requires a commercial “C” drivers license or greater in residential districts is prohibited unless it is an exempted vehicle. Exempted

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vehicles include but are not limited to fire trucks, school buses, garbage trucks, and delivery trucks making authorized deliveries.

H. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare of the community. All exterior surfaces, including but not limited to, doors, door and window frames, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

I. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

J. All property and premises shall be kept free from rodent harborage and infestation. Where rodents are found, approved processes shall promptly exterminate them, which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

K. All residences and commercial establishments located within the City of Gautier are required to have prominently displayed thereon the appropriate street number plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four (4) inches high with a minimum stroke width of 0.5 inch.

L. Every structure utilized for human occupancy or habitation must be connected and serviced with:

1. An approved electrical service provider licensed to provide service within the City of Gautier.

2. An approved water source.

3. Owners or tenants are prohibited from residing in structures without approved water and electrical power except during water or power outages or emergencies.

SECTION 16.7: Rubbish and Household Garbage

Occupants will place suitable containers with household garbage and rubbish at the curb or roadway no earlier than twenty-four (24) hours prior to pick-up. Occupants will remove empty containers within twenty-four (24) hours following pick-up and place containers behind their front building line. At no time will household garbage be placed on the ground or in any drainage ditch.

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~~**A.** The City of Gautier, Contract Service Provider will pick-up household garbage and rubbish on the scheduled pick-up day. At no time will household garbage be placed on the ground or in any drainage ditch.~~

~~**1.** Occupants will place suitable containers with household garbage and rubbish at the curb or roadway no earlier than twenty-four (24) hours prior to pick-up.~~

~~**2.** Occupants will remove empty containers within twenty-four (24) hours following pick-up and place containers behind their front building line.~~

~~**B.** The City of Gautier, Street Division will pick-up owner or tenant rubbish and bulky waste placed at the curb or roadside as required. Any rubbish which, due to its bulk or shape, shall be tied in a bundle not to exceed five (5) feet in length or fifty (50) pounds in weight. Refrigerators, stoves, and similar appliances shall not be placed at the curb or roadway without first removing the door(s). The maximum single pickup will not exceed six (6) cubic yards of rubbish and bulky waste. The City of Gautier, Street Division will not:~~

~~**1.** Pick-up of any household garbage.~~

~~**2.** Pick-up tree debris associated with the clearing of property.~~

~~**3.** Pick-up rubbish or bulky waste at any property; during or after construction, renovation, evictions, lease terminations or occupant move outs.~~

~~**4.** Pick-up any hazardous material, such as but not limited to batteries, tires, oils, paints, etc.~~

~~**5.** Pick-up rubbish and bulky waste placed under power lines, trees, or adjacent to fences, fire hydrants, and utility boxes.~~

SECTION 16.8 Extermination Requirements

16.8.1 Infestation

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

A. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

B. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

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